



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.1.

2/10/2026

Subject:

Approval, Re: Temporary Use Agreement to provide a temporary laydown site for Linde/Praxair Plant

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

The applicant requests that the Board consider approval of a temporary use agreement for the subject property located at 2555 Hammock Road, Mims, Laydown Site (Tax Account: 2103226) (District 1).

Summary Explanation and Background:

Section 62-2131 Brevard County Code allows the Board of County Commissioners to consider a temporary use of property, where such temporary use results in a direct public benefit and meets criteria specified in Section 62-2131 (1-9). The purpose of this agreement is to provide a laydown site for the Linde/Praxair Plant expansion (Tax Accounts 2103214 and 3018239) located north of the subject property. The site will include a contractor office area, heavy equipment area, CB dress-up area, staff parking area, and a laydown area. A chain link fence with screening will be constructed to secure the site. The applicant has agreed to post a security bond in order to ensure that any damage to public roads or infrastructure can be mitigated at the expense of the applicant.

The applicant asserts that the increased demand by the space industry necessitates the expansion of the operations at the Linde Plant to meet the increased demand, and the expansion of the Linde Plant is an important component of the country's advanced communications network and enhanced National Security for the region. Staff has not granted approval of this request and defers to the Board of County Commissioners for approval.

CMC Steel Florida and Nucor Steel of Florida provided letters of support stating the expanded Linde facilities will have a tremendous impact on our Florida business and the regional economy. SpaceX provided a letter of support stating the additional capacity afforded by the new Linde facility would support launches of crucial payloads to orbit for NASA, the National Security Space community, allied foreign governments, and commercial customers. These letters are attached.

The laydown site is approximately 1,320 ft. away from the Linde Plant site.

The Linde Plant expansion site plan number is 25SP00032.

Recent history for the Linde Plant expansion site:

- Application 24Z00062 was approved by the Board on May 20, 2025 to rezone the site to the IU-1 Heavy Industrial zoning district with a BDP (recorded in ORB 10341 PG 1432). The BDP does not allow development of any housing or other residential purposes which may be allowed under the Florida Live Local Act.
- Zoning application 25Z00017 was approved by the Board on July 17, 2025 to allow a conditional use permit for a heavy industry chemical manufacturing use within the Linde Plant site.
- Variance application 25V00071 was a variance approved December 17, 2025, allowing a 34 ft. front setback.

Written notice of this request has been provided to each property owner within 1,000 feet of the proposed site of temporary use.

Should the Board approve this agreement, this Temporary Use Agreement shall be for a period of one year. The owner shall have the option to request additional extensions of time to this agreement in accordance with Section 62-2131, Brevard County Code.

Clerk to the Board Instructions:

Please provide two certified copies of the agreement to Planning and Development.

Linde Plant Expansion



Roadway

- County
- County ROW/Non-Maintained
- County ROW (Under Maintenance Bond)
- Future Landuse
- Zoning

Zoning Actions

- Zoning Easements
- Street Label

1:9,600

0 0.075 0.15 0.3 mi

0 0.125 0.25 0.5 km

Brevard County Property Appraiser Office



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-8972
Kimberly.Powell@brevardclerk.us

February 11, 2026

M E M O R A N D U M

TO: Billy Prasad, Planning and Development Director

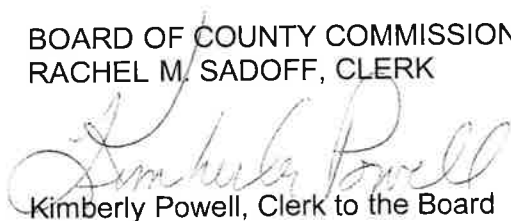
RE: Item H.1., Temporary Use Agreement to Provide a Temporary Laydown Site for Linde/Praxair Plant

The Board of County Commissioners, in regular session on February 10, 2026, approved a Temporary Use Agreement for the property located at 2555 Hammock Road, Mims, to provide a temporary laydown site for Linde/Praxair Plant. Enclosed are two certified copies of the Agreement.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

cc: County Manager
County Attorney

TEMPORARY USE AGREEMENT

LINDE PLANT EXPANSION PROJECT

THIS TEMPORARY USE AGREEMENT (hereinafter referred to as the "Agreement"), made and entered into this ____ day of February, 2026 by and between BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, through its Board of County Commissioners (hereinafter referred to as the "County"), and J & S ENTERPRISES OF MIMS, FL. INC. (hereinafter referred to as the "Owner") hereby acknowledge, understand and agree to abide by the conditions of this Agreement as stated below:

WHEREAS, the Owner owns the property located at 2555 Hammock Rd, Mims, FL 32754, with parcel identification number 21-35-16-25-*7.01 (hereinafter referred to as the "Property"); and

WHEREAS, the Owner has requested that the County grant a temporary use on the Property, which has a Heavy Industrial Use (IU-1) zoning classification and a Planned Industrial (PI) future land use designation, to allow for the storage of equipment and materials in close proximity to the Praxair/Linde site (2801 Hammock Rd, Mims, FL 32754) located to the north of the Property; and

WHEREAS, the Praxair/Linde site is undergoing significant upgrades to account for the increased demand by the space industry and the Owner has entered into a lease agreement for use of the Property by Praxair/Linde; and

WHEREAS, in order to minimize any impacts to the County's existing infrastructure, including Hammock Road, caused by hauling materials and equipment between the Property to the Praxair/Linde site, the Owner shall post a surety bond to ensure any damage to public infrastructure is repaired and replaced, as necessary; and

WHEREAS, the County has determined that allowing such a temporary use, under the circumstances, provides a public benefit and is in the public interest due to the national security considerations and economic development opportunities that the upgraded Praxair/Linde site is anticipated to bring to the citizens of Brevard County.

NOW, THEREFORE, the parties hereto, for good and valuable consideration the sufficiency of which is hereby acknowledged, agree to the following:

1. **RECITALS.** The above recitals are true and correct and incorporated into this Agreement as if fully set forth herein.
2. **LINDE/PRAXAIR** (hereinafter referred to as the "Contractor") has leased the Property from the Owner for the specific and exclusive purpose of utilizing most

of the property as a construction laydown site which includes the storage of heavy construction equipment and materials, the location of a construction trailer, provision of parking for the workers on the plant expansion project. The lease will be for the period of construction of the plant expansion, or up to 3 years from the date of this Agreement.

3. TEMPORARY PLACEMENT OF CONSTRUCTION RELATED MATERIALS AND EQUIPMENT.

County shall permit the Contractor and Owner to utilize a portion of the Property, as identified in Exhibit "B" attached hereto and incorporated herein by this reference, to temporarily allow the placement of temporary trailers (including portable water and sewer), temporary laydown storage areas for the materials and equipment described below, and parking space. The request is to fulfill Praxair/Linde's obligation to upgrade their facility for the space industry's continued satellite launch program. The project is a direct public benefit by upgrading and improving the productivity and safety of the existing Praxair/Linde plant, while also serving a national security interest and providing greater economic opportunities for the citizens of Brevard County. The temporary storage of construction materials includes, but are not limited to, bulk construction materials such as wood, reinforcing steel, piles, materials for electrical and mechanical installations, steel structures, empty containment units, and new rotating equipment and other project-related components. These materials will be transported to the Praxair/Linde site via commercial vehicles, which include, but are not limited to, flatbed trucks, floats, pickup trucks and heavy haul vehicles. The contractor plans to access the subject site during working hours typically from 7:00 AM to 7:00 PM, and shall comply with all applicable Federal, State, and local laws, rules, and regulations, including, but not limited, to noise regulations;

a) The temporary uses described in paragraph (a) above are to be located on the Property. The Property's legal description is attached hereto as Exhibit "A" and made a part hereof by this reference.

b) This location is within 600 feet of the Praxair/Linde site (construction site) and is over three (3) blocks from the nearest dwelling unit. The storage area is buffered from surrounding properties by existing vegetation. A chain link fence with screening is required to be constructed to secure the subject site. This temporary use will be subject to the noise limitations prescribed in Chapter 46,

Article IV, Sections 46-126 through 46-131, Brevard County Code, and accumulations of fill material near residential property limitations prescribed in Chapter 62, Article VI, Section 62-2101, Brevard County Code, as applicable. The Property shall be maintained so as not to create a nuisance or any violation of the Brevard County Code of Ordinances.

c) Approval of this temporary use by the County is for a period of one (1) year effective upon execution by the County. The Owner shall have the option to request additional extensions of time to this Agreement, which shall be processed in accordance with Section 62-2131, Brevard County Code.

d) The construction materials and equipment shall be temporarily placed on the subject Property in accordance with all applicable Brevard County ordinances or as otherwise specified herein.

4. OWNER RESPONSIBILITIES

In addition to the requirements outlined herein, the Owner shall:

a) remove the construction materials upon the completion of improvements to the Praxair/Linde site; if the Owner does not fulfill this obligation, the County reserves the right to bring an action against the Owner in law and/or in equity, including, but not limited to, pursuant to Section 1-7, Brevard County Code.

b) obtain a haul bond to ensure Hammock Road between the Property and the Praxair/Linde site is repaired, as directed by the County, upon completion of the site improvements or expiration/termination of this Agreement, whichever occurs first.

c) procure and maintain, at its sole expense, the following types of insurance described below.

i. General Liability Insurance policy with a \$1,000,000 combined single limit for each occurrence to include the following coverage: Operations, Products and Completed Operations, Personal Injury, Contractual Liability covering this Contract, "X-C-U" hazards, and Errors & Omissions.

ii. Auto Liability Insurance policy with includes coverage for all owned, non-owned and hired vehicles with a \$1,000,000 combined single limit for each occurrence.

iii. Workers' Compensation and Employer's Liability Insurance providing statutory benefits as required in the State of Florida. The Owner shall require any subcontractor to provide evidence of this coverage. Additionally, if the contract requires working on or around a navigable waterway, the Owner and all subcontractors shall provide evidence of United States Longshoremen's and

Harbor Workers (USL&H) coverage and contingent coverage of Jones Act (Marine Employers Liability) in compliance with Federal statutes, or proof of exemption. The Owner shall be responsible for compliance with these requirements by each subcontractor, vendor or supplier when applicable.

The Contractor shall provide Certificates of Insurance and applicable endorsement pages to the County demonstrating that the aforementioned insurance requirements have been met prior to the commencement of work under this Contract. Insurance carriers providing coverage required herein must be licensed or authorized to conduct business in the State of Florida and must possess A.M. Best's Financial Strength Rating of A- Class VIII or better. The Certificates of Insurance shall indicate that the policies (except professional liability) have been endorsed to cover the County as an additional insured (a waiver of subrogation in lieu of additional insured status on the Workers' Compensation policy is acceptable) and that these policies may not be canceled or modified without thirty (30) days prior written notice being given by the insurer to the County.

d) placement of a silt fence enclosing the Property (except for the site access) shall be required to ensure the protection of trees and vegetation, and to prevent silts, sediments, and pollutants from leaving the Property.

e) Unless as otherwise provided for herein, the Owner shall comply with the Brevard County Code of Ordinances, including, but not limited to, Chapter 62, Article XIII, Brevard County Code, as it relates to the removal of trees and/or natural vegetation. If any tree(s) or natural vegetation has been impacted on the Property, then said tree(s) and vegetation shall be replaced and the impacted area(s) restored pursuant to Section 62-4334 in order to bring the Property to its prior condition upon the completion of the improvements to the Praxair/Linde site or expiration/termination of this Agreement, whichever occurs first. In accordance with Chapter 62, Article XIII, Division 2, Brevard County Code, if any tree(s) or natural vegetation will be impacted on the Property, then the Owner shall obtain any necessary approvals from the County before the commencement of such work.

f) All dirt hauling to or from the site shall be reported to the County and is subject to a Land Alteration permit from the Brevard County Natural Resources Management Department.

5. INDEMNIFICATION

H.I.
10/1

The Owner agrees that the County, and its employees, officers, and agents (collectively referred to as the "County" in this Agreement), shall be indemnified and held harmless from any and all liability, claims, damages, expenses, including attorney's fees, court costs, proceedings and causes of action of every kind and nature, arising out of or in connection with use, occupation, management or control of the subject area or any improvements thereon, or any furniture, furnishings, equipment or fixtures utilized in connection therewith; The Owner and Contractor further agree, jointly and severally, to defend any and all actions, suits or proceedings at its own expense which may be brought against the County in connection with the Owner/Contractor's utilization of the construction materials and equipment, and that the Owner/Contractor shall satisfy, pay, and discharge any and all judgments that may be entered against the County in such actions or proceedings. The parties acknowledge specific consideration has been exchanged for this provision.

Nothing herein is intended to nor shall it constitute a waiver of the sovereign immunity of the County, or a waiver by the County of the limits and protections established under Section 768.28, Florida Statutes, as may be amended.

6. RIGHT OF ENTRY BY COUNTY

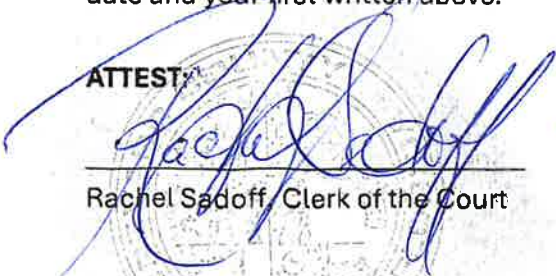
The County or its agents may at any reasonable time enter in and on the Property for the purpose of inspection of same or performing such other duties as are required by the terms of this Agreement, and the rules, regulations, ordinances and laws of any governmental entity.

7. INDEPENDENT ENTITY

Nothing in this Agreement shall be in any way construed to constitute the Owner, or any of its agents or employees, as representative of the County.

IN WITNESS THEREOF, the parties hereto have set their hands and seals on the date and year first written above.

ATTEST:


Rachel Sedoff, Clerk of the Court


BREVARD COUNTY, FLORIDA

Thad Altman, Chair

As approved by the Board on: February 10, 2026

February _____, 2026

J & S ENTERPRISES OF MIMS, FL. INC.

M. Moreno 02-06-2026

Signature _____ Date _____

Maximo Moreno

Print _____

Owner / Partner.

Title _____

STATE OF Florida
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 6th day of February, 2026, Maximo Moreno of **J & S ENTERPRISES OF MIMS, FL. INC.**, on behalf of the corporation. He/she is personally known to me or has produced FL DL as identification.

[Notary Seal]

Sadie Bromwell

Notary Public Signature

Sadie Bromwell

Name typed, printed or stamped



SADIE BROMWELL
Notary Public
State of Florida
Comm# HH243090
Expires 3/21/2026

EXHIBIT "A"

LEGAL DESCRIPTION TEMPORARY USE AGREEMENT

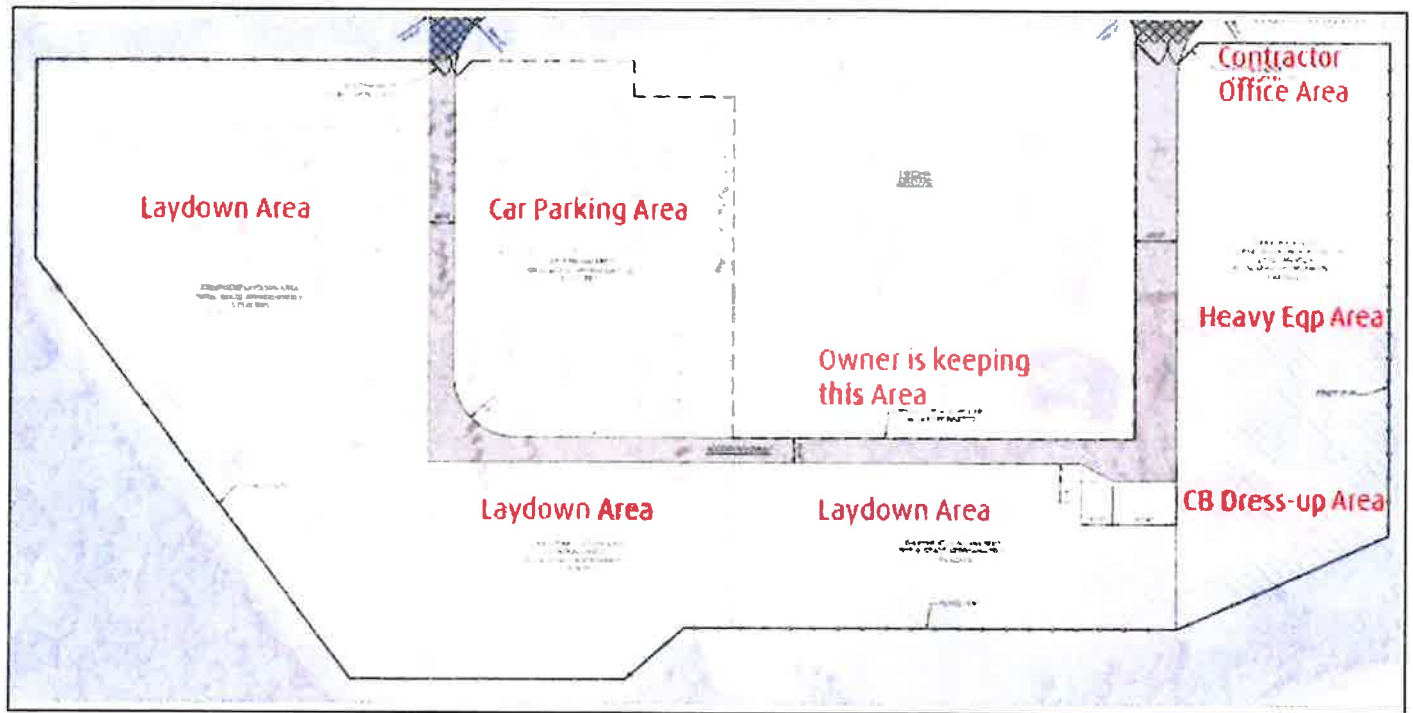
Brevard County Property Identification Number: 21-35-16-25-*-7.01
The Land is described as follows:

The Southeast 1/4 of the Northwest 1/4 of Fractional Section 16, Township 21 South, Range 35 East, Brevard County, Florida, lying between the Easterly side of Hammock Road and the Westerly Right of Way of Florida East Coast Railroad. Also described as A portion of Lots 7 and 8 of the Plat of Resub division of J.M. Hawthorne Estate, according to the plat thereof as recorded in Plat Book 1 page 5, Public Records of Brevard County, Florida. All to be property described by survey.

Copy of document is attached to this document.

EXHIBIT "B"

LAYDOWN DEPICTION TEMPORARY USE AGREEMENT



June 12, 2025

Brevard County
Tom Statham Park
7101 S Highway 1
Titusville, FL 32780
D1.Commissioner@BrevardFL.gov

Brevard County Planning & Development
2725 Judge Fran Jamieson Way
Viera, FL 32940

Chairman Rob Feltner
Vice Chair Tom Goodson
Commissioner Katie Delaney
Commissioner Kim Adkinson
Commissioner Thad Altman

Chairman, Commissioners, and Vice Chair,

I write in support of the Linde Inc. for their **Conditional Use Permit** and **Site permitting** application request for its property on Hammock Road, Mims, FL 32754 to allow for the construction of a new ASU (Air Separation Unit). The additional capacity afforded by the new facility would support launches of crucial payloads to orbit for NASA, the National Security Space community, allied foreign governments, and commercial customers. These missions are consistent with the national interest and would directly benefit Brevard County.

SpaceX is the fastest growing launch services company in the world. In 2024, SpaceX flew 136 times, including 90 flights from Florida, setting a record for any U.S. launch company. In 2025, SpaceX intends to conduct up to 170 launches, most of which will lift off from Florida. Later this year, SpaceX is hopeful to launch their Starship rocket from Florida. Linde provides industrial gases from its Hammock Road facility for every Florida launch SpaceX conducts, including flights for NASA to and from the International Space Station. The expanded capabilities proposed by Linde in its permit request would support this robust manifest.

Thank you for your consideration of this important matter. I respectfully request that you retain this letter for your review only and not release it publicly. Please let me know if I may provide additional information as you consider Linde Inc.'s permit request.

Best regards,

A handwritten signature in black ink, appearing to read 'Tracy Thomas', with a long, sweeping horizontal line extending to the right.

Tracy Thomas
Director, Launch and Recovery Supply Chain
Space Exploration Technologies Corp. (SpaceX)



January 20, 2025

Commissioner & Chair Rob Feltner
 Commissioner & Vice Chair Tom Goodson
 Commissioner Katie Delaney
 Commissioner Kim Adkinson
 Commissioner Thad Altman
 Planning Director Tad Calkins

RE: Linde Rezoning Request

Dear Brevard County Board of County Commissioners & Brevard County Director of Planning,

CMC Steel Florida wholly supports Linde's request to rezone of its property at 2801 Hammock Road, Mims, Florida to allow for the expansion of its existing Mims, FL facilities.

The Linde Mims industrial gas plant is a critical supplier of gases for CMC's Baldwin Florida Steel Recycling Process. CMC's Baldwin Mill recycles over 600,000 tons of scrap steel into new product such as rebar and rod and reliable and cost effective supplies of oxygen, nitrogen and argon are crucial for the steelmaking process. CMC Baldwin relies heavily on the Linde Mims site which delivers multiple truck loads each day.

Linde has supplied our steel mill in Florida, as well as other CMC steel mills, for decades. We work side by side at our steel mills and therefore know the company, culture and its employees very well. Our core values of safety, integrity and sustainability are closely aligned.

They are strong supporters of local initiatives and good corporate citizens.

As our CMC businesses in Florida continues to grow, the Linde expansion is a critical component of our future business growth in Florida. The expanded facilities will have a tremendous impact on our Florida business and the regional economy.

Sincerely,

Steven Hughes

Director of Operations – CMC Steel FL

January 20, 2025

Commissioner & Chair Rob Feltner
Commissioner & Vice Chair Tom Goodson
Commissioner Katie Delaney
Commissioner Kim Adkinson
Commissioner Thad Altman
Planning Director Tad Calkins

RE: Linde Rezoning Request

Dear Brevard County Board of County Commissioners & Brevard County Director of Planning,

Nucor Steel Florida wholly supports Linde's request to rezone of its property at 2801 Hammock Road, Mims, Florida to allow for the expansion of its existing Mims, FL facilities.

The Linde Mims industrial gas plant is a critical supplier of gases for Nucor Steel Florida's Frostproof facility. Nucor Steel is the largest producer and recycler of steel in America and reliable and cost effect supplies of oxygen, nitrogen and argon are crucial for the steelmaking process. Nucor Steel Florida relies heavily on the Linde Mims site which delivers multiple truck loads each week to Nucor Steel Florida.

Linde has supplied our steel mill in Florida since our startup, as well as other Nucor Steel mills for decades. We work side by side at our steel mills and therefore know the company, culture and its employees very well. Our core values of safety, integrity and sustainability are closely aligned.

They are strong supporters of local initiatives and good corporate citizens.

As our Nucor Steel business in Florida continues to grow our suppliers will need to grow as well. The expanded facilities will have a tremendous impact on our Florida business and the regional economy.

Sincerely,



1/22/25