

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, October 13, 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); and Eric Michajlowicz (3).

Staff members present were Billy Prasad, Planning & Development Manager; Trina Gilliam, Planning and Zoning Manager; Paul Body, Planner; George Ritchie, 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 so now.

Topic For Discussion

John Hopengarten had a question for staff regarding items H1 and H2 from the September 15, 2025, P&Z/LPA meeting and his question regarding plants in the BDP. The motion was to have plant removed from the BDP. But when it went to the county commission and they had their zoning hearing, it was still in there.

Trina Gilliam responded that is correct. The definition for contractor's plans and storage yards, you must think of that in the context in which it's written. Plants in this example is, say you're a cabinet maker and you're making your own cabinets. You have your office and then you have your plant where you manufacture your cabinetry. Just using that for an example. When that was explained to the commission, and again they had your recommendation, they decided to put the whole title in because that is the way the title is written in our land development regulations.

Mr. Hopengarten stated during our discussions here the applicant stated that they weren't going to do any assembly in that building. It was just going to be for storage as an adjunct facility to their Melbourne one. Miss Orriss requested that um it be removed from the BDP.

Ms. Gilliam responded that is correct. It was a recommendation to the board and again they decided to put the whole title into the ordinance because that is the way it is written in our ordinances, into the resolutions.

Mr. Hopengarten asked if that means we don't have any power to remove part of the description. I mean the applicant agreed.

Ms. Gilliam responded you can give your recommendation to the board and the board has the final approval.

Mr. Hopengarten stated I understand that. But if the applicant agreed to the condition that was placed on that BDP, then it should have been struck from that BDP before going to the county commission and then never would have come up for discussion.

Ms. Gilliam responded again, it must come up for discussion because that's how it was advertised and you're a recommending board and the county commissioners have the final say.

Approval of the September 15, 2025, P&Z/LPA Minutes

Motion by Melissa Jackson, seconded by Robert Brothers, to approve the P&Z/LPA minutes of September 15, 2025. The motion passed unanimously.

H.1. Housing Authority of Brevard County (Michael Bean) requests a CUP for mitigating a non-conforming use, in RU-2-30 zoning classification. (25Z00022) (Tax Account 2702810) (District 5)

Ms. Gilliam read the item into the record.

Steve Monroe spoke to the application. He stated he is the president of Monroe Engineering and is here to represent the housing authority. I'm the engineer of record for this project. This project is located at the northwest corner of Aurora Road and Merrywood Road. It's about a quarter mile to the east of where John Rhodes ties in. The site is owned by the housing authority. It's been home to about 50 units since 1966. It's about 59 years they've had this property. The housing authority needs a maintenance building to help maintain this 12-acre site. They're proposing about a 4,000 square foot building, with three offices and no more than about eight employees. The site will provide on-site parking, storm water, and a perimeter six-foot security fence. Landscape will be per the current code. Water and sewer utilities will be provided by city of Melbourne. It's my understanding from the staff report that approval of this application for conditional use will help take care of two items. One of them is between the zoning and RU-2-30 and the future land use as a RES 4. Also, it will allow our project to move forward. So, with that said, I'd be happy to answer any questions you might have.

No Public Comment

Mr. Hopengarten stated I noticed in your site plan you're putting in a new driveway to the north.

Mr. Monroe responded that's correct. We're going to tie into the existing community center there. We'll utilize one existing driveway that's for the community center and we'll provide a new driveway. Basically, like a circle drive to come in and out.

Mr. Hopengarten inquired how many trees are you going to cut down.

Mr. Monroe responded right now approximately four. Two of them we could probably work around to save. So possibly two. They're in the building footprint. There's a third one there just to the east of the building that might be questionable just because of storm hazard conditions. That one we may not be able to keep either.

Mr. Hopengarten commented it depends on how rough the contractors are.

Mr. Monroe stated we will provide a landscape plan according to the current code. Provide the required number of trees as well as the type B Buffer along Merrywood Road.

Mr. Hopengarten asked what Mike's going to store in there. He's not going to put any big tractors in there.

Mr. Monroe responded he's going to use it as a maintenance facility. Typically, anything that's used, these units are 66 years old, so they're constantly needing repair. Also, lawn maintenance equipment,

and that sort of thing. So, it's going to be used as a standard maintenance building.

Motion to recommend approval of item H.1. by John Hopengarten, seconded by Melissa Jackson.
Motion passed unanimously.

H.2. Lawrence Crumley requests a change of zoning classification from AU to RU-1-13. (25Z00023) (Tax Account 2501503) (District 2)

Ms. Gilliam read the item into the record.

Bruce Moia spoke to the application. He is the president of MVB Engineering and is representing the applicant. We're proposing today to do a one-time lot split of the main parcel on South Tropical Trail, create a buildable single family residential lot, rezone it to RU-1-13, which is compatible to a couple lots that are to the east and to the south, so that he can build a house. The plan is the neighbor to the north wants to buy it and build a house for his son so he can take care of him in his older years. I think it should be straightforward. So, if you have any questions, I'm happy to answer them.

No Public Comment

Ruth Amato stated it says this is for 0.51 acres of a 3.03-acre lot. So, we're sectioning off the 0.5 acres from the whole 3 acres to build a second home.

Mr. Moia responded right.

Mr. Hopengarten commented access on Golden Rod.

Mr. Moia responded that would be their legal access. Yes.

Mr. Hopengarten asked is that paved?

Mr. Moia responded it is. It's an existing driveway entrance for the main lot. So, they're going to share the entrance.

Mr. Hopengarten commented okay, I couldn't tell on the map. The name was covering over it and I couldn't tell if it was all the way through.

Motion to recommend approval of item H.2. by Jarred Atkins, seconded by Henry Minneboo. Motion passed with a vote of 8:1.

H.3. Richard Brandon requests a change of zoning classification from GU to AU. (25Z00030) (Tax Account 2314034) (District 1)

Ms. Gilliam read the item into the record.

Richard Brandon spoke to the application. I'm trying to put in a swimming pool and then I ran into all these issues.

No Public Comment

Jerrad Atkins stated he had a question for staff. I was reading through this one earlier and I was curious why this was the path this gentleman was sent down as opposed to a variance.

Ms. Gilliam responded he did an administrative waiver as you can see in the staff report to the lot size, the setbacks, and things like that. My understanding is and you can confirm this with the applicant that he would like to keep the agricultural uses on the property. So that is why he's doing a rezoning.

Mr. Brandon stated he's a commercial beekeeper, so it makes sense to have AU.

Motion to recommend approval of item H.3. by Ruth Amato, seconded by Jerrad Atkins. Motion passed unanimously.

Mr. Brandon asked what the meeting on November 6th is about.

Mr. Wadsworth replied we're just an advisory board. The county commissioners make the final decision.

H.4. John McLeod requests a change of zoning classification from GU to SR. (25Z00031) (Tax Account 2802679) (District 5)

Ms. Gilliam read the item into the record.

John McLeod spoke to the application. He stated he is going to let his daughter do this.

Stacy Rosborough this all started with wanting to replace a shed that was existing on the property. We found out that we are zoned incorrectly for the past 50 something years. He has less than an acre, I think it's .94 of an acre so they suggested we rezone. There's an existing shed on the property that would then be within the limits. I guess it's not which is all news we're finding out with just to replace the shed. We built the house in '73.

No Public Comment

Mr. Atkins stated he could. And it's probably going to be the same answer. Is there a reason a variance couldn't have covered this one?

Ms. Gilliam responded GU requires 5 acres. At the time that the lot was established, it did not meet the GU requirements. GU at that time required one acre. This property is 0.94 acres. So, it is a substandard lot, not a non-conforming lot of record.

Motion to recommend approval of item H.4. by Jerrad Atkins, seconded by John Hopengarten. Motion passed unanimously.

H.5. Request for Recommendation RE: Amendments to Chapter 62, Article IX, in order to allow Community Development Districts to have specified signage for parks within certain zoning classifications

Ms. Gilliam read the item into the record.

Mr. Minneboo asked if it went through the review of the construction board.

Ms. Gilliam responded it did.

Mr. Minneboo stated, and they wanted 4x4 or 4x8.

Ms. Gilliam responded, they recommended approval. They didn't have any changes to it.

Ron Bartcher asked what's driving the 75 square feet size? That's like 5 ft by 15 ft which is pretty good sized.

Ms. Gilliam responded they also asked that same question and again because these are going to be done by community development districts, they felt that more than likely a sign of that size would not be produced basically for a site especially since it's coming from CDDs or HOA funds. We just wanted to give kind of the maximum of what they would be allowed. Again, it's the maximum. It's not it's the minimum. So, with that, they can have up to 150 square feet of signage, but no one sign can exceed the 75 square feet.

Mr. Bartcher asked what size are county parks limited to?

Ms. Gilliam responded county parks don't have a signage code. They don't have size limitations.

Paul Body commented in GML, they follow based on the size of the building.

Ms. Gilliam continued with they would be based on the GML zoning based on the size of the building. So that's what they would follow. Two linear square feet per total signage based on the building.

Mr. Bartcher stated I was just curious if we were giving them something much more than what the county has or much less than what the county has.

Ms. Gilliam responded most parks in the CDDs don't have a building. So that's part of the problem, we can't give them signage because there's nothing to base it on. And so that's why this was written.

Mr. Hopengarten asked these are for freestanding signs.

Ms. Gilliam responded these would be for freestanding and wall signage.

Mr. Hopengarten replied but if you don't have a building, there's no wall.

Ms. Gilliam responded most CDD parks don't have a building. But if they do have a building, it would allow the wall signage.

Mr. Hopengarten asked what kind of information is going to be placed on these signs.

Ms. Gilliam responded whatever activities that they might want to advertise for their park. For instance, I think Woodside Park or Pylock Park, sometimes have food truck events. So, they might post something like that. That's something they're inviting the public to.

Mr. Hopengarten stated that's a pretty big sign. 135 or 150 square feet.

Ms. Gilliam replied it's a maximum.

Mr. Hopengarten responded I understand. I'm just trying to envision what they're going to put up there. Are they going to paste up these like a billboard type of advertising on there or is it going to be an electric board?

Ms. Gilliam replied that it could be.

Mr. Hopengarten continued that's a big electric board. I mean, almost it becomes like a billboard then.

Ms. Gilliam responded No. It cannot be 150 ft. The maximum is 75. But if they have multiple signage, multiple signage cannot exceed 150 square ft, but not one sign can exceed 75 square ft.

Mr. Hopengarten stated so, they could have many signs that are smaller. To get to the 150 that they would be allowed.

Robert Brothers stated I believe I read in the meeting that you guys sent us today that they're only allowed two signs up to 150 square feet.

Ms. Gilliam responded they could do more than two as long as they don't exceed 150 square feet.

Mr. Hopengarten asked do you have any design standards for them?

Ms. Gilliam replied we do not.

Mr. Hopengarten commented so they could do whatever they want essentially as long as they meet the square footage criteria.

Ms. Gilliam responded as long as they meet the square footage and they're not exceeding, it can't change, there's a certain change rate. It cannot exceed that in the brightness, things like that.

Mr. Hopengarten replied so if it is an electronic sign, you're saying.

George Ritchie responded the code already exists for everybody else. We're in section 62-3316 section A. The way the current code is written commercial signage in several different zoning classifications, GML commercial zoning, BU1, BU2, industrial zoning can have commercial signage. We also allow GML zoning, which is most of our parks, but here we have a park that has PUD zoning. So, they want a sign. There is no current allowance for a public or private park in a PUD zoning to have its own signage under the PUD zoning except for commercial signs, not recreation. So, we're writing this ordinance to include the CDD to have its sign. So, this is a way to allow them to have something to offer the residents driving past the location. The park in question has two street frontages. So, that's why they wanted to have multiple signage. They also have a degree of linear frontage along Morell Road. So, the current code provision for everybody says if you've got 200 feet or more of frontage on the same street, you can get a second sign. If you have frontage on a second street, you can get a sign for that as well. There are already criteria in that provision that talks about how big a sign can be and how many signs you can have, how tall it can be, and the square footage of the sign face. We're just adding an allotment for area for somebody who may not have a building on the property that wants to advertise it for community events or the park itself.

Mr. Hopengarten asked where is this one. You said Morell Rd, correct.

Mr. Ritchie responded correct, it's on the west side of Morell Road, north of Wickham Road. That's Pylock Park and Wood something is the name of that park.

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

Topic For Discussion

Ms. Amato asked the chair for a second for discussion. I would like to move that the chair draft and send a letter to the board, Brevard County Board of County Commissioners recommending that they either join the lawsuit challenging SB180 or draft and send their own letter requesting that SB180 be repealed or amended. This recommendation is based on the state's rejection of our recent comprehensive plan amendment, which despite reducing previous restrictions, was still deemed too burdensome to development. This action demonstrates how SB 180 effectively strips away our constitutionally protected home rule authority and significantly impairs the ability of this board to carry out its responsibilities as intended by the Brevard County residents.

Mr. Wadsworth asked if there was any comment from the board.

Mr. Atkins seconded Ms. Amato's motion.

Mr. Hopengarten stated she's right in what she's saying as far as it stripping home rule, but we can make a recommendation to the county commission, correct? And they can hassle with it.

Ms. Amato stated our comp plan came back to us with gosh, I couldn't tell you how many red marks and in complete rejection. And while I wasn't in complete agreement with the whole entire comp plan, I'm sure not everybody that was here agreed, like loved everything about the comp plan. But that was our decision to make and recommend to the board of county commissioners and their decision to make based on how this is set up by our residents and our charter and by the state's SB 180 taking that away from us and effectively saying what we did isn't allowed it impairs our ability as a board to function. And I think that the board of county commissioners should get something from us recommending that we want to maintain home rule and we want to maintain the abilities of our board.

Mr. Bartcher commented Mr. Chairman; I certainly support that. We've as a county and cities both have been under attack by the state to eliminate home rule. This is, I won't say it's the final straw, but it's not something new but it seems to me like sometimes we need to take some kind of action.

Mr. Wadsworth asked do we have an example or something, Ruth, that you're referencing that's happened recently?

Ms. Amato replied I think Mr. Prasad's going to step up. I saw you stand, so I just took a guess on that.

Billy Prasad responded tomorrow the board of county commissioners will be considering some things regarding this issue but the Florida commerce, the board of county commissioners had adopted our ear based comprehensive plan amendments as well as elements implementing the Brevard Barrier Island Protection Act, the Brevard barrier island element to our comprehensive plan. If you recall, we

first transmitted this, the board did in November of 2024. And based on that, we got our objections, recommendations, and comments letters. The recommendations and comments were exactly what you would normally expect in a situation like this. In fact, they were minimal. But some of the recommendations were even to be more restrictive. For example, they recommended us to change some "should" to "shall", or at least examine changing "should" to "shall" in the Brevard Barrier Island Element. So, we went through that analysis, and we're limited during that period of not making additional substantive changes. But meanwhile in May of 2025, an amendment was added to SB180 and specifically that added section 28 to that bill. That bill says that you can't do a more restrictive or burdensome land development regulation, even a proposal, and that includes things like comp plan amendments. So, in the state's view, even though the law didn't exist when we transmitted that comprehensive plan back in November of 24, I mean, it literally didn't exist. There's no way for us to know about it. Wasn't even envisioned in somebody's head yet. That proposal, because it's retroactive, SB 180 is retroactive to August 1st, 2024. Because that proposal was made after that retroactive date, it's all null and void. So, currently Brevard County is not in compliance with our requirements for ear-based amendments. So, that's the situation the county is currently dealing with. Like I said, the board will be considering options tomorrow at its 5:00 pm meeting on at least beginning to tackle on a path forward. There are a couple ways to approach this. Obviously, we're hoping for a legislative fix. Brevard County is not alone in this. I think there are about nine other jurisdictions that have received similar null and void letters across the strait. But that's just people that happen to be in the same cycle we are. I've seen over 20 counties that have passed regulations since August 24 that they're having to roll back based on the impact of SB180. But assuming there is no legislative fix, section 28 will apply till October 1st, 2027. So, we would not be able to propose or adopt any more restrictive land development regulations until October 1st, 2027. That date itself can effectively be extended under section 18. I know it's kind of gets complex, but if we're within a 100 miles of a hurricane, at that point, then those similar restrictions reapply for a certain period of time going forward. So, I believe that's the situation that Miss Amato was speaking to and that's Brevard County's current predicament right now.

Mr. Hopengarten asked if we vote to approve this motion, can you get it to the county commission before tomorrow's meeting?

Mr. Prasad responded I'll certainly inform the board that you've made that recommendation.

Mr. Minneboo inquired of Billy, let me ask this is maybe beyond this, but we haven't advertised anything and all of a sudden now we're going to go at it. I'm looking at logistics, not content.

Mr. Prasad replied right. And I think the fact that it's a recommendation....

Mr. Minneboo stated we got two of the returns. Does that make sense?

Alex Esseesse responded I think based on the circumstances, generally we like to advertise things, but in this particular case, there's a fluid situation going on, so if there is a motion and a second, the board's aware of the situation, so I think this is within your purview to make a recommendation to the board if you so desire.

Mr. Brothers commented on the other hand of this, being a contractor and going through the gymnastics that you have to go through to do anything, the state having to step in and stop municipalities from making all of these rules where it is nearly impossible to get anything done. As

you saw, everything that happened today were people coming in that have things wrong with their zoning, things wrong with their FLU things that they have to deal with. I want to put a pool in my yard. No, you can't. So being in the building industry and spending 30 to 40% of my efforts to get through the maze of paperwork that you have to get through the state has taken a couple of steps over the past couple of years that have helped a lot. Whether this is one of them, whether our comprehensive plan needs work or not I don't know. And personally, stopping people from building on the beach, I'm about that. I'm tired of hearing people complain when their houses fall in the ocean after they built it right next to the ocean. So, there's two sides to this. The comprehensive plan needs to be streamlined and needs to be fair, and the FLU needs to be streamlined and fair and zoning needs to work all together and someone telling me that it needs to be less restrictive, I like that.

Ms. Amato replied I don't think this has to do with my motion. It isn't really about restrictive or less restrictive. It's about our ability to function as a board and we make recommendations to our board of county commissioners and the state just threw them in the garbage and said we know better. And I don't think that is constitutionally correct or right. Home rule applies and that Brevard County put this board into effect, planning and zoning and local planning agency, to be able to make those recommendations to the board of county commissioners and if we don't have the ability to do that, because nothing we say matters then why are we here. That's where I am with that. That is why I'm making that the intent behind the recommendation.

Mr. Wadsworth stated okay I guess Jared, you seconded it.

Mr. Atkins responded yes, sir. For that reason, exactly actually.

Mr. Wadsworth inquired do we need to have Ruth clarify her motion or do you have it?

Mr. Esseeesse responded Mr. Chair; my understanding is that Miss Amato's motion was to direct you on behalf of the P&Z/LPA to issue a letter to the board of county commissioners outlining those two options. I believe it was or at least one to join the lawsuit.

Ms. Amato responded to either join the lawsuit challenging SB180 or draft their own letter requesting that SB180 be repealed or amended.

Mr. Esseeesse continued and so that letter is to be sent to who? The legislature?

Ms. Amato responded yes. We would recommend that the county commission send that letter to the legislature or join the lawsuit. Yes.

Mr. Esseeesse replied okay. Thank you.

Mr. Wadsworth asked So, you're wanting me to write a letter?

Ms. Amato replied I don't know the most effective way to do this. I have zero guidance. So, this is what I came up with.

Mr. Esseeesse responded the county attorney's office and planning and zoning or planning, and development department will work with you to get that drafted and you can sign off on it.

Mr. Wadsworth stated I'm just going to step back to what you were saying, too. We haven't had time to really review what's going to get drafted even as a board. That's going to be presented tomorrow. Correct?

Mr. Esseeesse replied Yes. I believe this item in general is going to be brought to the board tomorrow. So, if it's as simple as recommending that, you know, county personnel notify the board of county commissioners that this is being discussed at P&Z/LPA, that is also an option without it being as formal as a letter at this stage. I leave that up to you.

Mr. Wadsworth asked Ms. Amato are you okay with that.

Ms. Amato replied I would be amenable to that. Yes.

Motion to by Ruth Amato, seconded by Jerrad Atkins. Motion passed unanimously.

Mr. Wadsworth inquired are we good there Council?

Mr. Esseeesse replied yes sir, we're good.

Meeting adjourned at 3:40 p.m.