



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.2.

8/26/2025

Subject:

Public Interest Determination: Wetland Impacts for Commercial Development, North Hill Development LLC (NHD), Tax Account Number 2423940 (District 1)

Fiscal Impact:

None.

Dept/Office:

Natural Resources Management Department

Requested Action:

In accordance with Chapter 62, Article X, Division 4, Section 62-3694(c)(3)c, EDC, a Division of Haley Ward, Inc., on behalf of MBV Engineering, Inc. (MBV), North Hill Development LLC (NHD) and Ballarena Group Corp., requests that the Board of County Commissioners (Board) consider a Public Interest Determination (PID) for wetland impacts proposed for a commercial project on the referenced parcel.

Summary Explanation and Background:

EDC, on behalf of MBV, and on behalf of NHD/ Ballarena Group, submitted a Wetland Toolbox analysis (attached) for wetland impacts proposed for a commercial project (24SP00018) located north of West King Street (S.R. 520), approximately 0.3 miles west of Clearlake Road, in unincorporated Cocoa (Tax Account #2423940). The property is predominantly comprised of wetlands, with approximately 0.91 acre of the total 0.96-acre parcel classified as wetlands. The project proposes to impact the entire subject wetland (0.91 acres), as depicted on Sheet C-201 of the Civil Plans (attached) to develop a restaurant, with outside seating, and a general retail space with associated sidewalks, parking, and stormwater management.

The project is also currently under review by the St. Johns River Water Management District (SJRWMD) under Environmental Resource Permit (ERP) Application No. 200974-2. SJRWMD will require wetland mitigation for direct and secondary impacts according to the FDEP Uniform Mitigation Assessment Method (UMAM) analysis. The final ERP and associated mitigation are pending SJRWMD's approval. Note that Chapter 62, Article X, Division 4, entitled Wetlands Protection, requires no-net-loss of wetlands within Brevard County. Therefore, the applicant shall provide documentation of in-County wetlands mitigation.

Chapter 62, Article X, Division 4, Section 62-3694(c)(3)(b) allows wetland impacts for commercial development that meets the mitigation qualified roadways (MQR) criteria:

On properties with frontage on mitigation qualified roadways, commercial or industrial land development activities may be permitted in wetlands if the property is designated for commercial or industrial land uses on the future land use map. Mitigation qualified roadways are depicted and identified in a table on map 8 of the

Brevard County Comprehensive Plan Conservation Element. An amendment to the Comprehensive Plan shall be required to add a mitigation qualified roadway to map 8 and the associated table.

The subject parcel fronts West King Street (S.R. 520), designated as a MQR in this location.

Section 62-3694(c)(3)(b) further states that wetlands proposed for impact shall be assessed using methodologies established in the Countywide Wetlands Study, to determine if they meet the criteria of High Functioning Wetlands or Landscape Level Wetlands. Impacts to High Functioning or Landscape Level wetlands shall be prohibited unless the proposed impacts are found to be in the public interest. Public interest is defined as, "demonstrable environmental, social and economic benefits which would accrue to the public at large as a result of a proposed action, and which could clearly exceed all demonstrable environmental, social, and economic costs of the proposed action..."

A landscape level wetland is defined in Section 62-3691 as a wetland that is EITHER 1) five (5) acres or larger; OR 2) located within the Landscape Level Polygon depicted on Map 9 of the Brevard County Comprehensive Plan Conservation Element, and the U.S. Army Corps of Engineers determines the wetland is hydrologically connected to the St. Johns River or Indian River Lagoon System. The subject wetland is part of a larger system that extends over five acres and is hydrologically connected to the north and east. The Engineer of Record is working on the design of a stormwater management system to accommodate the loss of flood storage and prevent adverse impacts to neighboring properties using Brevard County's West Cocoa flood model.

A High Functioning wetland is defined in Section 62-3691 as a wetland that scores 0.66 or above as determined by the Brevard County Wetlands Assessment Method (a.k.a., Wetlands Toolbox). EDC assessed the subject wetland using the Wetlands Toolbox (attached). The subject wetland scored 0.387, below the threshold for consideration as a High Functioning Wetland as defined in Section 62-3691.

In summary, the subject wetland is not considered a High Functioning wetland as defined by Brevard County. However, the subject wetland is considered Landscape Level. Thus, impacts are prohibited unless the proposed impacts are found to be in the public interest.

Haley Ward, Inc., on behalf of the applicant, provided the following information (document attached) regarding public interest for the Board's consideration:

1. Supports Economic Development and Small Business Growth

The project introduces two new commercial tenant spaces in an underserved area. This will create opportunities for local businesses, encourage entrepreneurship, and generate tax revenue for the City of Cocoa and Brevard County. The public benefits through job creation, increased local spending, and the revitalization of underutilized commercial land.

2. Improves Urban Infill and Reduces Sprawl

This infill development maximizes the use of an existing commercial corridor rather than extending growth into undeveloped rural or greenfield areas. It promotes compact, walkable development and aligns with sustainable growth principles by utilizing existing infrastructure.

3. Provides Enhanced Public Access and Services

The site plan includes direct access from SR 520 and is designed to serve both vehicular and pedestrian traffic. The proposed tenants (retail and restaurant) are expected to provide valuable amenities to local residents and commuters. These services will enhance quality of life and help reduce travel times and congestion in other areas.

4. Low Wetland Quality and Habitat Value

The environmental assessment confirmed that the on-site wetland is composed primarily of exotic hardwoods and nuisance species (e.g., Brazilian pepper and cogon grass), with no meaningful ecological function. There is an absence of native habitat, listed species, or hydrologic connectivity to larger ecosystems, significantly reducing the public environmental value of preserving this wetland.

5. Regulatory Compliance and Compensatory Mitigation

Any unavoidable impacts to wetlands will be mitigated in accordance with Brevard County Code Section 62-3696. The project will comply with the “no net loss” policy through wetland restoration, preservation, or the purchase of credits from a mitigation bank. This ensures ecological function is preserved on a regional scale while allowing reasonable land use within urban limits.

Conclusion

While the project involves impacting a low-value exotic wetland, the overall public benefit clearly outweighs the environmental cost. The development promotes economic growth, provides essential local services, creates jobs, and supports urban revitalization-all while meeting environmental obligations through approved mitigation measures.

For these reasons, the proposed wetland impact is justified and serves the public interest in alignment with the intent and policies of the Brevard County Comprehensive Plan and Land Development Code.

Should the Board approve the PID, the Applicant shall be required to comply with all other applicable land development regulations at the time of Brevard County permitting.

Board options:

Option 1: Approve PID as presented (with no-net-loss wetlands mitigation).

Option 2: Deny PID.

Option 3: Provide other direction.

Clerk to the Board Instructions:

None.



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

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Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

August 27, 2025

M E M O R A N D U M

TO: Virginia Barker, Natural Resources Management Director Attn: Amanda Elmore

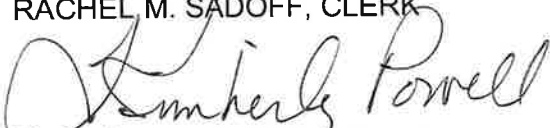
RE: Item H.2., Public Interest Determination (PID) for Wetland Impacts for Commercial Development, North Hill Development LLC (NHD), Tax Account Number 2423940

The Board of County Commissioners, in regular session on August 26, 2025, in accordance with Chapter 62, Article X, Division 4, Section 62-3694(c)(3)c, EDC, a Division of Haley Ward, Inc. on behalf of MBV Engineering, Inc., NHD, and Ballarena Group Corp., approved a PID for wetland impacts proposed for a commercial project on the tax account number 2423940.

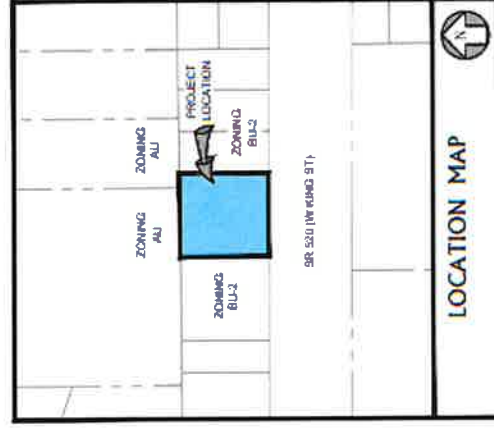
Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

SITE LOCATION & AERIAL – TAX ACCOUNT 2423940, 0.96 ACRES – DISTRICT 1



MEMO

To: Brevard County

From: Haley Ward, Inc. – Environmental Division

Re: Environmental Public Interest Statement

Date: June 5, 2025

Public Benefits of Wetland Impact for W King Street

1. Supports Economic Development and Small Business Growth

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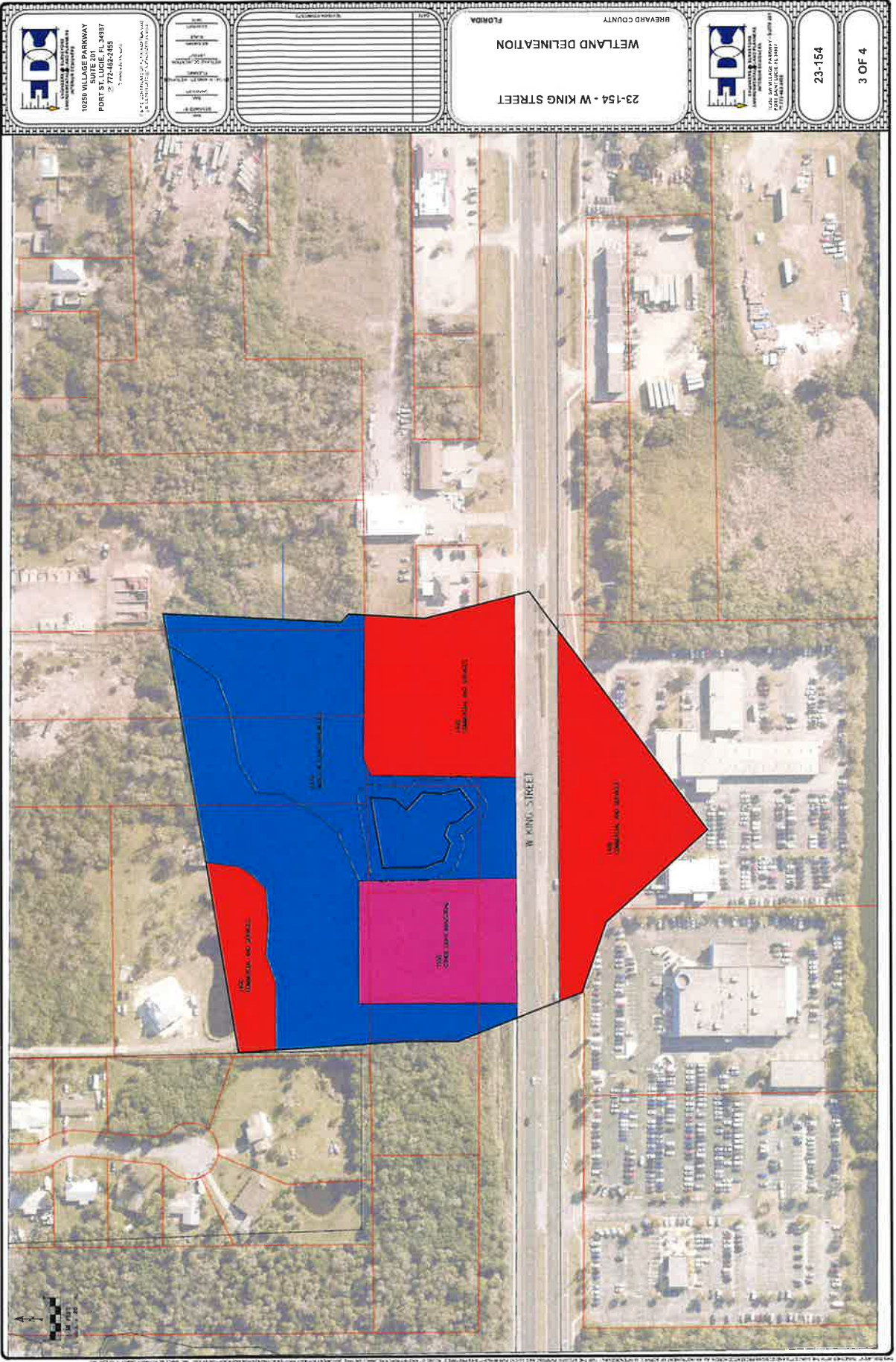
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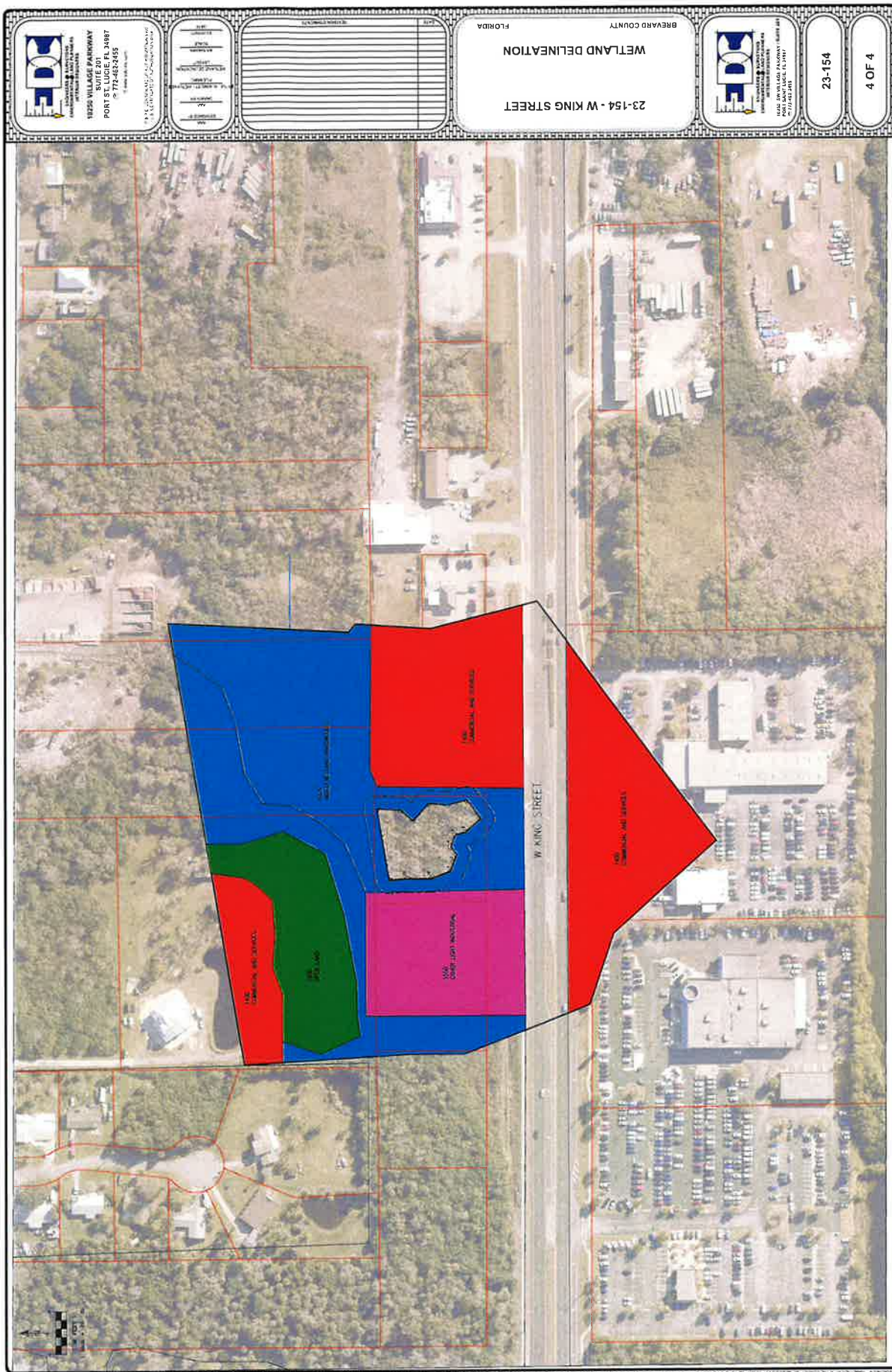
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TECHNICAL MEMORANDUM

TO: ANDREW LEVIN
FROM: EDC, INC. – ENVIRONMENTAL DIVISION
SUBJECT: W KING STREET – Brevard County Wetland Assessment
DATE: AUGUST 16, 2024

LANDSCAPE ASSESSMENT

FLUCFCS CODE	SUM OF ACRES	LSI VALUE	LANDCOVER PERCENT	LANDSCAPE LOCATION SCORE
1400	4.85	0.91	0.33	0.3003
1550	1.59	1.87	0.10	0.187
6170	6.65	10	0.45	4.5
8140	1.42	1.91	0.13	0.2483
TOTALS	14.51	14.69		5.2356

WATER ENVIRONMENT

WATER QUALITY:

% LC CONTRIBUTING TO WATER QUALITY	CATEGORY	COEFFICIENT	WATER QUALITY TREATMENT SCORE
50	Natural	5	2.5
45	No Treatment	0	0
5	Vegetative Buffer	1.7	0.85
100			3.1

HYDROLOGIC INDICATOR:

Adequate to maintain a viable wetland system, external features may affect wetland hydrology	3.3
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WATER ENVIRONMENT FINAL SCORE:

$$3.1 + 3.3 = 6.4$$

VEGETATIVE COMMUNITY

% of Wetland Vegetation:	50	Score:	6
% of Exotic Vegetation:	100	Score:	0

Total Score: **0***

*The % of exotic vegetation is greater than the percent of wetland vegetation, so it is a score of 0.

Wetland Criteria	Score		Thresholds
Landscape	5.236		a perfect landscape would score a 10
Water Environment	6.4		a perfect water environment would score a 10
Vegetative Comm.	0		a perfect vegetative community would have a score of 10
Assessment Score	$11.636/30 = 0.387$		a perfect wetland would have a score of 1.0

This wetland scored below 0.66, which indicates it is not a High-Functioning wetland. This wetland does not require Board Approval to allow impacts/mitigation.

The attached maps are intended to satisfy the requirements of the Brevard County Landscape Analysis.

Board Meeting Date

8-26-25

Item Number: H.2

Motion By: KD

Second By: TA

Nay By: _____

Commissioner	DISTRICT	AYE	NAY
Commissioner Delaney	1	✓	
Vice Chair Goodson	2	✓	
Commissioner Adkinson	3	✓	
Commissioner Altman	5	✓	
Chairman Feltner	4	✓	