



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.11.

7/17/2025

Subject:

Linde Inc. (Kim Rezanka) requests a Conditional Use Permit (CUP) for IU-1. (25Z00017) (Tax Account 2103214) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a CUP for chemical manufacturing within an IU-1 (Heavy Industrial) zoning classification.

Summary Explanation and Background:

The applicant is seeking a Conditional Use Permit (CUP) for the Heavy Industry use of chemical manufacturing on 10.46 acres of vacant land located on the northern portion of the site. The applicant proposes to expand the existing air separation plant to increase production capacity, which is located south of the subject property. The expansion will include a new cold box that is a specialized enclosure that houses key cryogenic equipment, such as heat exchangers, distillation columns, and other components necessary for the liquefaction and separation of gases, such as liquefied natural gas (LNG), liquid oxygen (LOX), and liquid nitrogen (LIN). Its primary purpose is to maintain low temperatures while minimizing heat transfer from the external environment, ensuring optimal performance of the cryogenic processes. Chemical manufacturing is considered a Heavy Industry use as defined in Section 62-1102 and requires a CUP as identified in Section 62-1544. The entire site encompasses approximately 26 acres under two tax account numbers, which include the subject property.

The applicant has submitted a nonbinding conceptual plan (note: at this time, this plan has not been thoroughly reviewed by all agencies for compliance with all applicable regulations).

North of the subject property are 3 vacant parcels, 10 acres with AU zoning, 1.88 acres with AU zoning, 22 acres of vacant land with RR-1 zoning, and a 1-acre parcel developed as a flag lot with RRMH-1 zoning, all parcels have RES 2 FLU. South is a portion of the parent parcel for the subject property, 4.16 acres with IU-1 zoning and IND FLU designation. East of the subject property is a portion of the parent parcel for the subject property, approximately 9.50 acres with PIP zoning with PI FLU designation. West of the subject property are two parcels, 16.5 acres and 8 acres of vacant land with RR-1 zoning and RES 2 FLU designation.

The Board may wish to consider whether the expansion of IU-1 zoning classification is compatible with the

surrounding residentially zoned area.

The Board may consider applying approval conditions that mitigate any potential impacts of the CUP.

The Board and the applicant should be advised that the activities on the property must comply with the standards in the Brevard County Code of Ordinances, including, but not limited to, Chapter 46, Article IV, Noise, and Sections 62-1544 and 62-1833.5.

The applicant must ensure any on-site improvements comply with the applicable standards and specifications established by the Brevard County Code.

On June 26, 2025, the Planning and Zoning Board heard the request and unanimously recommended approval with the additional conditions that studies for noise mitigation and traffic be conducted, and respective improvements be required if a study shows they are warranted.

The Board of County Commissioners will consider the request on **Thursday, July 17, 2025**, beginning at **5:00 p.m.** The meeting will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Viera, Florida.

Clerk to the Board Instructions:

Upon receipt of resolution, please execute and return a copy to Planning and Development.

Resolution 25Z00017

On motion by Commissioner Delaney, seconded by Commissioner Goodson, the following resolution was adopted by a unanimous vote:

WHEREAS, Linde Services Inc. requests a CUP (Conditional Use Permit) for Heavy Industry in IU-1 (Heavy Industrial), on property described as Tax Parcel 511, as recorded in OR Book 2976, Page(s) 4447 to 4451 of the Public Records of Brevard County, Florida. **Section 09, Township 21, Range 35.** (10.46 acres) Located on the east side of Hammock Rd, approximately 150 ft. north of Wiley Ave. (2801 Hammock Rd., Mims); and

WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved with studies for noise mitigation and traffic lights and if those items are warranted, they be added to the CUP; and

WHEREAS, the Board, after considering said application and the Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested CUP for chemical manufacturing within IU-1 zoning classification, be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of July 17, 2025.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida


Rob Feltner, Chair
Brevard County Commission
As approved by the Board on July 17, 2025.

ATTEST:


RACHEL SADOFF, CLERK

(SEAL)

P&Z Board Hearing – June 26, 2025

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the Director of the Planning and Development, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County planning and zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan amendments, vested rights, or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For development applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:
 - 1. historical land use patterns;
 - 2. actual development over the immediately preceding three years; and
 - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 - 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 - 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the

use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application."

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in

support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.
 - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

“The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.”

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS 25Z00017

Linde Inc

A Conditional Use Permit (CUP) for Heavy Industrial, IU-1 for Chemical Manufacturing.

Tax Account Number: 2103214
Parcel I.D.: 21-35-09-00-511
Location: East side of Hammock Rd., 150 feet north of Wiley Ave.
(District 1)
Acreage: 10.46 acres

Planning and Zoning Board: 06/26/2025
Board of County Commissioners: 07/17/2025

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	IU-1 with BDP	IU-1 with BDP & CUP for Heavy Industrial for chemical manufacturing
Potential*	FAR of 1.76	FAR of 1.76
Can be Considered under the Future Land Use Map	YES H/L IND	Yes H/L IND

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

Background and Purpose of Request

The applicant is seeking a Conditional Use Permit (CUP) for the Heavy Industry use of chemical manufacturing on 10.46 acres of vacant land located on the northern portion of the site. The applicant proposes to expand the existing air separation plant to increase production capacity, which is located south of the subject property. The expansion will include a new cold box that is a specialized enclosure that houses key cryogenic equipment, such as heat exchangers, distillation columns, and other components necessary for the liquefaction and separation of gases, such as liquefied natural gas (LNG), liquid oxygen (LOX), and liquid nitrogen (LIN). Its

primary purpose is to maintain low temperatures while minimizing heat transfer from the external environment, ensuring optimal performance of the cryogenic processes. Chemical manufacturing is considered a Heavy Industry use as defined in Section 62-1102 and requires a CUP as identified in Section 62-1544. The entire site encompasses approximately 26 acres under two tax account numbers, which include the subject property.

The first parcel is approximately 2.13 acres, located on the south boundary of the site at the terminus of Wiley Ave. This portion was approved for a rezoning from IU to IU-1 with a Conditional Use Permit (CUP) and a FLU change from PIP (Planned Industrial Park) to IND (Heavy/Light Industrial), under action **Z-10572**, on May 24, 2001. The CUP permitted additional building height up to 125 feet and Heavy Industry to perform chemical manufacturing.

The second parcel can be described in three (3) portions.

The first portion is located between the subject property and the parcel to the south. This portion, containing approximately 4.16 acres, was also included in action **Z-10572**.

The second portion of the parcel is approximately 9.50 acres, is located along the eastern portion located between the FEC railway to the west, and the Indian River to the east. This portion was approved for a rezoning and FLU change under **PZ1800020** from AU (Agricultural Residential) to PIP (Planned Industrial Park) zoning classification and Planned Industrial (PI) Future Land Use (FLU) designation with a Binding Development (BDP) on August 16, 2018. The BDP stipulated that this portion of the parcel will remain in its natural state.

The last portion is the subject property being considered in this request. Under zoning action **24Z00062**, a request to change the zoning from IU to IU-1 was approved with a BDP on May 21, 2025. The BDP was to restrict Live Local projects. A companion application, **24SS00016**, approved amending the FLU designation from PI and RES2 to Heavy/Light Industrial (IND) on February 6, 2025.

AU was the original zoning on the entire 26 acres, more or less. The change in zoning to IU was approved on April 6, 1961.

Staff has determined that the subject property contains wetlands, hydric soils, and aquifer recharge soils. The subject property is also located in the Coastal High Hazard Area and the Indian River Lagoon Nitrogen Reduction Septic Overlay. The parcel may be susceptible to nuisance flooding. It is also located within an area mapped as FEMA Special Flood Hazard Area (SFHA) AE. The subject property is located on the Indian River Lagoon, designated as a Class II Water in this location. A 50-foot Surface Water Protection Buffer is required. Federally and/or state-protected species may be present on the property. The subject property will need to comply with the Brevard County land development regulations. Further analysis will be done during the site plan stage.

Due to the habitats on-site, it is possible that protected species could utilize habitats on-site. The estimated wetland impacts are 5.6 acres of direct impact. With consideration of the qualities of the wetlands, it is estimated that 3.413 credits from a wetland mitigation bank within the surface water basin could offset the potential wetland impacts. These credits would have to be Federal forested credits and a portion of them would have to be estuarine forested credits.

It is anticipated that the site will be under the jurisdiction of the Florida Department of Environmental Protection (FDEP) and the U.S. Army Corps of Engineers (ACOE). A Federal dredge and fill permit will also have to be obtained from ACOE.

The subject parcel is located on the east side of Hammock Road, a county-maintained roadway. At this time, there are no active code enforcement issues associated with the subject property.

Sec. 62-1102. – Definitions define Heavy Industry to mean the manufacture of goods under NAICS – code 325-Chemical Manufacturing. Chemical Manufacturing is a subsector code involving the transformation of organic and inorganic raw materials by a chemical process and the formulation of products. Staff determined NAICS code – 325120 appropriately related to the applicant's intended use of the property. Operations under this code are primarily engaged in industrial gas manufacturing. Specifically, the manufacturing of industrial organic and inorganic gases compressed into liquid and solid forms.

The applicant has submitted a conceptual plan that has not been reviewed by all departments.

The Board may consider applying approval conditions that mitigate any potential impacts of the CUP.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	3 vacant parcels. 1 developed single family residential lot	RR-1, AU, RRMH-1	RES 2
South	Air separation plant (owned by the same owner)	IU-1	IND
East	FEC Railway, vacant property (owned by the same owner)	PIP	PI
West	Vacant	RR-1	RES 2

North of the subject property are 3 vacant parcels, 10 acres with AU zoning, 1.88 acres with AU zoning, 22 acres of vacant land with RR-1 zoning, and a 1 acre parcel developed as a flag lot with RRMH-1 zoning, all parcels have RES 2 FLU.

South, is a portion of the parent parcel for the subject property, 4.16 acres with IU-1 zoning and IND FLU designation.

East of the subject property is a portion of the parent parcel for the subject property, approximately 9.50 acres with PIP zoning with PI FLU designation.

West of the subject property are two parcels, 16.5 acres and 8 acres of vacant land with RR-1 zoning and RES 2 FLU designation.

AU zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

The RR-1 classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on minimum one acre lots with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet. Keeping of horses and agricultural uses are accessory to a principal residence within the RR-1 zoning district.

RRMH-1 classification permits single-family mobile homes and detached single-family residential land uses on minimum one acre lots, with a minimum width and depth of 125 feet. This classification permits horses, barns and horticulture as accessory uses. The minimum house size is 600 square feet.

PIP is the second lightest industrial classification, allowing light manufacturing within enclosed buildings with strict buffering, storage and other requirements

IU-1 is the heaviest industrial zoning classification in the Code. It permits heavy manufacturing, including outside activities such as livestock yards and commercial incinerators. The minimum lot size is 40,000 square feet with a minimum width and depth of 200 feet.

Future Land Use

The subject property's IU-1 zoning classification can be considered consistent with the IND Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan.

FLUE Policy 3.2 – Role of Zoning Regulations in the Designation of Industrial Lands.

The zoning process regulates the types and intensities of uses. Criteria which aid in assessing zoning compatibility, shall include consideration of the following standards:

Criteria:

A. Permitted/prohibited uses;

Staff analysis: The applicant proposes a CUP for Heavy Industry to permit chemical manufacturing. IU-1 is the heaviest industrial zoning classification in the Code. It permits heavy manufacturing, including outside activities such as livestock yards and commercial incinerators. The minimum lot size is 40,000 square feet with a minimum width and depth of 200 feet.

Floor Area Ratio (FAR) for a heavy industrial land use project should not exceed 1.76.

The Board should consider the compatibility of the proposed CUP with the surrounding area.

B. Existing industrial zoning trends in the area;

Staff analysis: The initial IU zoning classification was established in the area on the subject property in 1961. IU-1 zoning classification was approved in 1971, less than a half mile to the south. The most recent industrial rezoning, IU-1 zoning classification, was approved in 2001, which established the classification on the southern part of the site and the area. On February 6, 2024, a FLUM designation change was approved under 24SS00016, for a change from PI and RES2 to Heavy/Light Industrial (IND). Zoning action 24Z00062, the companion application to zoning, approved IU to IU-1 on May 21, 2025.

C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;

Staff analysis: The area within half a mile of the subject property is primarily zoned for residential use. However, it remains mostly vacant, with only about ten developed residential lots, the nearest of which is located approximately 400 feet away. The last development in this area occurred in 2018 when a manufactured home was added. To the east lies the Florida East Coast Railway.

The subject property needs to comply with the Brevard County Performance Standard defined by Sections 62-2251 through 62-2272 for hours of operations, lighting, noise levels, traffic, and site activity to not cause any violations with the residential areas. In addition, the development must also comply with the requirements of Section 62-1544.

The Board shall determine whether this CUP request can be considered compatible based on the subject property for a heavy industry use. Based on staff analysis, the requested addition of 10.46 acres of a heavy industrial conditional use could be considered compatible with the character of the adjacent properties, as the area is mostly undeveloped land.

- D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;

Staff analysis: Based on a preliminary concurrency review, it did not indicate that the proposed development has the potential to cause a deficiency in the transportation adopted level of service.

The subject property has access to potable water through Brevard County Mims utility service for potable water. The impact on potable water service will be reviewed during the site plan stage. No sewer service is available in the area. The LOS for Solid waste disposal is not anticipated to impact service standards.

- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and

Prior to site plan approval, the applicant will need to address the following environmental issues that have been identified:

Wetlands and Hydric Soils. A majority of the subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils; indicators that wetlands may be present on the property.

Aquifer Recharge Soils. This property contains aquifer recharge soil. Canaveral-Urban land complex may also function as aquifer recharge soils. Soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions.

Coastal High Hazard Area. A majority of this property is located within the Coastal High Hazard Area (CHHA). The parcel may be susceptible to nuisance flooding.

Floodplain Protection. This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) AE. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Indian River Lagoon Nitrogen Reduction Septic Overlay. A portion of this property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay.

Surface Waters of the State. The subject property is located on the Indian River Lagoon, designated as a Class II Water in this location. A 50-foot Surface Water Protection Buffer is required.

Protected Species. Federally and/or state protected species may be present on the property.

The applicant submitted an environmental report. The proposed construction area was reviewed for the presence of wetland habitat, protected species, delineation of any wetland habitat, and if there were any additional constraints to development.

It is Harnden Environmental's opinion that the portion of the project area would be considered industrial facilities, and thus be considered upland.

Due to the habitats on-site, it is possible that protected species could utilize habitats on-site. There are wildlife trails in the project area. No evidence of a wading bird rookery was observed. The utilization of these habitats by protected species is likely low because of the dense Brazilian pepper stands on-site. Because of the conditions on-site, the site is not ideal habitat for protected species. The site is too wet for gopher tortoises to occur. Since the surface waters are connected to the Indian River Lagoon, there were fisheries species located within the project area. Species such as tarpon (*Megalops atlanticus*) were observed within the project area.

According to the proposed plan there will be wetland impacts. The entire wetland system encompassed on-site would be impacted. It is anticipated that impacts to surface waters could be considered temporary in nature. Any wetland impacts (direct and secondary will have to be offset by mitigation). The estimated wetland impacts are 5.6 acres of direct impact. With consideration of the qualities of the wetlands, it is estimated that 3.413 credits from a wetland mitigation bank within the surface water basin could offset the potential wetland impacts. These credits would have to be Federal forested credits and a portion of them would have to be estuarine forested credits.

It is anticipated that the site will be under the jurisdiction of the Florida Department of Environmental Protection (FDEP) and the U.S. Army Corps of Engineers (ACOE). There was a FDEP environmental permit issued for a small project on-site. It is believed that a new FDEP individual permit will have to be issued for the proposed construction. A Federal dredge and fill permit will also have to be obtained from ACOE.

The site will require substantial fill and possibly muck removal. Fill cost could be large. Potentially the 5.6 acres of wetland habitat could need 5 to 7 feet of fill. Civil engineering activities will determine these values.

- F. Other issues which may emerge specific to a particular property which may be addressed through performance-based zoning criteria.

This property will need to comply with Brevard County Performance Standards noted within Section 62-1544 along with Sections 62-2251 through 62-2272 of Brevard County Code.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

A proposed concept plan has been provided. Off-site impacts such as noise, light, and other potential nuisance factors associated with IU-1 activities should be considered. The proposed expansion will need to comply with Brevard County Performance Standards noted within Sections 62-1544 along with Sections 62-2251 through 62-2272 of the Brevard County Code.

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

Only a certified MAI (Member Appraisal Institute) appraisal can determine if material reduction has or will occur due to the proposed request.

- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns;

There are three (3) FLU designations within 500 feet of the subject site: PI, RES 2, and IND. Within a half-mile of the subject property, RES 2 is the predominant FLUM designation.

The area is largely undeveloped, with approximately ten residential lots already in place, the nearest of which is within 400 feet of the subject property. Staff analysis indicates that there is an existing pattern of residential development in the vicinity. The most recent improvement in the area occurred in 2018, featuring a manufactured home.

There has been one FLUM amendment within one-half mile of the subject property in the past three years:

- **24SS00016: Approved FLUM change on the current subject property from PI and RES 2 to H/L IND on 2/06/2025 on 10.46 acres.**

2. actual development over the immediately preceding three years; and

It appears no changes in actual development have occurred in the immediate area within the last three years.

3. development approved within the past three years but not yet constructed.

There has not been any development approved but not yet constructed within this area in the preceding three (3) years.

- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

No material violation of relevant policies has been identified.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic, parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

The surrounding area contains a few small clusters of residentially developed properties.

Granting the request would allow the plant to expand, which may increase potential impacts such as noise, light, and traffic to the surrounding area.

A preliminary concurrency evaluation did not indicate that the proposal has the potential to cause a deficiency in the transportation adopted level of service. The maximum development potential from the proposed rezoning increases the percentage of MAV by 1.03%.

B. In determining whether an established residential neighborhood exists, the following factors must be present:

1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

Staff analysis indicates the subject property has clearly established boundaries separating the plant from the residential zoned properties.

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

The proposed is not located in an existing residential neighborhood.

3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

There have been no requests applied for and approved in this area during the previous five (5) years.

Administrative Policy #5 - the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered.

The proposed CUP will access Highway 1 between S.R. 46 and Lionel Rd. The maximum development potential from the proposed CUP increases the percentage of MAV utilization by 1.03%. The Highway 1 corridor is anticipated to operate at 28.32% of capacity daily. The request is not anticipated to create a deficiency in LOS.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway 1 from SR 46 to Lionel Rd, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 27.29% of capacity daily. The proposed development increases the percentage of MAV utilization by 1.03%. The corridor is anticipated to operate at 28.32% of capacity daily. The proposed development is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

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The concurrency analysis provided above is preliminary and represents an estimate of impacts resulting from the maximum permissible uses under the proposed Future Land Use designation. However, if a site plan for the property is submitted and the development proposal will cause a deficiency of the above mentioned levels of service, then the County reserves the right to exercise the following options: deny or defer the proposal; cause the proposal to be modified to achieve consistency with the minimum LOS; or process the proposal as a conditional development permit pursuant to Section 62-604 of the Brevard County Code of Ordinances.

No school concurrency information has been provided as the proposed project is a commercial development and not intended for residential uses.

The subject property has access to potable water through Brevard County utility service. No sewer service is available in the area. An approved Concurrency Application, including potable water service capacity, sanitary sewer service capacity or septic plan, and solid waste capacity, is required upon a formal site plan submission.

Special Considerations for CUP (Conditional Use Permit)

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and Section 62-1901, as outlined on pages 6 – 8 of these comments. Section 62-1901 provides that the approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. **The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved.** The applicant's responses and staff observations, if any, are indicated below.

General Standards of Review

Section 62-1901(c)(1)(a): The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1) the number of persons anticipated to be using, residing or working under the conditional use; (2) noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3) the increase of traffic within the vicinity caused by the proposed conditional use.

Applicant's Response: There will limited new employees working at the site, approximately 9-14 at full capacity, but will be on site in shifts. No odor, particulates, smoke or fumes will emit from the Property. No nuisance activities will be generated by the proposed use. The noise level will be less or at the allowable levels for industrially zoned property. The traffic from the site will be low and mainly consist to period truck traffic to an from the site, similar to the existing plant on the south side of the Property. The use of the Property will comply with all performance standards of Sec. 62-2251 to 62-2272.

Staff analysis: The proposed CUP must comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272. The request is not anticipated to create a deficiency in Highway 1 traffic Level of Service (LOS).

Section 62-1901(c)(1)(b): The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.

Applicant's Response: The use of this northern portion of the Property will be an expansion of the use currently existing on the southern portion of the Property, and of the parcel immediately adjacent to the south. The property to the north is a public park; the property to the east is the FEC railroad ROW; the property to the west is vacant residential, with substantial wetlands; and the property to the south of the Linde facility is vacant sliver of TR-2 and a large, vacant AU zoned property with wetlands. Parking for this expansion will be at the existing Linde facility.

Staff analysis: The parcel is located in a mostly residential zoned area. However, most of the residential lots are vacant, with approximately 10 developed residential properties in the area. None of the residential properties are adjacent to the subject property.

Section 62-1901(c)(1)(c): The proposed use will not cause a substantial diminution in value of abutting residential property. Note: A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15 percent reduction in value as a result of the proposed conditional use. A reduction of ten percent of the value of abutting property shall create a reputable presumption that a substantial diminution has occurred. The board of county commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by a MAI certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.

Applicant's Response: There is no abutting residential property.

Staff analysis: Competent and substantial evidence by a MAI certified appraiser has not been provided by the applicant.

Section 62-1901(c)(2)(a): Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1) adequate to serve the proposed use without burdening adjacent and nearby uses, and (2) built to applicable county standards, if any.

Note: Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20 percent, or ten percent if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at level of service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable county standards, to be

exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.

Applicant's Response: The traffic from the site will be low and mainly consist of additional period truck traffic to and from the site (10-25 trips to the site per day), similar to the existing facility on the south side of the Property. The additions to the existing facility will have its own ingress/egress for truck traffic, delineated as "roadway" on the plot plan provided with this application. As Hammock Road north of Wiley Avenue is low traffic road, the additional employee trips and truck trips will not burden any nearby uses.

Staff analysis: This property has ingress and egress via Wiley Ave., which connects to Highway 1.

Section 62-1901(c)(2)(b): The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.

Applicant's Response: No odor, particulates, smoke or fumes will emit from the Property. The noise level will be less or at the allowable levels for the industrially zoned property. The use and Property will comply with all performance standards of Sec.62-2251 to 62-2272.

Staff analysis: The CUP must be in compliance with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272. Any proposed outdoor lighting and noise standards should remain within code requirements, or a violation will be created.

Section 62-1901(c)(2)(c): Noise levels for a conditional use are governed by section 62-2271.

Applicant's Response: The noise level will be less or at the allowable levels for industrially zoned property at the Property line.

Staff analysis: The proposed CUP must comply with the noise ordinance for Industrial use.

Section 62-1901(c)(2)(d) The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.

Applicant's Response: The additional solid waste disposal needs for the Property will be minimal and not exceed the level of service.

Staff analysis: The adopted level of service for solid waste disposal is not anticipated to be affected.

Section 62-1901(c)(2)(e): The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.

Applicant's Response: The additional potable water and wastewater needs for the Property will be minimal and not exceed the levels of service.

Staff analysis: The CUP should not exceed the adopted level of service for potable water or wastewater.

Section 62-1901(c)(2)(f): The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.

Applicant's Response: The property is being developed to incorporate significant existing natural buffers and proposes to create a planted buffer to reduce or eliminate any adverse impacts to the surrounding properties. The northern portion of the Property will be fenced with 6' chain link fencing with barbwire on top, as currently exists along the entire western boundary. To the south, this project abuts the existing industrial plant, so no substantial impact is realized. To the east, this site abuts the FEC Railway ROW and the wide natural vegetated wetland buffer is proposed to remain undisturbed. To the north, the site abuts an unimproved County ROW and the approximate 250' wide natural vegetated wetland buffer is proposed to remain undisturbed. To the west, the site abuts a proposed to be improved County ROW and a 15' Type B buffer is proposed to be constructed.

Staff analysis: The property must ensure it meets the Brevard County Performance Standards. The northern boundary of the property is shown on the proposed concept plan. The 15 foot landscape buffer along Hammock Road is proposed within the front setback, and the 250' natural vegetated wetland buffer will help to maintain the aesthetic continuity with the existing area.

The nearest developed residential property is north of the subject property across Jones Ave. approximately 400 feet.

Section 62-1901(c)(2)(g): Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to, traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.

Applicant's Response: There will be limited directional signs for the truck "roadway", either adjacent to the fencing or one the fence and automatic gate to allow truck access.

Any exterior lighting will meet the standards of Sec. 62-2257 and will cause no interference with the use of adjacent or nearby properties. Interior site lighting will consist of lights for the distillation column as well as other equipment to allow for the site personnel to safely work on the site at night. There will be general site lighting in the zone used to fill the trucks. The focus of the lighting will be within the facility and it will be similar to the existing site.

Staff analysis: Any new signage and lighting would need to meet Brevard County Code. Shaded light sources shall be used to illuminate signs, facades, buildings, and parking and loading areas, shall be so arranged as to eliminate glare from roadways and streets, and shall be directed away from properties lying outside the site. Shaded light sources are lighting elements shielded with an opaque shade to direct the light. No neon lights, intermittent lights or flashing lights or such lighted signs shall be allowed.

Section 62-1901(c)(2)(h): Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.

Applicant's Response: The hours of operation of the facility will be the same as the existing facility, 24 hours a day.

Staff analysis: The hours of operation appear to be in line with the historical use of the existing facility. The Board may determine that additional measures may be necessary.

Section 62-1901(c)(2)(i): The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

Applicant's Response: The maximum height of any habitable buildings will not be more than 35 feet higher than the highest residence within 1,000 feet of the property, as none of the buildings will be habitable as defined by Sec. 22-277(a). As such, no survey has been provided.

Staff analysis: The height of any new structures will have to meet the requirements of Brevard County Code.

Section 62-1901(c)(2)(j): Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

Note: for existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

Applicant's Response: The new "loading area" for filling of trucks will be onsite and will not impair the use and enjoyment of adjacent and nearby properties, as all nearby properties are vacant unless part of the Praxair facility. The parking area for employees will be located at the exiting parking areas on the southern portion of the Property or the adjacent Praxair Services parcel to the south. MBV has created a sketch of the parking to show the parking for the addition five (5) employees that will be created per shift.

Staff analysis: The subject property will have to meet current Brevard County Code. **Loading facilities and truck parking:** No shipping or receiving shall be permitted within 100 feet of residentially zoned property. Where the lot abuts a commercial district, no truck parking and loading shall be permitted closer than 50 feet to the rear lot line. However, no rear yard is required where the lot abuts an existing or proposed railroad right-of-way or spur.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Coastal High Hazard Area
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Surface Waters of the State
- Protected and Specimen Trees
- Protected Species

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

For Board Consideration

The Board may wish to consider whether the expansion of IU-1 zoning classification is compatible with the surrounding residentially zoned area.

The Board may consider applying approval conditions that mitigate any potential impacts of the CUP.

The Board and the applicant should be advised that the activities on the property must comply with the standards in the Brevard County Code of Ordinances, including, but not limited to, Chapter 46, Article IV, Noise, and Sections 62-1544 and 62-1833.5.

The applicant must ensure any on-site improvements comply with the applicable standards and specifications established by the Brevard County Code.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 25Z00017**

Applicant: Bruce Moia (Owner: Praxair, Inc.)

Zoning Request: IU-1 to IU-1 with CUP for heavy industry

Note: Heavy Industry allows for the manufacture of goods under the following NAICS codes:
325-Chemical Manufacturing

Zoning Hearing: 06/26/2025; **BCC Hearing:** 07/17/2025

Tax ID No.: 2103214

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Coastal High Hazard Area
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Surface Waters of the State
- Protected and Specimen Trees
- Protected Species

Land Use Comments:

Wetlands and Hydric Soils

A majority of the subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Copeland-Bradenton-Wabasso complex, limestone substratum; Turnbull and Riomar soils, tidal; Anclote sand, frequently ponded, 0 to 1 percent slopes; Floridana sand, 0 to 1 percent slopes, frequently flooded; and Canaveral-Urban land complex); indicators that wetlands may be present on the

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property. The applicant provided an environmental assessment (Harnden Environmental, October 22, 2024) (Report) identifying wetlands surrounding the existing developed portion of the north half of the property. The wetland assessment shall be verified prior to any land clearing activities, site plan design, or building permit submittal.

The Report states that there are an estimated 5.6 acres of direct impact wetland impacts proposed on the site. The applicant states that they will follow County and regulatory agencies requirements regarding wetland impacts. Section 62-3694(c)(3)c states that commercial or industrial land development activities may be permitted in wetlands contained in properties designated for commercial or industrial land uses on the future land use map prior to February 23, 1996, if the property abuts land(s) developed as commercial or industrial as of December 31, 2010, and has sufficient infrastructure available to serve the commercial or industrial use.

If the proposed development meets the criteria in Section 62-3694(c)(3), and wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require mitigation in accordance with Section 62-3696.

Aquifer Recharge Soils

This property contains Orsino fine sand, classified as an aquifer recharge soil. Canaveral-Urban land complex may also function as aquifer recharge soils. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Coastal High Hazard Area

The majority of this property is located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The Coastal Management Element of the Comprehensive Plan, Policy 6.1, designates Coastal High Hazard Areas to be those areas below the elevation of the Category 1 storm surge elevation as defined in Chapter 163, Florida Statute. Objective 7 of the Coastal Management Element aims to limit densities within the coastal high hazard area and direct development outside of this area.

Floodplain Protection

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) AE, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2)

states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Indian River Lagoon Nitrogen Reduction Septic Overlay

A portion of this property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Surface Waters of the State

A 9.48-acre portion of the subject property (east of the FEC railway) is located on the Indian River Lagoon, designated as a Class II Water in this location; however, that portion of the subject property is not a part of this request.

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements and buffer requirements. **Applicant should contact NRM at 321-633- 2016 prior to performing any land clearing activities.**

Protected Species

Federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.



321-536-1988

October 22, 2024

Geosyntec Consultants, Inc.
6770 South Washington Avenue, Suite 3
Titusville, Florida 32780
Phone: 321.593.9382
Attn: Zack Munger
ZMunger@geosyntec.com

Project: Hammock Road Parcel
2801 Hammock Road
Mims, FL
PID: Portion of 21-35-09-00-511
Tax Act: 2103214
Acres: ~6 acres

Mr. Munger,

The proposed construction area was reviewed for the presence of wetland habitat, protected species, delineation of any wetland habitat, and if there were any additional constraints to development. The client is investigating the ability to expand the adjacent industrial facility in Mims, Florida (**Figure 1**).

A site visit was completed by Harnden Environmental (HE) staff on October 4, 2024. The project area was traversed on foot. Photographs of the site are included in **Appendix A**. The site is disturbed, but undeveloped. The site also includes several surface waters and a wetland. There is also areas where trash and construction debris has been piled. The following observations are a summary of the findings of the site review.

Soils, Elevation, and Flood Zone Data

The project area is mapped as having upland soil (Orsino Fine Sand – Non-Hydric [41]) and hydric (wetland) soils, (Anclote sand, Depressional [2], Canaveral Urban Land Complex [10], Copeland-Bradenton-Wabasso Complex, Limestone Substratum [16], Turnbull and Riomar Soils, Tidal [58]) on the NRCS Soil Survey map (**Figure 2**). Suggesting the site could include wetlands. This soil data is from a large-scale survey and represents the potential soils on a site. This is not always indicative of the actual soil characteristics on-site.

Table 1. Soil Types On-site

2—Anclote sand, Depressional*
10—Canaveral Urban Land Complex*
16—Copeland-Bradenton-Wabasso Complex, Limestone Substratum*
41—Orsino Fine Sand
58—Turnbull and Riomar Soils, Tidal*

*Hydric Soil Types

On-site soil reviews confirm that hydric (wetland) soils do occur within the project area



321-536-1988

Current Land Use

Land use descriptions have been created for the entire state by the Florida Department of Transportation (FDOT). These classifications are used to generally categorize land types by use and vegetative compositions. The descriptions that are closest to the habitats on-site are utilized to document the current land use. Modifications of categories is sometimes done to be more descriptive of conditions on-site. Geographic Information Systems (GIS) were used to compile the data and calculate the acreages on-site. Note that calculated acreages are not exact. The current land use has been depicted on **Figure 3**.

There are six types of land use on-site. A summary of current land uses on-site is below.

1560 – Industrial Facility (3.34 acres)

This portion of the project area is industrial settling ponds. The ponds appear to be constantly inundated. The ponds percolate groundwater to the surrounding, lower elevation wetland system. It is HE's opinion this portion of the site would be considered industrial facilities, and thus be considered **upland**.

4220 – Brazilian Pepper (0.98 acres)

This portion of the project area is vegetated with mainly Brazilian pepper (*Schinus terebinthifolia*), with some slash pine (*Pinus elliottii*), cabbage palm (*Sabal palmetto*), live (*Q. virginiana*) and laurel (*Q. laurifolia*) oak. The understory is saw palmetto (*Serenoa repens*) in some areas. There is also an upland cut drainage swale that is part of the polygon. It is HE's opinion this portion of the site would be considered **upland**.

5110 – Excavated Ditch (0.26 acres)

This portion of the project area is an excavated ditch. The ditch is part of the local drainage system. The ditch runs directly in the Indian River Lagoon (a protected waterbody). It is HE's opinion this portion of the site would be considered **surface water**.

6120 – Mangrove Swamp (1.62 acres)

This portion of the project area is a mangrove swamp. The wetland is depicted in all historical maps. The wetland is vegetated mainly with white mangrove (*Laguncularia racemosa*) and black mangrove (*Avicennia germinans*). Estuarine marsh understory species were also present. These species included sea ox-eyed daisy (*Borrchia frutescens*), leather fern (*Acrostichum danaeifolium*), and salt grass (*Disticlis spicata*). The polygon includes **50% coverage of Brazilian pepper**. This wetland polygon includes some wetland ditching that connects directly to the excavated ditch on the southern end of the project area conveying stormwater directly to the Indian River Lagoon. It is HE's opinion this portion of the site would be considered **wetland**.

6280 – Hydric Hammock (3.98 acres)

This portion of the project area is a wetland hammock habitat. The wetlands are depicted in many historical maps. The wetland hammock is vegetated with cabbage palm, live and laurel oak, red cedar (*Juniperus virginiana*), with some elm (*Ulmus floridana*). There are some areas with sparse saw palmetto and wax myrtle (*Myrica cerifera*). There were also other understory wetland vegetation present in the hammock areas. These species included duck potato (*Sagittaria graminea*), swamp fern (*Blechnum serrulatum*), dayflower (*Commelina* spp.), chain fern (*Woodwardia virginica*), leather fern,



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road grass (*Eleocharis baldwinii*), marsh goldenrod (*Solidago fistulosa*), star rush (*Rhynchospora colorata*), pennywort (*Hydrocotyle bonariensis*), and water hyssops (*Bacopa caroliniana*). There are excavated ditches within this wetland habitat. There is also a small area vegetated by Australian pines (*Casuarina equisetifolia*). The polygon includes **50% coverage of Brazilian pepper**. It is HE's opinion this portion of the site would be considered **wetland**.

7430 – Upland Spoil Piles (0.20 acres)

This portion of the project area are spoil piles resulting from the adjacent ditching in the wetlands. The piles are up to four feet above the natural grade. There are Brazilian peppers located on the spoil piles. It is HE's opinion this portion of the site would be considered **upland spoil piles**.

Table 2. Current Land Use of the site.

Code	Description	Acreage
1560	Industrial Facility	3.34
4220	Brazilian Pepper	0.98
5110	Excavated Ditch	0.26
6120*	Mangrove Swamp	1.62
6280*	Hydric Hammock	3.98
7430	Upland Spoil Piles	0.20

*Wetland code

The site includes a large natural wetland system, excavated settling ponds, and excavated ditches (surface water). These features are depicted on **Figure 1**. The wetland on-site is a hydric hammock and mangrove swamp. Field observations indicate that there were hydric (wetland) soil indicators and hydrologic indicators on-site, confirming **wetlands do** occur on-site. The indicators included striping in the top 6 inches of the soil profile, muck, and sulfur odor. The flagged wetland boundaries are depicted in **Figure 1**.

The National Wetland Inventory (NWI) map depicts the site as having wetlands in the project area.

Floodplain Map

Flood maps are developed utilizing the current, most up to date, elevation data available. The FEMA floodplain map indicates that the project area includes Zone X and AE. Zone X are areas in the 500 year floodplain. These are considered areas of minimal flood risk. Zone AE is in the 100 year floodplain and has a 1% annual flood chance. It is possible that **compensating storage** will be required for development of the acreage of the project that is below Flood Zone X.

Protected Species

The project area is currently undeveloped. Due to the habitats on-site, it is possible that protected species could utilize habitats on-site. There are wildlife trails in the project area. No evidence of a wading bird rookery was observed. The utilization of these habitats by protected species is likely low because of the dense Brazilian pepper stands on-site. Because of the conditions on-site, the site is not ideal habitat for protected species.

The site is too wet for gopher tortoises to occur. Since the surface waters are connected to the Indian



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River Lagoon, there were fisheries species located within the project area. Species such as tarpon (*Megalops atlanticus*) were observed within the project area.

A large eastern rat snake (*Pantherophis alleghaniensis*) was observed in a brush pile on-site. Rat snakes are not a protected species.

Uniform Mitigation Assessment Method (UMAM)

The UMAM is the means to evaluate the quality of a wetland system. This quality assessment allows a reviewer to determine the amount of mitigation that will be required in order to impact a wetland system for development or some other land use conversion. The quality value is multiplied by the acreage of the wetland to be impacted. This value will be the amount of credit that is required to offset the proposed wetland impact.

Mitigation Plan:

The proposed project is to construct an expansion of the adjacent facilities. The site is located in northern Brevard County. The Site is located in the Northern Indian River Lagoon (Basin 21) surface water basin. The proposed project would be located in hydric hammock and mangrove swamp. The proposed impacts would be the entire project area. Resulting in approximately 5.60 acres of direct wetland impact.

The proposed project will include wetland impacts. Direct impacts will occur. To initiate discussions regarding UMAM analysis preliminary values have been proposed below.

Preliminary UMAM Calculations

Table 1. Direct Impacts

ID	Without			With			Delta	Acres	FU Loss
	Landscape	Water	Veg	Landscape	Water	Veg			
WL1	6	7	6	0	0	0	0.633	1.62	1.025
WL2	6	7	5	0	0	0	0.600	3.98	2.388
Total								5.6	3.413

Table 2. Secondary Impacts

ID	Without			With			Delta	Acres	FU Loss
	Landscape	Water	Veg	Landscape	Water	Veg			
WL1	0	0	0	0	0	0	0.0	0.0	0.0
Total								0.0	0.0

In general the wetlands are not in good conditions. Proposed UMAM calculations for direct impacts are depicted in **Table 1**. There are some ditches and upland berms within the systems that detract from the natural conditions on-site. Additionally, the project area is adjacent to industrial facilities, roads, and a railroad. This leads to less than pristine hydrology and impacts to the vegetative communities on-site.



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The vegetative communities on-site include a minimum of 50% Brazilian pepper encroachment. This encroachment is in both the hydric hammock and the mangrove swamp leading to the reduced vegetative community score.

Since the entire project site is surrounded by disturbance (road and railroad) and industrial facilities, it is not anticipated that there would be secondary wetland impacts to adjacent wetland systems (**Table 2**). If a portion of the wetland will be impacted, then secondary impacts will be assessed for the acreage of the remaining upland. Secondary impacts are at a lower rate resulting in less required mitigation, than direct impacts.

The data and figure provided are to start discussions regarding the proposed project and options to offset potential wetland impacts.

By rule, mitigation has to be within the same surface water basin and has to be a similar type of habitat (in-kind). Exceptions are sometimes possible, but are not easily agreed upon. It is anticipated that estuarine forested credits will have to be used for the mangrove swamp area and freshwater forested credits could be used for the hydric hammock area. These findings will have to be confirmed by the regulatory agency review staff.

Mitigation could possibly be accomplished by purchasing credits from mitigation bank within the same surface water basin. There are several banks within the basin. Presently there is not a bank within the basin that has Federal estuarine forested credits. Green Wing Mitigation Bank is coming online that will have estuarine credits that could be used for mitigation. Pricing for the credits has not been fully determined. It is anticipated the dual (State/Federal) forested estuarine credits could be up to \$700,000 per credit. Forested freshwater credits would be slightly less. Therefore, it is anticipated that wetland mitigation costs would range from \$2,000,000 to \$2,300,000.

Summary

The project area is located adjacent to Hammock Road in Mims, Florida. There are wetlands and surface waters on-site.

According to the proposed plan there will be wetland impacts (**Figure 1**). The entire wetland system encompassed on-site would be impacted. It is anticipated that impacts to surface waters could be considered temporary in nature. Any wetland impacts (direct and secondary will have to be offset by mitigation). The estimated wetland impacts are 5.6 acres of direct impact. With consideration of the qualities of the wetlands, it is estimated that 3.413 credits from a wetland mitigation bank within the surface water basin could offset the potential wetland impacts. These credits would have to be Federal forested credits and a portion of them would have to be estuarine forested credits.

The Green Wing mitigation bank is located in the basin and reportedly have the available forested mitigation credits within a few months. It is suggested that if the proposed project will move forward, the mitigation bank should be contacted as quickly as possible regarding the estuarine credits. These credits are quite rare and will sell out quickly. If these credits are not available then other potential mitigation could be discussed with regulatory agencies regarding out-of-kind and out-of-basin mitigation credits or purchasing appropriate lands, restoring them, and donating them to an environmental agency. These



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methods are difficult and typically much more costly than purchasing credits.

It is anticipated that the site will be under the jurisdiction of the Florida Department of Environmental Protection (FDEP) and the U.S. Army Corps of Engineers (ACOE).

There was a FDEP environmental permit issued for a small project on-site. It is believed that a new FDEP individual permit will have to be issued for the proposed construction. A Federal dredge and fill permit will also have to be obtained from ACOE.

The site will require substantial fill and possibly muck removal. Fill cost could be large. Potentially the 5.6 acres of wetland habitat could need 5 to 7 feet of fill. Civil engineering activities will determine these values.

No gopher tortoise burrows were observed during the assessment. Because of the habitat types on-site, a 100% gopher tortoise burrow survey will not be required.

A pre-application meeting with regulatory agencies could help to confirm what types of mitigation should be utilized.

If you have any further questions feel free to give us a call.

Thank you for your business.

Chris Harnden
Project Manager 321-536-1988
chris@hardenenvironmental.com

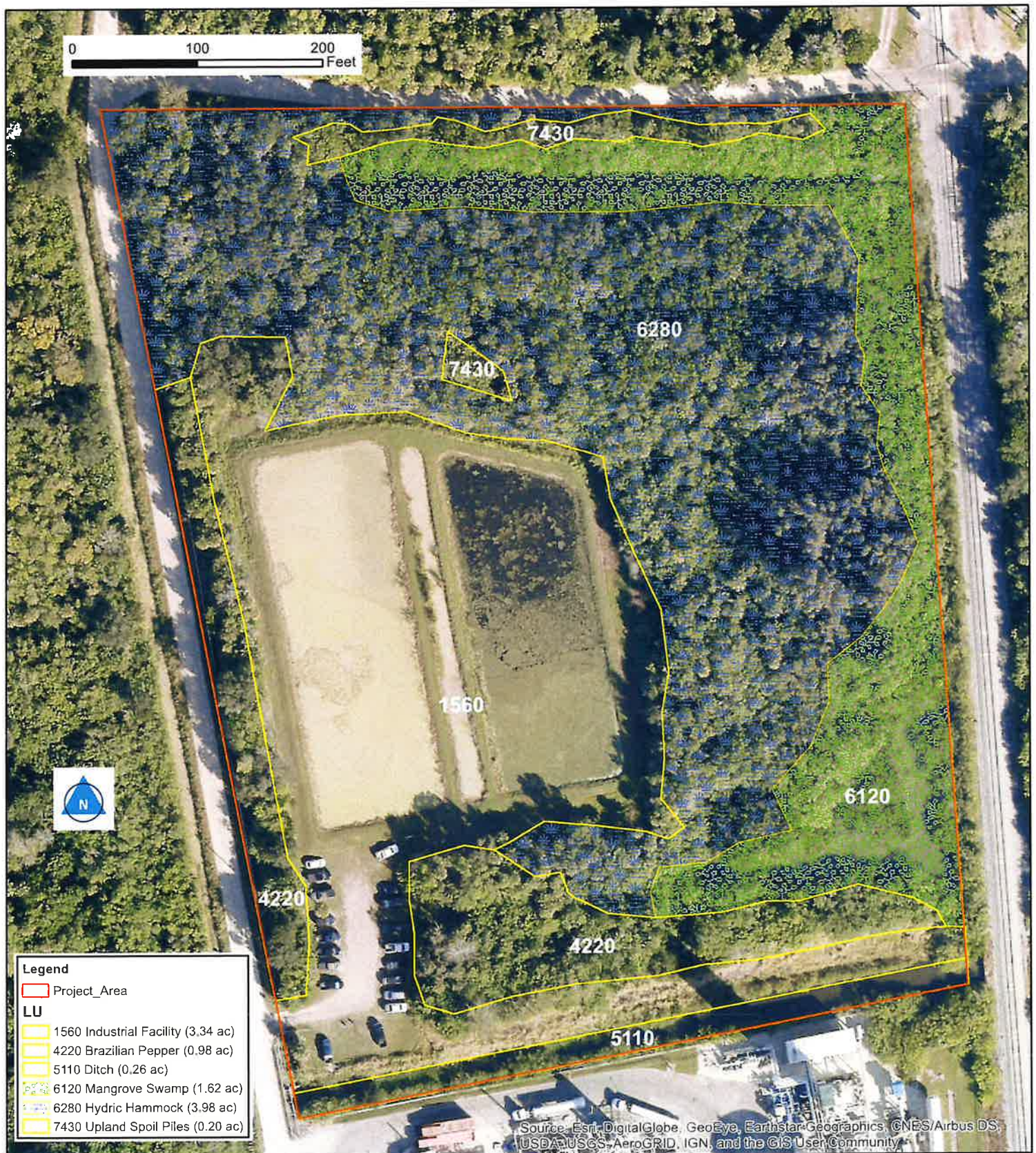


Figure: Preliminary Land Use
 Project: Hammock Road Parcel
 Mims, FL
 Site: Parcels_2103214 (Portion)
 Note: Boundaries are approximate.

Figure
 1



Appendix A
Site Photographs 10/04/24



Photograph 1. Southern ditch along project area, facing west. Ditch attaches directly to the Northern Indian River Lagoon.



Photograph 2. Eastern edge of the project area, facing south. Note the ditch and mangroves.



Photograph 3. Eastern edge of project area, facing north.



Photograph 4. Northern edge of project area. Facing east.



Photograph 5. Western edge of project area, facing south.



Photograph 6. Australian pine area in interior of site, facing north.



Photograph 7. Typical interior of site, facing east. Note pepper.



Photograph 8. Typical interior of site, facing south. Note pepper.



Photograph 9. Typical interior of site, facing south. Note pepper.



Photograph 10. Typical interior of site, facing east. Note pepper.



Photograph 11. Typical hydric hammock area of site, facing north. Note hummocking.



Photograph 12. Upland spoil area of site, facing northwest.



Photograph 13. Upland spoil area of site, facing north.



Photograph 14. Typical upland hammock area of site, facing north. Cleared.



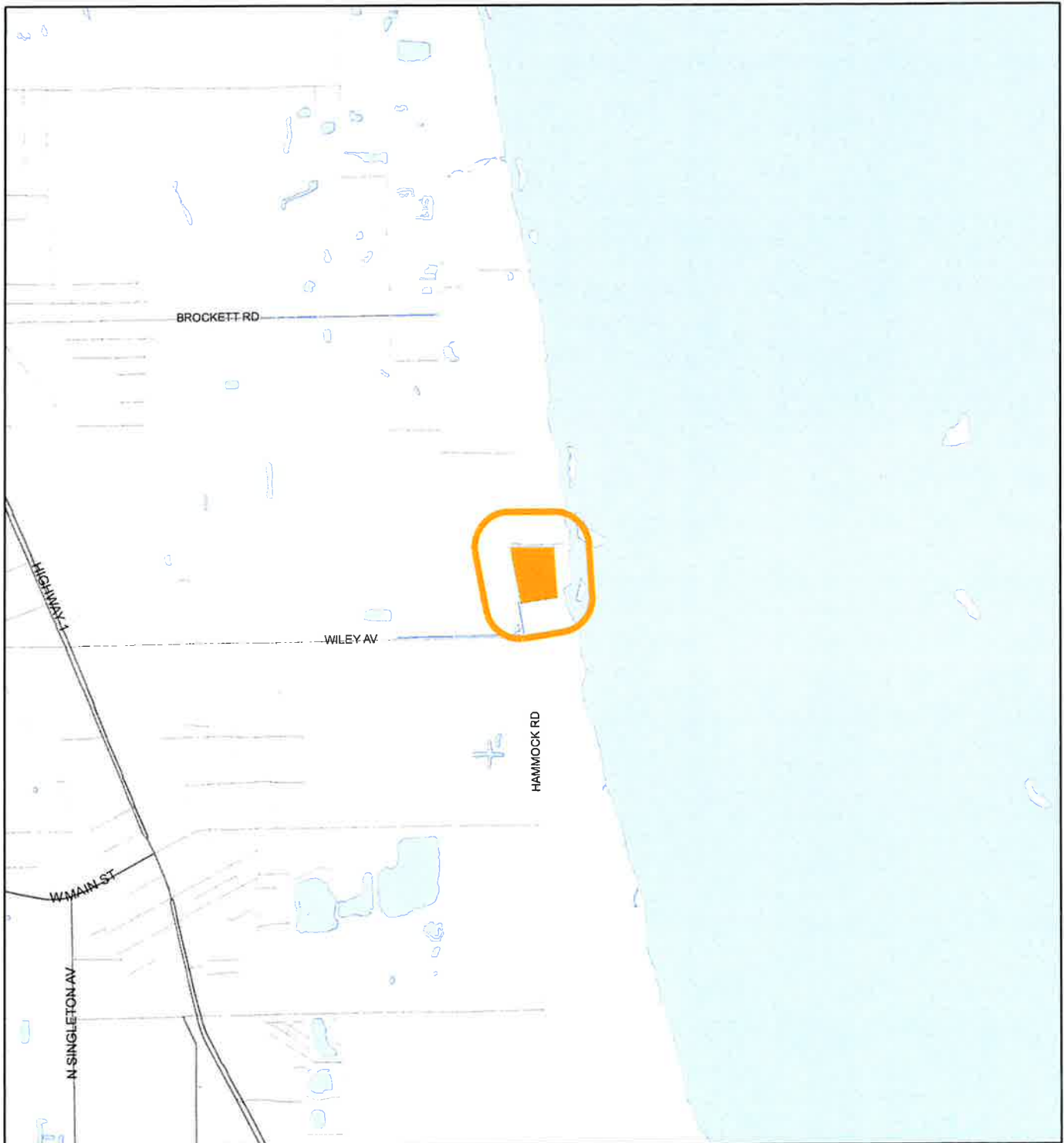
Photograph 15. Typical hydric hammock area of site, facing north.



Photograph 16. Large eastern rat snake observed on-site.

LOCATION MAP

Linde Services Inc. FKA Praxair Services Inc.
25Z00017





1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

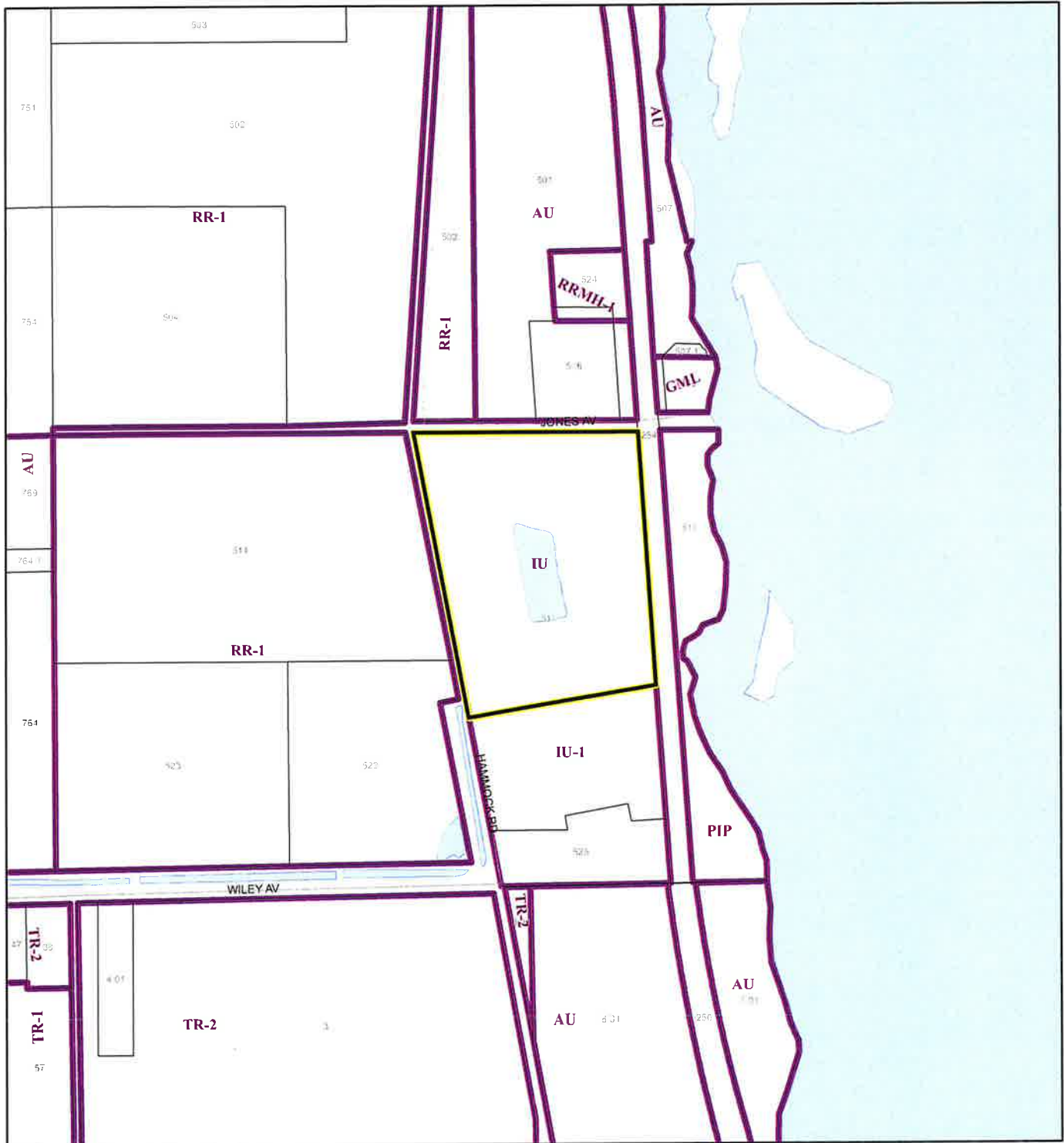
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/5/2025

-  Buffer
-  Subject Property

ZONING MAP

Linde Services Inc. FKA Praxair Services Inc.
25Z00017



1:4,800 or 1 inch = 400 feet

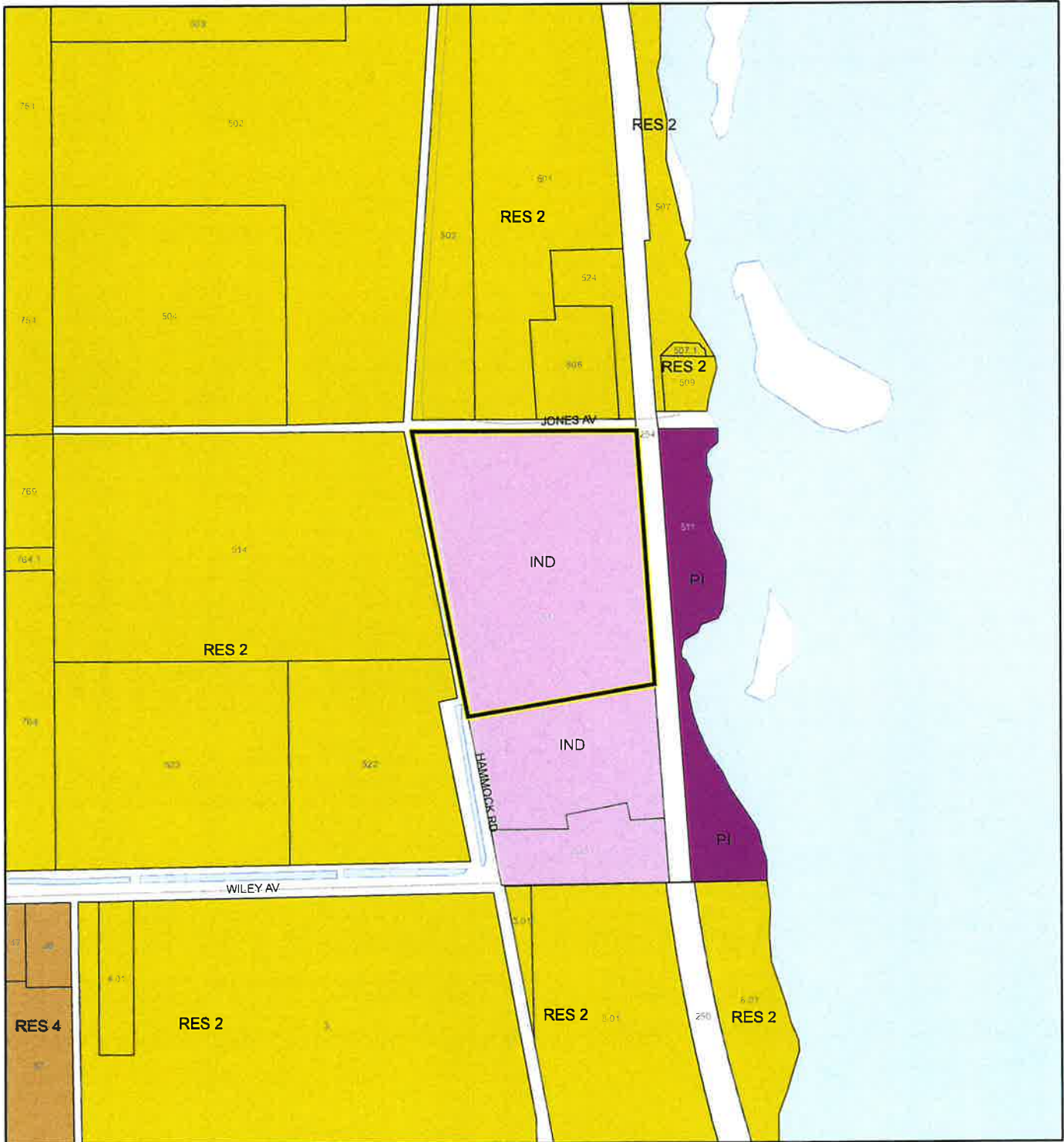
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- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

Linde Services Inc. FKA Praxair Services Inc.
25Z00017



1:4,800 or 1 inch = 400 feet

— Subject Property
□ Parcels

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AERIAL MAP

Linde Services Inc. FKA Praxair Services Inc.
25Z00017



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2024

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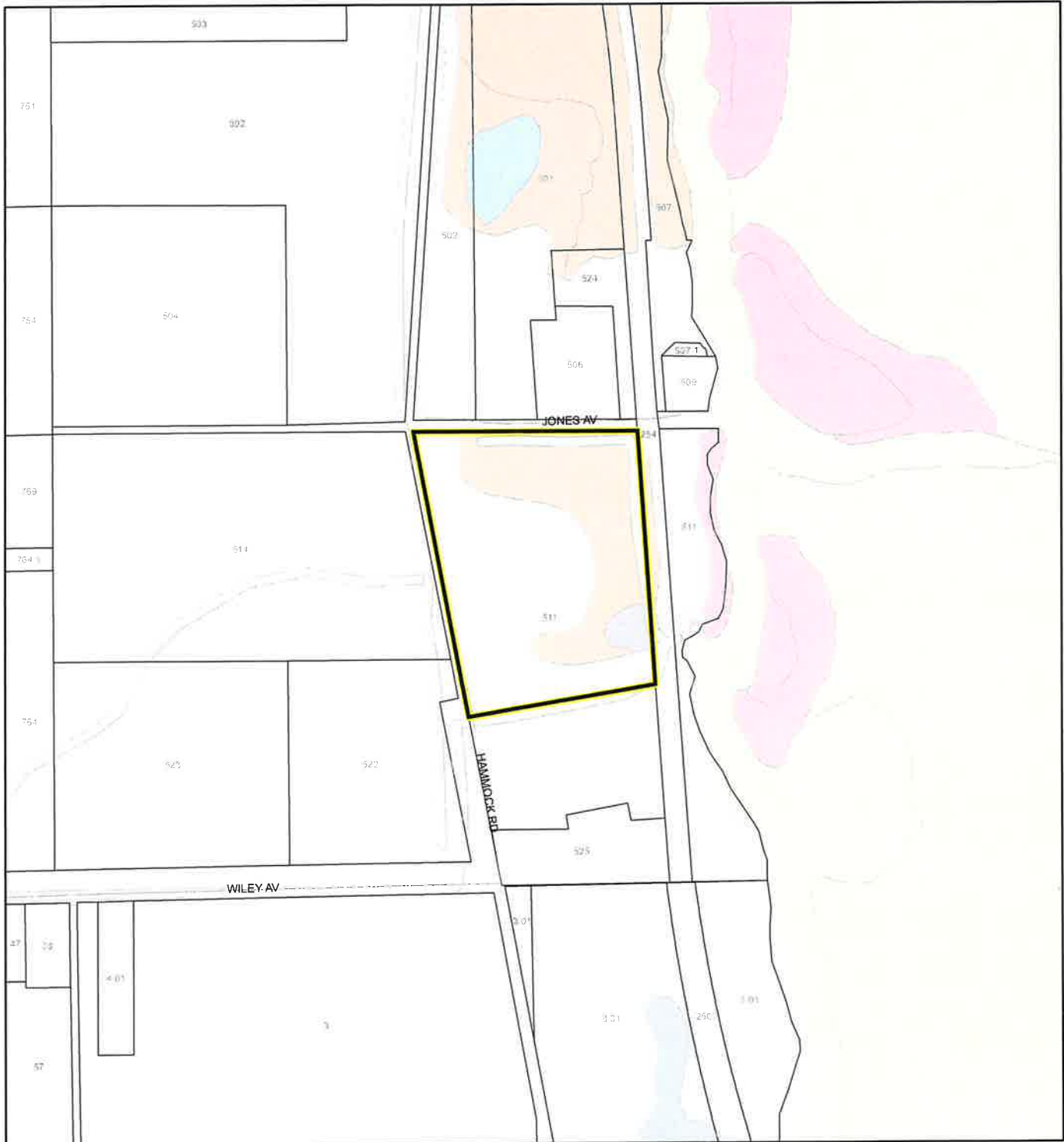
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 Subject Property

 Parcels

NWI WETLANDS MAP

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25Z00017



1:4,800 or 1 inch = 400 feet

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National Wetlands Inventory (NWI)

Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
Freshwater Emergent Wetland	Other
Freshwater Forested/Shrub Wetland	Riverine
	Subject Property
	Parcels

Linde Services Inc. FKA Praxair Services Inc.
25Z00017



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS WETLANDS

- | | |
|---|---|
|  | Wetland Hardwood Forests - Series 6100 |
|  | Wetland Coniferous Forest - Series 6200 |
|  | Wetland Forested Mixed - Series 6300 |
|  | Vegetated Non-Forested Wetlands - Series 6400 |
|  | Non-Vegetated Wetland - Series 6500 |

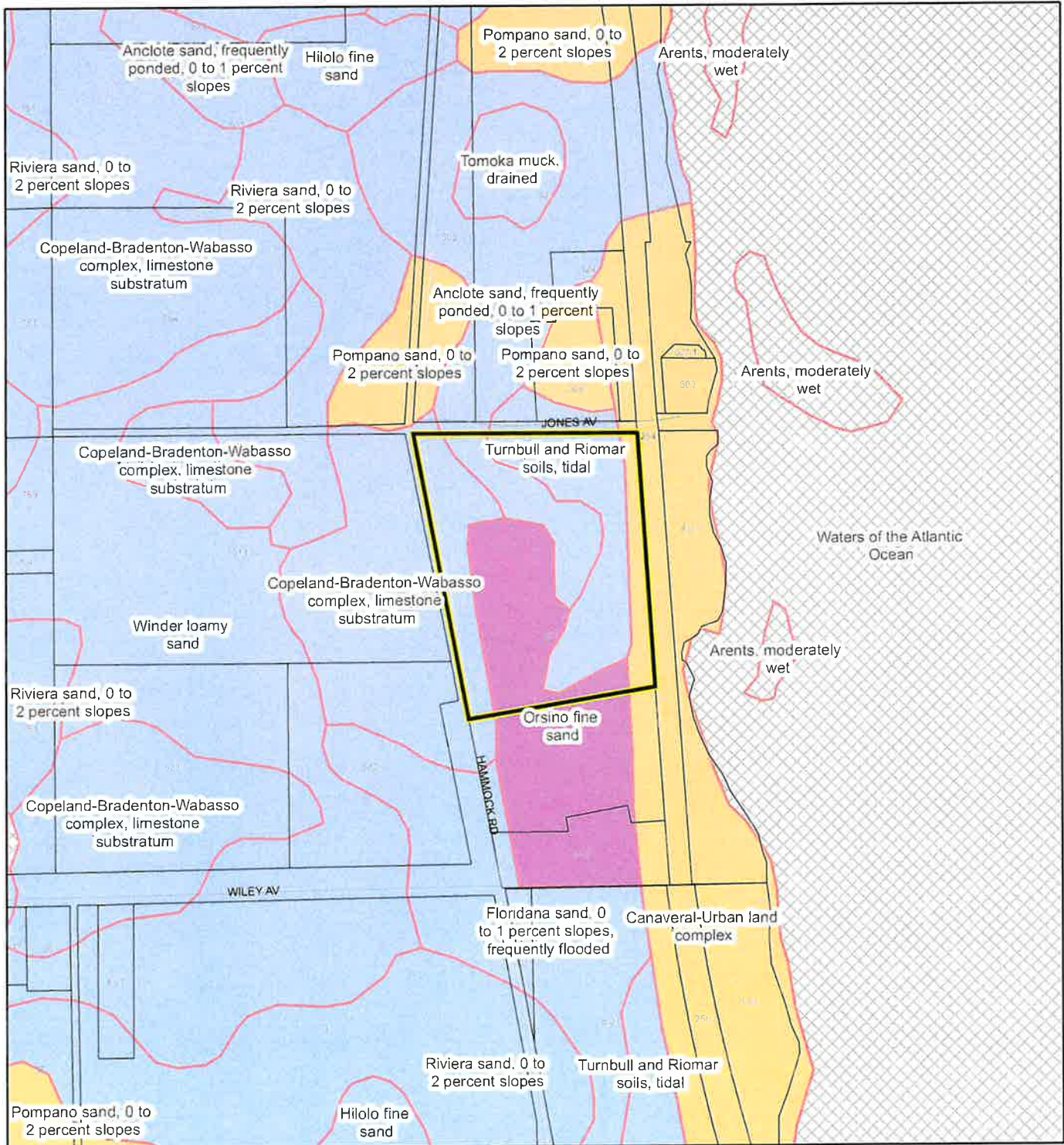
— Subject Property

☐ Parcels

USDA SCSSS SOILS MAP

Linde Services Inc. FKA Praxair Services Inc.

25Z00017



1:4,800 or 1 inch = 400 feet

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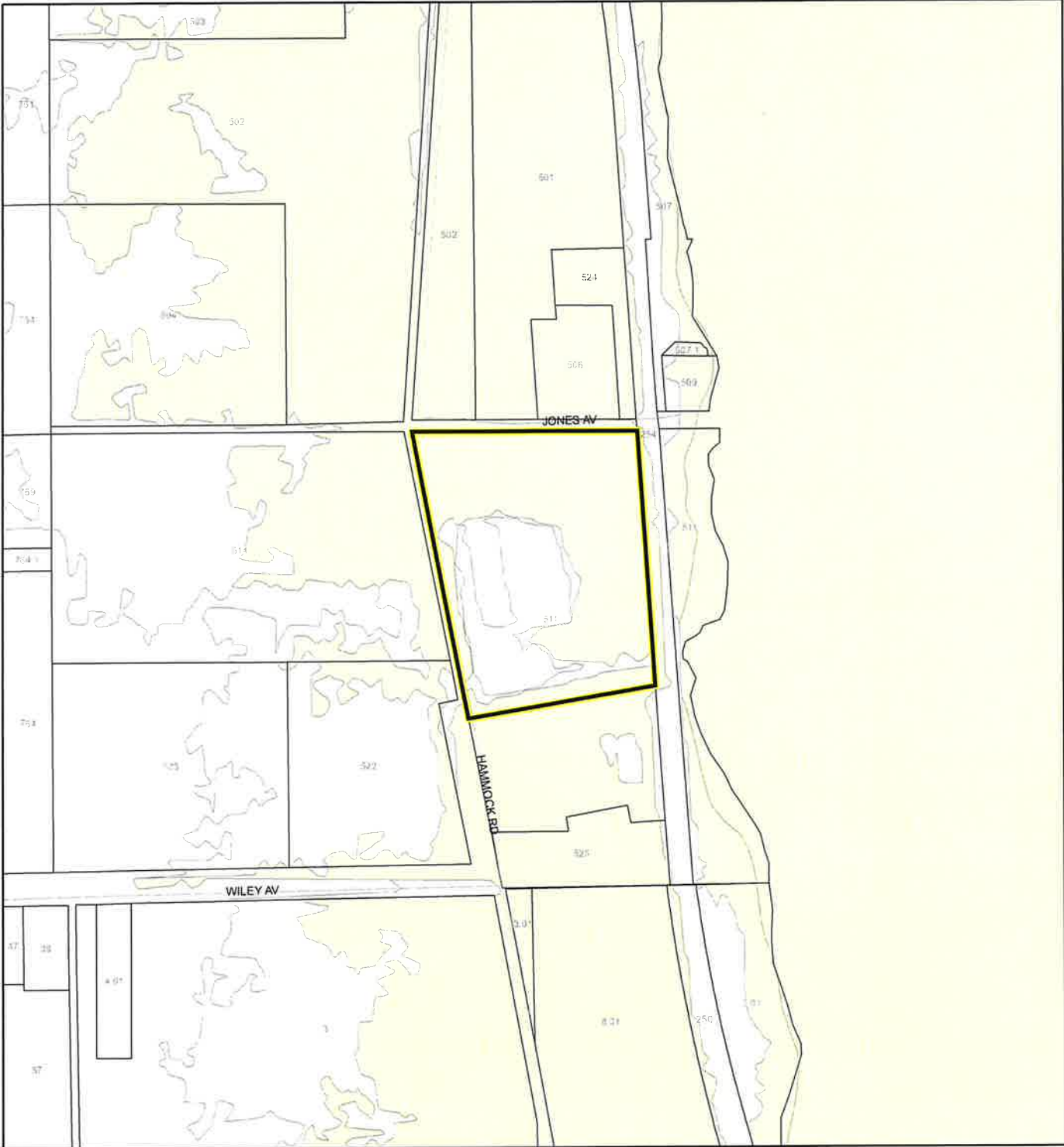
USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

Linde Services Inc. FKA Praxair Services Inc.
25Z00017



1:4,800 or 1 inch = 400 feet

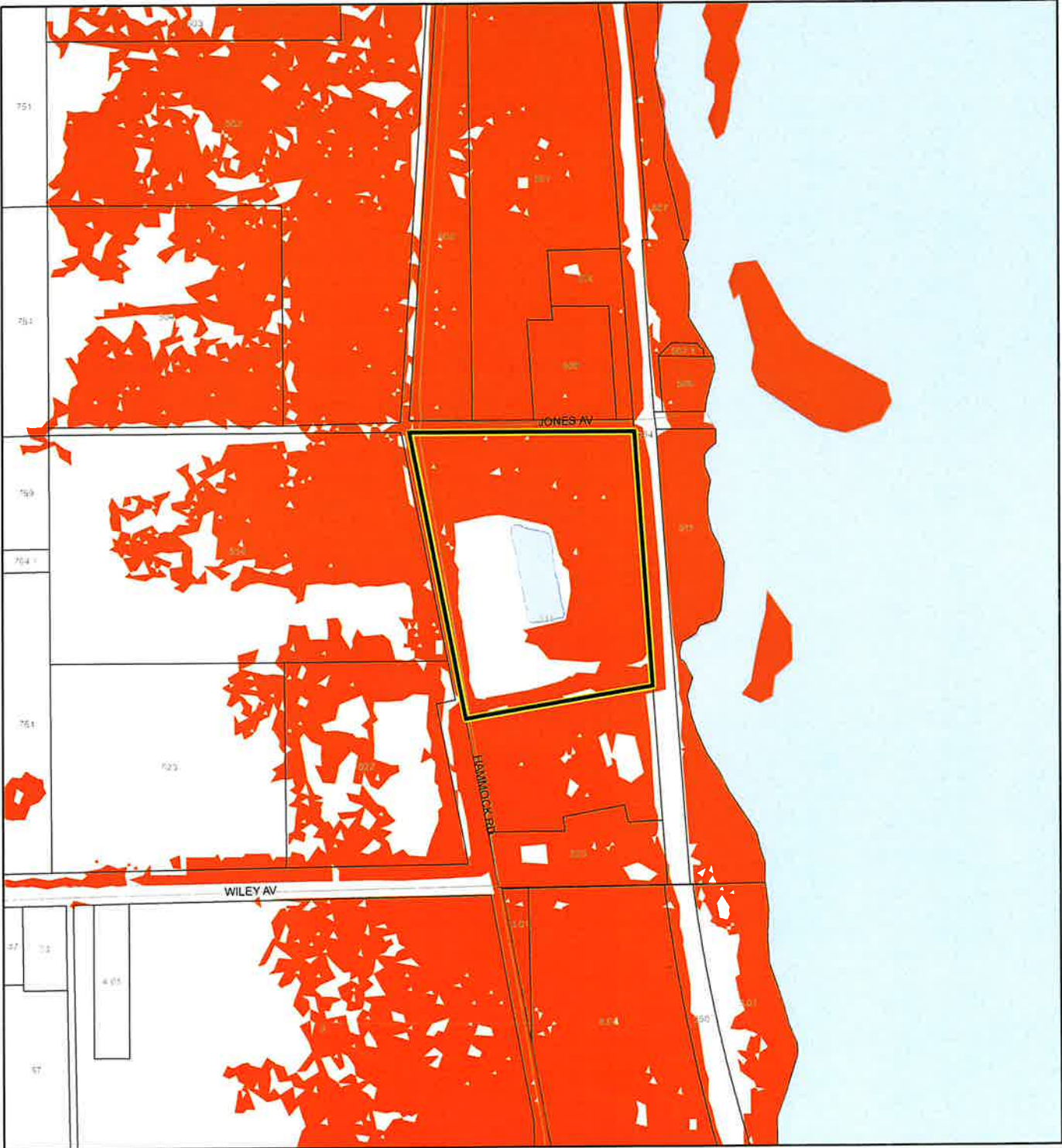
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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FEMA Flood Zones		
A	AO	X
AE	Open Water	
AH	VE	
Subject Property		Parcels

COASTAL HIGH HAZARD AREA MAP

Linde Services Inc. FKA Praxair Services Inc.
25Z00017



1:4,800 or 1 inch = 400 feet

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- Subject Property
- Parcels
- Coastal High Hazard Area**
- SurgeZoneCat1

Linde Services Inc. FKA Praxair Services Inc.
25Z00017



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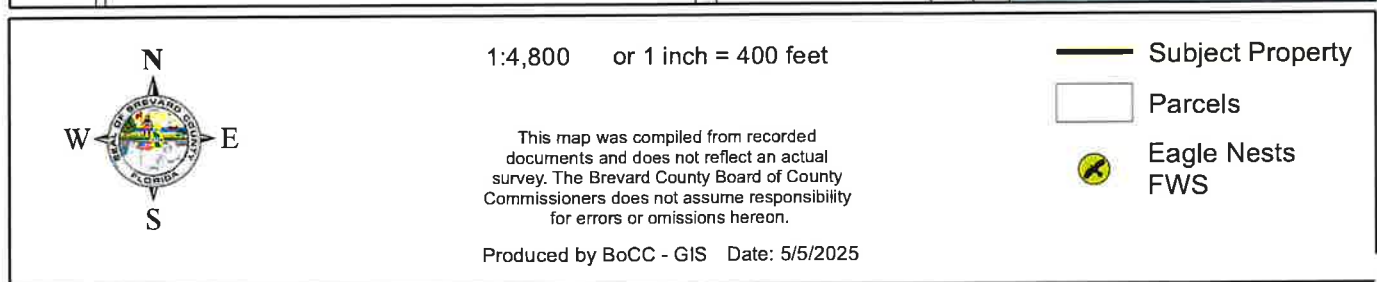
☐ Parcels

Septic Overlay

 40 Meters 60 Meters

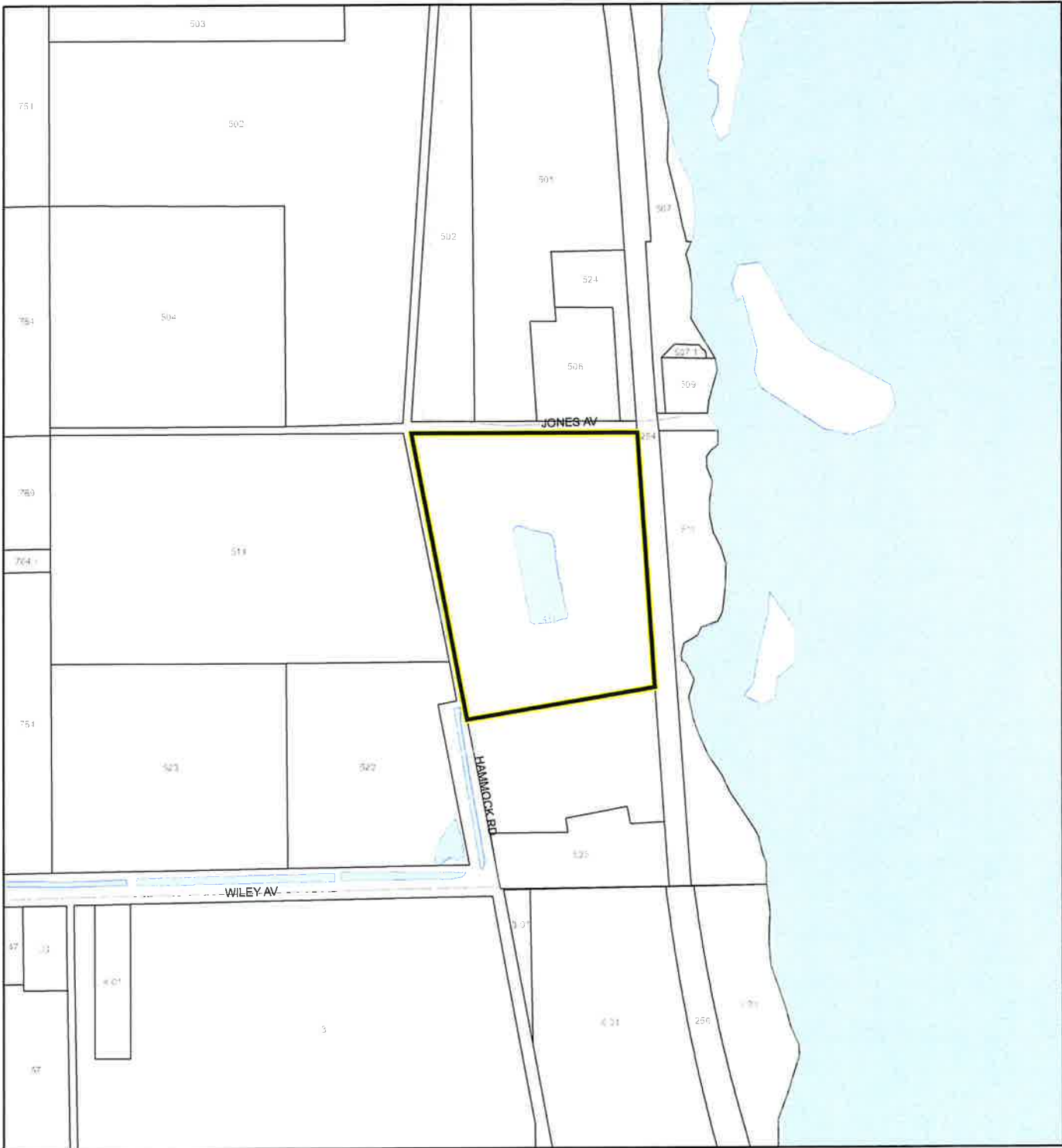
 All Distances

Linde Services Inc. FKA Praxair Services Inc.
25Z00017



SCRUB JAY OCCUPANCY MAP

Linde Services Inc. FKA Praxair Services Inc.
25Z00017



1:4,800 or 1 inch = 400 feet

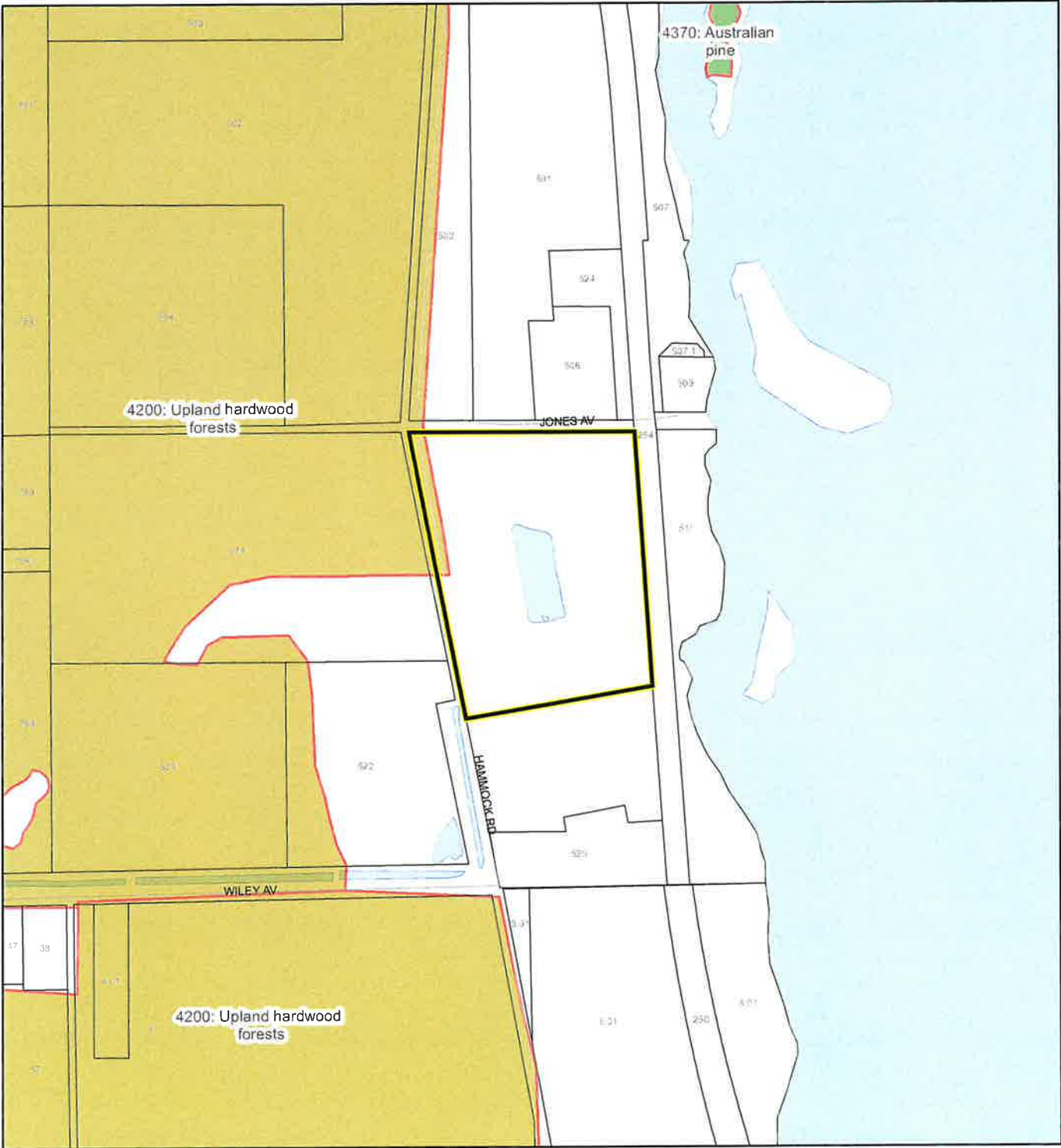
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

Linde Services Inc. FKA Praxair Services Inc.
25Z00017



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property Parcels

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Thursday, June 26, 2025**, at **3:00 p.m.**, in the Commission 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 Henry Minneboo, Vice-Chair (D2); Ana Saunders (D5); Erika Orriss (D3); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Melissa Jackson (D5); Ron Bartcher (D2); Debbie Thomas (D4); and Greg Nicklas (D3).

Staff members present were Trina Gilliam, Zoning Manager; Paul Body, Planner; Alex Esseeesse, Deputy County Attorney; and Jordan Sagosz, Operations Support Specialist.

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

H.1. Linde Inc. (Kim Rezanka) requests a Conditional Use Permit (CUP) for IU-1. (25Z00017) (Tax Account 2103214) (District 1)

Trina Gilliam read Item H.1. into the record.

Kim Rezanka spoke to the application. She said she was here with Michael Ashton, Government Affairs Director, to tell the board about Linde. She said it is a natural gas production facility since 1966 in Mims. She spoke to how she was here in January for the zoning and future land use to make it consistent. The board voted unanimously to approve the Heavy Industrial Use and land use, and we had to wait for a site plan to come back for the Conditional Use Permit. She said they're just expanding the plant so they can increase production for all the launches at the space center.

Michael Ashton said he does government relations for Linde. He spoke about Linde, a global industrial gas company, and said that they produce in this facility is oxygen, nitrogen, and argon. He said this is a foundational product for the aerospace industry and other industries. He said they capture the air, cleaning it up, and turning around to sell. He showed a schematic of the facility that already exists that they'll be expanding with the CUP. The facility captures the air, vents impurities, and separates the gases through cold temperature, and it is stored at different storage facilities. They have a loading bay, they put it on trucks for distribution. There are no chemical additives to the process, it's a very clean facility. If there's a power outage, the air can be vented because it's the air we breathe essentially.

John Hopengarten asked how they will transfer finished goods to the space center.

Mr. Ashton said they will use trucks.

Mr. Hopengarten clarified his question was about the route that will be used.

Mr. Ashton explained they would go from Wiley Ave. to Route 1.

Mr. Hopengarten said you're going to be going through on Wiley, through US-1. There are a lot of small lots and houses there along Wiley. He asked how long the plant has been there.

Mr. Ashton said it started up in 1960 and there have been some expansions. He said about 40-45 truckloads leave the plant today.

Mr. Hopengarten asked what would happen with the increase in production.

Mr. Ashton said at peak it could be doubled to about 90 trucks. They don't all leave the plant at the same time. They're spaced out, a handful of trucks an hour. He explained the truck drivers are Linde employees. The trucks will be staggered.

Mr. Hopengarten asked if trucks will be stored on the site and what will be done with surplus materials that are not used.

Mr. Ashton said yes, trucks will be stored on site. He said they have storage tanks for surplus, but if there was too much it would be vented.

Mr. Hopengarten asked about the other gases in breathing air not being used.

Mr. Ashton said those impurities would already be in the atmosphere and those would be vented.

Mr. Hopengarten said but in higher concentrations.

Mr. Ashton said not necessarily, we're taking them in, and they're vented out at that moment. He said they don't need an environmental permit for air at this facility.

Mr. Hopengarten asked if anything was being dumped, he sees ponds on the map.

Mr. Ashton said we do have wastewater retention ponds because they have cooling tower facilities. He said they're not necessarily dumping it.

Mr. Hopengarten asked if anybody was being housed on site as far as offices.

Mr. Ashton said no, the existing site already has offices.

Jerrad Atkins said Wiley is paved, but the section of Dixie or Hammock is dirt. He asked if that was correct.

Mr. Ashton answered yes, that's correct.

Erika Orriss spoke about the number of trucks leaving and how traffic can back up. She asked if there was a stoplight in the works.

Mr. Ashton said they have reached out to FDOT and have begun having that discussion. They did a study a few years ago for the existing facility and didn't find a need, but since there is an expansion there will be a new study done.

Ms. Orriss said especially because of the chemicals on the trucks.

Mr. Ashton said yes, that's why we commissioned the study in the first place. We are confident in our truck drivers, but accidents happen. He said the tanks of the trucks have multiple layers to make sure nothing can get out and they can be vented out in the air in case there is an incident.

Greg Nicklas said so you're taking oxygen, nitrogen, and argon out of the air and what is left of the air is going back to the atmosphere. He asked if Mr. Ashton knew the percentage of the whole cubic footage of air being taken in goes back out.

Mr. Ashton said he wasn't sure of the exact percentage, but it's small. Less than 1%.

Henry Minneboo said he's sure they have every EPA permit. He mentioned there is a plant in North Merritt Island that has generated concern about sounds from the neighborhood there. He asked if the sound differentials are different with a more modern plant.

Mr. Ashton mentioned one of their facilities in Wisconsin that is close to a neighborhood. He said they had a lot of discussions about the noise. The newer technology has efficiencies to mitigate the noise, but they built around to help mitigate the noise. He said they purposely site so that it's around an industrial area. He said it is manufacturing facility that will have noise but should not meet the threshold of any requirement.

Mr. Minneboo explained the neighborhood came after the facility was built.

Mr. Ashton said they have been able to put some kind of fencing to help with noise mitigation at other facilities.

Ron Bartcher asked if the plant operates 24 hours a day and if the truckers were transporting 24 hours a day.

Mr. Ashton said yes. It's based on customer need. He said SpaceX requires a lot for launches. He said for hospitals they have storage on site, they don't need it at a required time.

Mr. Minneboo said that's about 2 vehicles an hour.

Ruth Amato asked if that was what the plant is currently produces, you're just making more of it.

Mr. Ashton said exactly, and it's based on the demand primarily from the aerospace industry.

Ms. Amato asked how much of the wetlands are affected.

Mr. Ashton answered less than an acre with mitigation credits.

Ms. Amato asked how much are affected without mitigation credits.

Ms. Rezanka said what is being impacted is a half an acre of true wetlands with a 25 ft. buffer, so it's a full acre they will get a mitigation credit for of about \$240,000. Only 1 acre total they must mitigate.

Ms. Orriss said you're already producing and have every safety precaution in place. She said she sees some people have concern, there are some residents around and zoning for residential. She said hearing about the nitrogen makes her concerned. She wants to know how they make sure there's no leaking, she read that it can cause boiling liquid, expanding vapor, and bring about fireballs. She said it makes her nervous since there are residential areas around it.

Mr. Ashton said when they vent it, it goes right up in the air. It's a very light material. If there's an accident, they would vent it right away before it could be ignited. He said they want to contain the material and if there's a leak, they're wasting money and the product. All the storage facilities are multi-layered to prevent any leaks. He said even if one of the trucks were to get into an accident, it would have the penetrate to that tanker to expose any of the gases to leak.

Ms. Orriss asked if they have had any leaks so far with the existing facility.

Mr. Ashton said we have not. We're up to almost 10 years where the trucks have not had any major incidents where something could have a potential leak. He said their safety record is very strong.

Ms. Amato asked about where the nitrogen goes after it's vented. Does it go to the ground or go up. She was wondering if one could suffocate if exposed to too much of it or if there were side effects.

Mr. Ashton said not that he's aware of. They're atmospheric gases, they go up, they don't settle. He said there are no side effects, it's the air we breathe, there's 80% nitrogen around us that we're breathing daily.

Ms. Orriss said as it evaporates it can cause suffocation in a poorly ventilated area.

Mr. Ashton said the key there is "poorly ventilated." He doesn't see that being an instance in their plant or the public.

Mr. Hopengarten asked which roads were unpaved near the site and if there are plans to pave the road.

Mr. Ashton said Hammock Rd. going up to where the expansion would be. He said yes, they plan to pave it.

Bruce Moia said Hammock Rd. stops a couple feet north of the intersection with Wiley right at their driveway. The new driveway is going to be up past the ditch, and we'll pave it up to the next driveways. Any driveways they put on Hammock; we're going to pave up to. It's a county Right-of-Way and they will require it.

Ms. Amato mentioned down the road from the facility is one of the few parks in north Brevard. She said she was there recently, and you could hear the noise. Expanding the plant closer to the park, she wonders if it will make it unappealing for people to visit. She asked if the noise mitigation strategies are in place or is it something that's being considered.

Mr. Ashton said it's something that's being considered. He said there can be more discussion.

No public comment.

Ms. Rezanka spoke about the site plan. She said it's binding, that's what it will be. There may be minor tweaks. She spoke about how this isn't a residential neighborhood, there are very few homes around. There are 21 acres of the property that aren't being developed. There's quite a bit of natural buffer there. She said they would still need to meet performance standards if the noise is too high at the property line, they still must follow the code. She said most everything west of the site is wetlands, it can't be developed under Brevard County code. Linde considered purchasing the property to the

north, but it's almost all wetlands. She stated that not a lot can be built around this in the way of residential. The existing site already has the CUP issued for Heavy Industrial Use granted a long time ago. This is just the 10 ½ acres to the north. She said in the staff comments there are no concurrency issues, there's water and sewer.

Mr. Minneboo said he likes that there's a track record.

Mr. Hopengarten asked if there was any comment from Redfish Ranch north of the site. He said he wasn't sure what they did there.

Ms. Rezanka said it's a boat launch.

The board spoke about a motion, Ms. Rezanka let them know they can't choose to put in a light. FDOT would have to do that, it's a state road. She said they're looking into it; they're looking at crash reports. There are things that can be done like lowering the speed limit. She said there's only 10,000 trips a day at that intersection.

Alex Esseeesse let the board know they could recommend looking at putting in a traffic light and noise mitigation and if the study warrants those items, then they be included in the CUP. He explained if there was a noise issue, they would be subject to the code and must fix that. He also said if the study indicated a traffic light needed to go in, they would have to do that.

Motion to recommend approval of Item H.1. with studies for the noise mitigation and traffic light and if those items are warranted, they be added to the CUP by Ruth Amato, seconded by Erika Orriss. Motion passed unanimously.

The meeting was adjourned at 3:38 p.m.

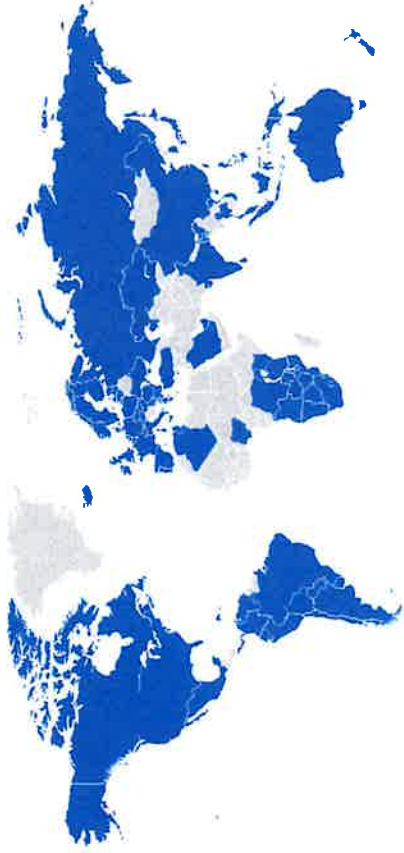


Linde Overview

Making our world more productive

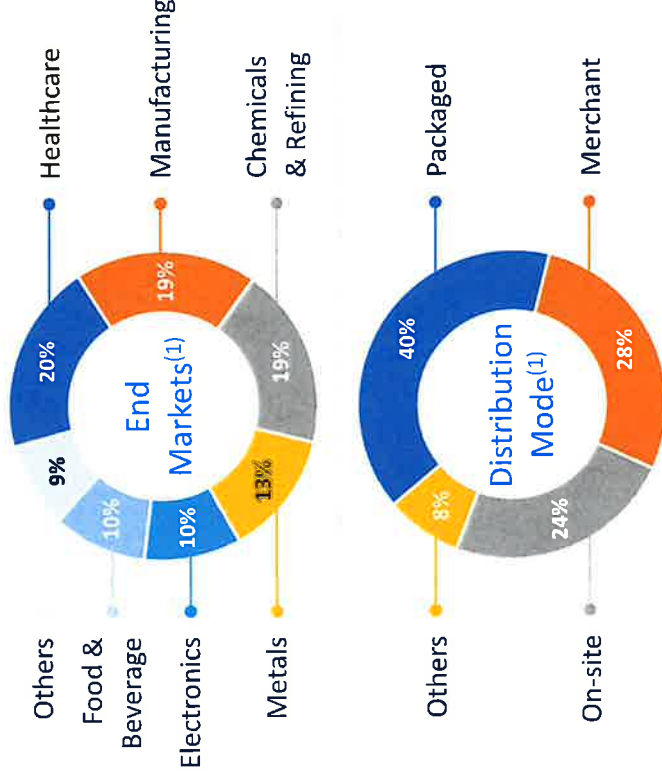


ABOUT LINDE



Established presence where customers are
and where their operations are growing

Operating in **>100 Countries** Proven critical project execution capability
globally



(1) Total sales excluding Linde Engineering

Gases Business: A Wide Range of Products

Atmospheric Gases



Nitrogen

Oxygen

Argon

Rare gases

- Krypton
- Neon
- Xenon

Process Gases



- Acetylene
- Helium
- Propane
- Carbon dioxide
- Carbon monoxide
- Hydrogen

Medical Gases



- Medical oxygen
- Nitric oxide
- Nitrous oxide

Specialty Gases



- Electronic gases (arsine, phosphine, silane, mixtures)
- Instrument gases and mixtures









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,

A handwritten signature in black ink, appearing to read 'Steven Hughes', is written over a light blue horizontal line.

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 effective 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

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,



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

Board Meeting Date

7-17-25

Item Number: H.11

Motion By: KD

Second By: TG

Nay By: _____

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

MEMORANDUM

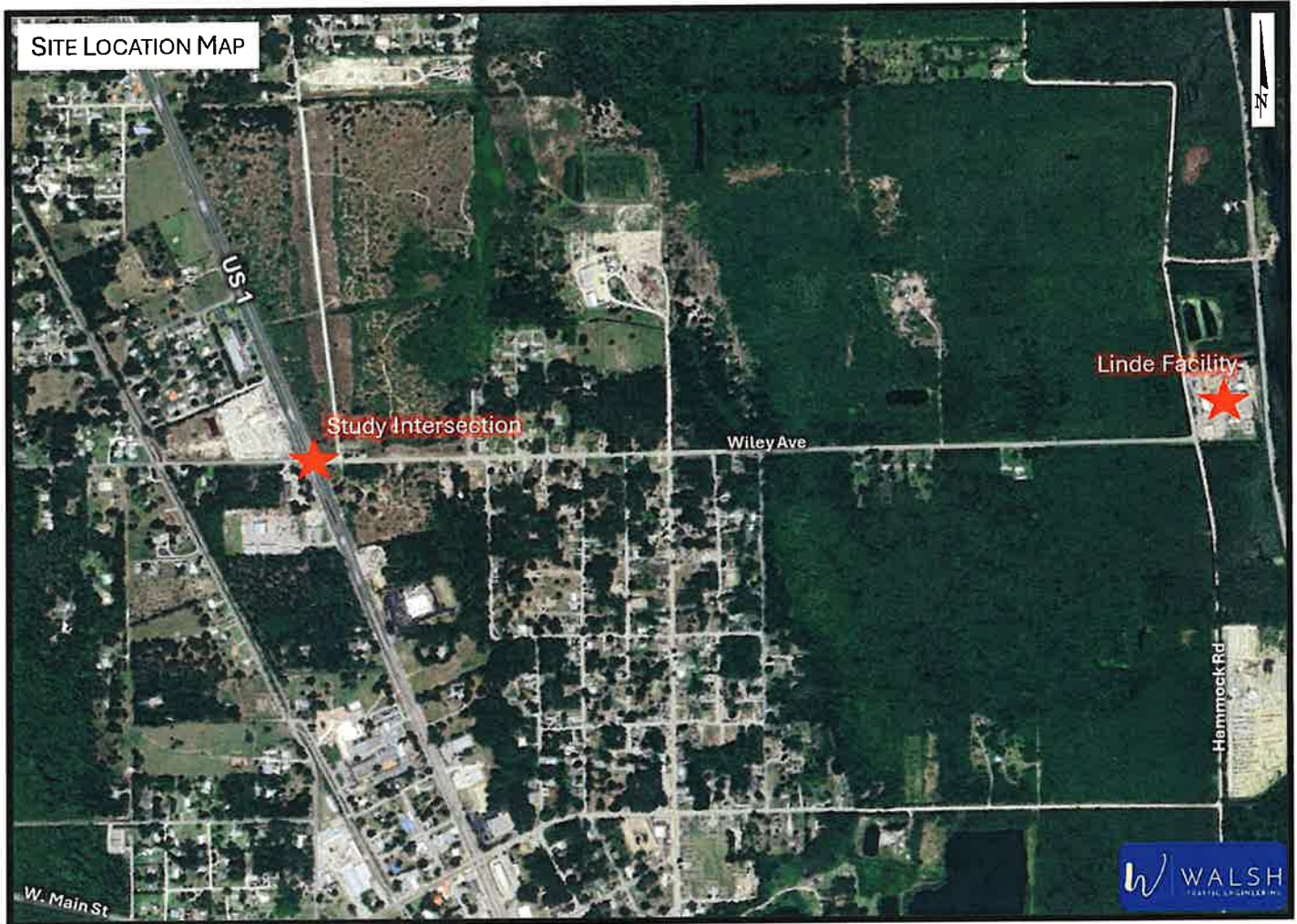
To: Ms. Kim Rezanka – Lacey Rezanka
From: Mr. Chris J. Walsh, P.E.
Date: July 16, 2025
Subject: US 1 at Wiley Avenue Traffic Assessment Memorandum – Mims, Florida

Walsh Traffic Engineering, LLC (Walsh Traffic) has been retained to conduct an evaluation of the US 1 at Wiley Avenue intersection relative to the proposed expansion of the Linde industrial facility in Mims, Florida (see **Site Location Map**). The existing facility is located in the northeast quadrant of the Wiley Avenue/Hammock Road intersection approximately 1.2 miles east of US 1. The current facility generates approximately two trucks per hour. With the expansion, the truck generation is expected to be four vehicles per hour (1 vehicle every 15 minutes). The purpose of this memorandum is to evaluate the US 1 at Wiley Avenue intersection with respect to the proposed expansion of the Linde facility.

US 1 is a four-lane divided roadway with a posted speed limit of 55 miles per hour (mph). The intersection with Wiley Avenue is currently a full median opening with minor-street STOP control. FDOT is currently milling and resurfacing this section of US 1. During milling and resurfacing projects, FDOT typically evaluates opportunities to modify median openings should there be safety, operational, and/or spacing concerns. Such modifications may include median opening closure, conversion to a directional median opening (prohibit side-street left turns), and a change in traffic control (for example, from minor-street STOP control to a signal). The full median opening at US 1/Wiley Avenue is being maintained as part of the project and the existing minor-street STOP control being retained.

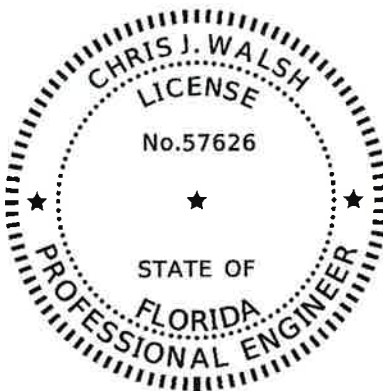
For purposes of this assessment, consideration was given to conducting AM and PM peak-hour field observations of the intersection while also conducting AM and PM peak-period turning movement counts. However, the US 1 at Wiley Avenue intersection is currently closed due to FDOT's milling and resurfacing construction activities. With that being said, we obtained from FDOT a copy of an Intersection Analysis (May 24, 2024) conducted by FDOT at the US 1/Wiley Avenue. The study indicates that it was conducted in response to a citizen request suggesting the addition of a traffic signal to better accommodate side street motorists entering US 1. The study includes traffic counts, a review of the intersection's crash history, and a qualitative assessment based on AM and PM field observations conducted by a professional engineer. Key takeaways from the study are summarized below:

1. Delay for sidestreet motorists was low to moderate with low delay for north and southbound left/u-turning drivers.
2. No conflicts or operational issues were observed during the AM or PM peaks.
3. Based on four-years of crash data (January 1, 2021 to January 31, 2024), no crash trend was identified at the intersection.
4. Sight distance at the intersection exceeds the minimum requirements.
5. Recommendations only include the refreshing of certain pavement markings and minor sign adjustments.
6. No recommendations were made relative to modifying the median opening and/or changing the traffic control to a traffic signal.



Based on a review of the FDOT study, the fact that the existing unsignalized (minor-street STOP controlled) full median opening is being maintained under FDOT's milling and resurfacing project, and that the proposed Linde facility expansion will marginally increase traffic at the US 1/Wiley Avenue intersection, no improvements are recommended at the US 1 at Wiley Avenue intersection.

Please let us know if you have any questions.



THIS DOCUMENT HAS BEEN DIGITALLY SIGNED AND SEALED BY:

Chris J Walsh Date: 2025.07.17
10:08:16 -04'00'

ON THE DATE ADJACENT TO THE SEAL

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