



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.5.

8/7/2025

Subject:

TG Rentals of Brevard, LLC (MBV Engineering, inc.) requests a Small-Scale Comprehensive Plan Amendment (25S.10), to change the Future Land Use designation from RES 15 to CC. (25SS00005) (Tax Account 2409190) (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 Small-Scale Comprehensive Plan Amendment (25S.10) to change the Future Land Use designation from RES 15 (Residential 15) to CC (Community Commercial).

Summary Explanation and Background:

The applicant requests a Small-Scale Comprehensive Plan Amendment (SSCPA) to change the Future Land Use Map (FLUM) from Residential 15 (RES 15) to Community Commercial (CC) on a 19.8-acre parcel for the purpose of a storage facility with an office building and RV storage. The applicant has a companion rezoning application, **25Z00016**, requesting a change from RVP (Recreational Vehicle Park) to BU-2 (Retail, Warehousing and Wholesale Commercial). The subject parcel is currently undeveloped and is located on the west side of Tucker Ln. approximately 1,320 feet north of Providence Rd.

Since the submittal of the application, the applicant has informed Staff of their intent to submit a Binding Development Plan (BDP), under the rezoning request, that limits the BU-2 use to outdoor storage and mini-warehouse, while retaining all BU-1 uses. The Board may wish to consider if the request is satisfactory for mitigating FLUE Policy 2.2 (discussed in the staff comments under the rezoning request), FLUE Policy 2.8 criteria, and if the request is consistent and compatible with the surrounding area.

North of the subject property is two (2) parcels: one is developed as an RV park, 12 acres with RVP zoning classification and RES 15 FLU. A second parcel is 6 acres, vacant with GML zoning classification and PUB FLU. South of the subject property is one parcel, 20 acres, vacant property that has a lake, with GU zoning classification and RES 15 FLU. East of the subject property is one parcel 8.16 acres, developed with a detached garage and a lake with AU zoning classification and RES 15 FLU. Also located east is Tucker Lane. West of the subject property is one parcel 39.89 acres, vacant with AU zoning classification and RES 15 FLU.

The Board may wish to consider if the request is consistent and compatible with the surrounding area.

On July 14, 2025, the Local Planning Agency heard the request and voted 10:1 to recommend approval.

Clerk to the Board Instructions:

Please return a copy of the filed ordinance to Planning and Development.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

August 12, 2025

Rachel Sadoff
County Clerk
Brevard County
Post Office Box 999
Titusville, FL 32781-0999

Dear Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 25-13, which was filed in this office on August 11, 2025.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/dp



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

August 8, 2025

M E M O R A N D U M

TO: Billy Prasad, Planning and Development Director Attn: Trina Gilliam

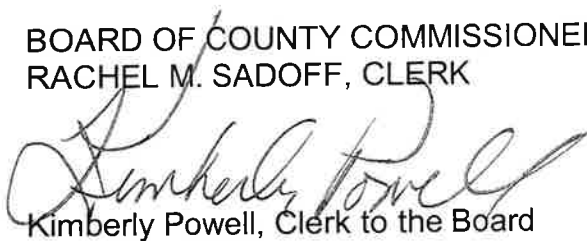
RE: Item H.5., Ordinance for Small Scale Comprehensive Plan Amendment (25S.10),
Changing the Future Land Use Designation from RES 15 to CC

The Board of County Commissioners, in regular session on August 7, 2025, adopted Ordinance No. 25-13, setting forth the tenth Small Scale Comprehensive Plan Amendment of 2025 (25S.10) to change the Future Land Use designation from RES 15 to CC (25SS00005). Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK



Kimberly Powell, Clerk to the Board

Encl. (1)

cc: County Attorney

ORDINANCE 25-13

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE TENTH SMALL SCALE PLAN AMENDMENT OF 2025, 25S.10 TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI(E), THE FUTURE LAND USE APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.34 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2025 as Small Scale Plan Amendment 25S.10; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these

Officially filed with the Secretary of State on August 11, 2025.

Technical Advisory Groups have provided technical expertise for the Amendment 25S.10; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

WHEREAS, on July 14, 2025, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 25S.10, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on August 7, 2025, the Brevard County Board of County Commissioners held a duly noticed public hearing and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 25S.07; and

WHEREAS, Small Scale Plan Amendment 25S.10 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 25S.10 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 25S.07 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 25S.10, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Effective Date. The effective date of this small scale plan amendment shall be 31 days after adoption, unless the amendment is challenged

pursuant to Section 163.3187(3), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this 7th day of August, 2025.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Rachel M. Sadoff, Clerk

By: 
Rob Feltner, Chairman

As approved by the Board on August 7, 2025.

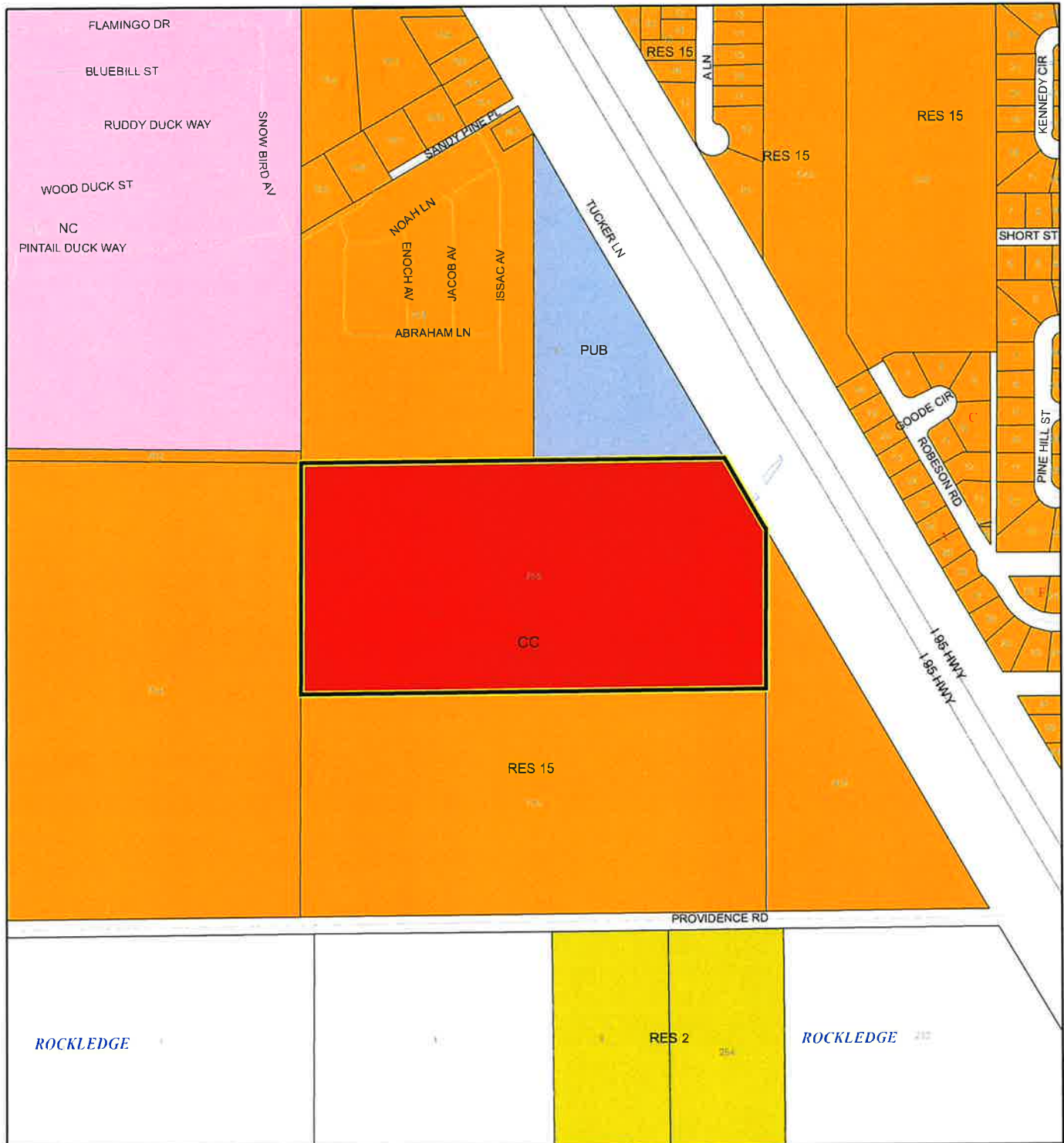
EXHIBIT A
25S.10 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

Contents

1. Proposed Future Land Use Map

PROPOSED FUTURE LAND USE MAP

TG RENTALS OF BREVARD LLC
25SS00005



1:4,800 or 1 inch = 400 feet

— Subject Property
□ Parcels

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: 4/23/2025

EXHIBIT B

Contents

1. Legal Description

The North half of the Northeast Quarter of Section 36, Township 24 south, Range 35 East, Brevard County, Florida described as follows:

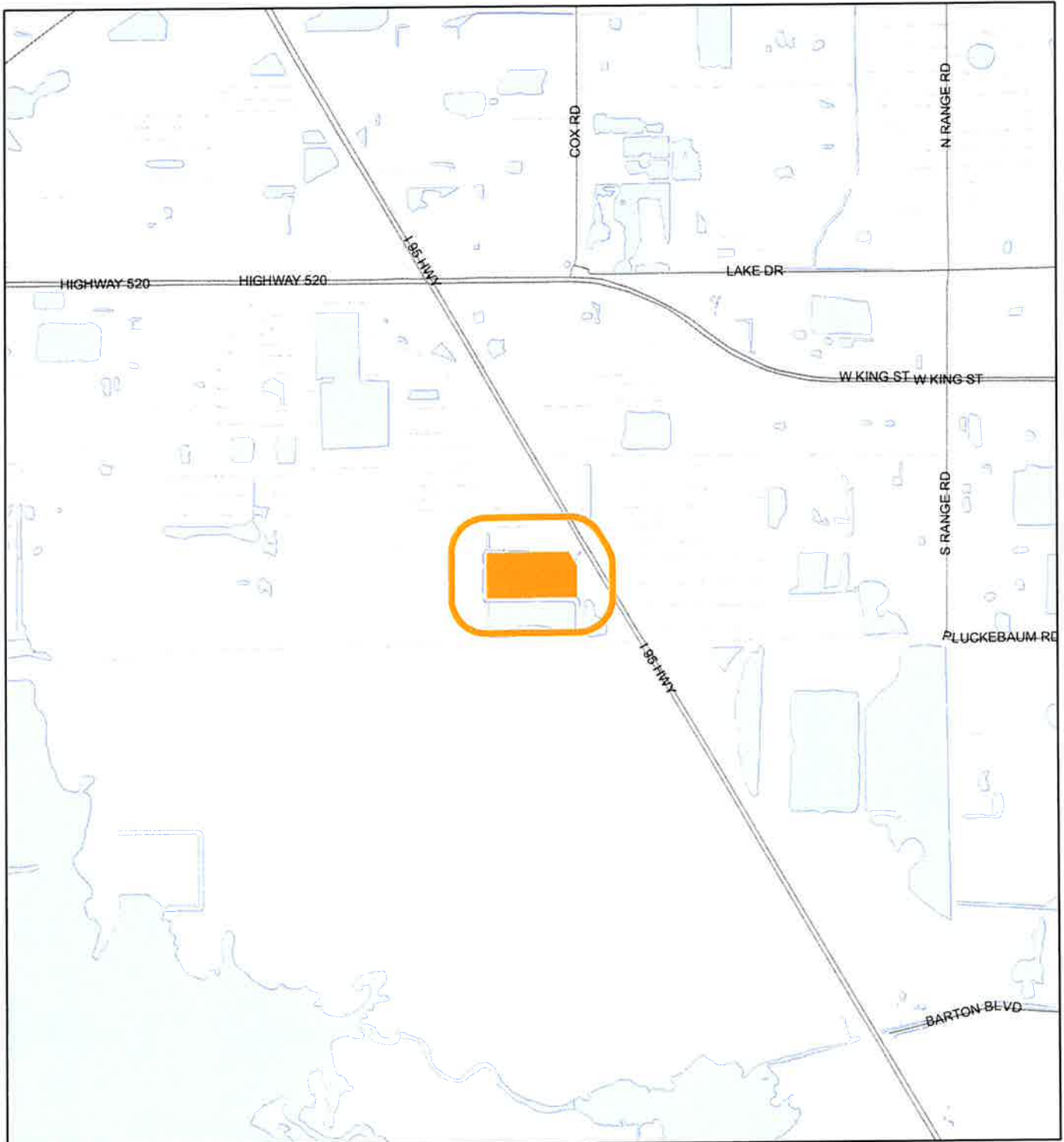
For a point of reference, commence at the Northeast corner of said Section 36 and run South 89°43'20" West along the North line of said Section 36, a distance of 931.20 feet; thence run South 00°17'50" West, a distance of 50 feet to the South Right-of-Way of Lake Drive, which is also the Point of Beginning; thence for a first course run South 00°17'50" West, 660 feet; thence South 89°43'20" West 165.00 feet, thence North 00°17'50" East 660.00 feet to the South Right-of-Way line of Lake Drive, thence North 89°43'20" East along the South Right-of-Way line of Lake Drive, 165.0 feet to the Point of Beginning.

AND

A portion of those lands as described in O.R. Book 689, Page 951, of the Brevard County Public Records, lying in the NE 1/4 of Section 36, Township 24 south, Range 35 East, Brevard County, Florida. Commence at the Northeast corner of said Section 36; thence S 89°29'48" W along the North line of the NE 1/4 of Section 36, a distance of 1096.20 feet to the intersection with the Northerly extension of the West line of lands described in O.R. Book 2543, Page 2411, of the Brevard County Public Records; thence S 00°07'10" E along said Northerly extension, a distance of 50.00 feet to the Northwest corner of said O.R. Book 2543, Page 2411, on the South Right-of-Way line of Lake Drive, said point being the Point-of-Beginning of this description to wit: thence continue S 00°07' 10" E along West line, a distance of 300.01 feet to a point which is 300.00 feet South by right angle measurement of the South Right-of-Way line of Lake Drive; thence S 89°29'40" W parallel with the South Right-of-Way line of Lake Drive, a distance of 250.00 feet; thence N 00°07' 10" parallel with the West line of O.R. Book 2543, Page 2411, a distance of 300.01 feet to the South Right-of-Way line of Lake Drive; thence N 89°29'40" E along said South Right-of-Way line a distance of 250.00 feet to the Point of Beginning.

Parcel ID Number: 24-35-36-00-33

LOCATION MAP
TG RENTALS OF BREVARD LLC
25SS00005



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

Buffer Distance: 500 feet

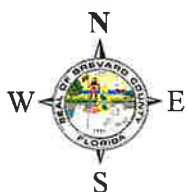
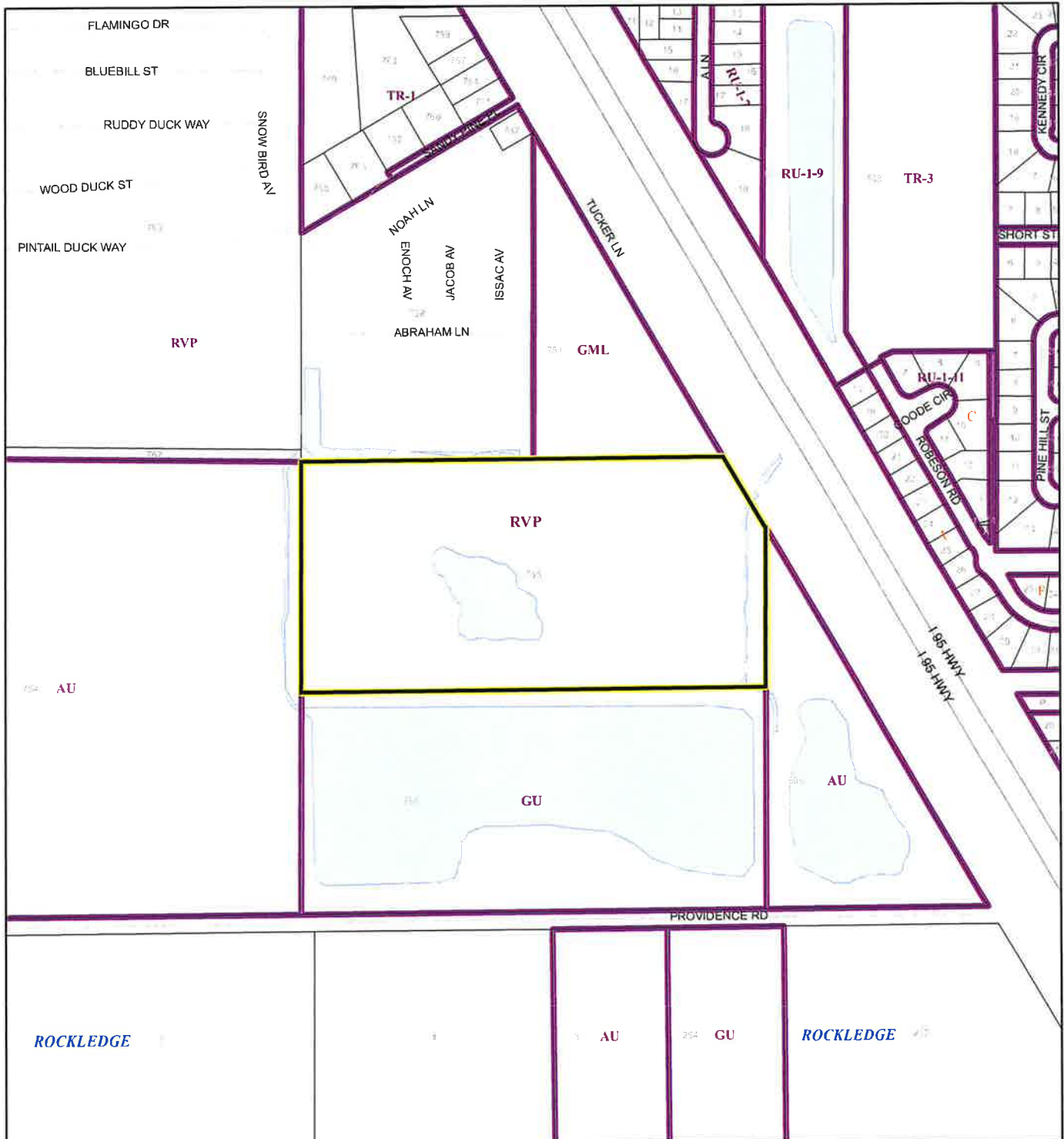
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 4/23/2025

— Buffer
— Subject Property

ZONING MAP

TG RENTALS OF BREVARD LLC
25SS00005



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/23/2025

 Subject Property

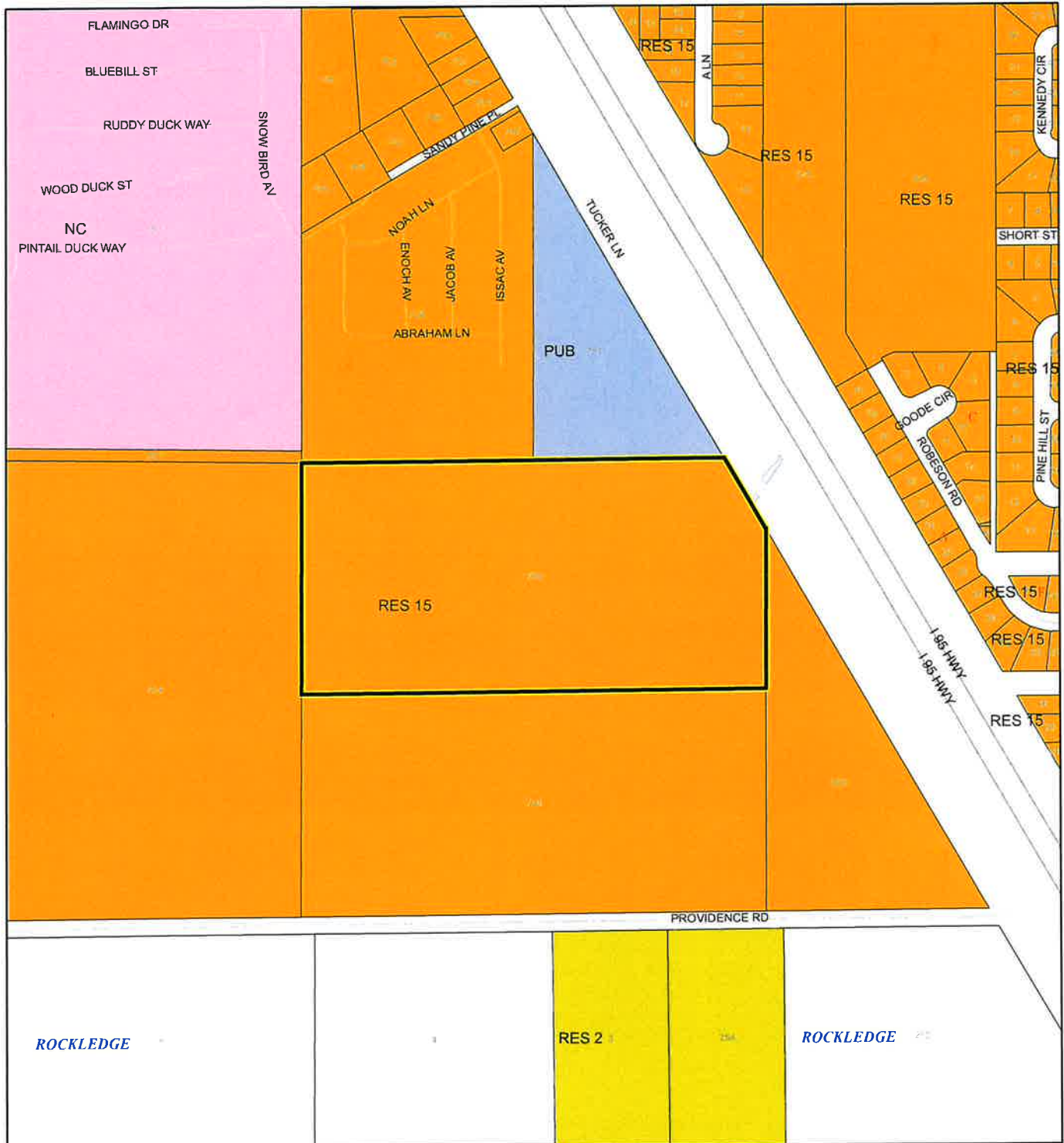
 Parcels

 Zoning

FUTURE LAND USE MAP

TG RENTALS OF BREVARD LLC

25SS00005



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

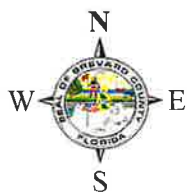
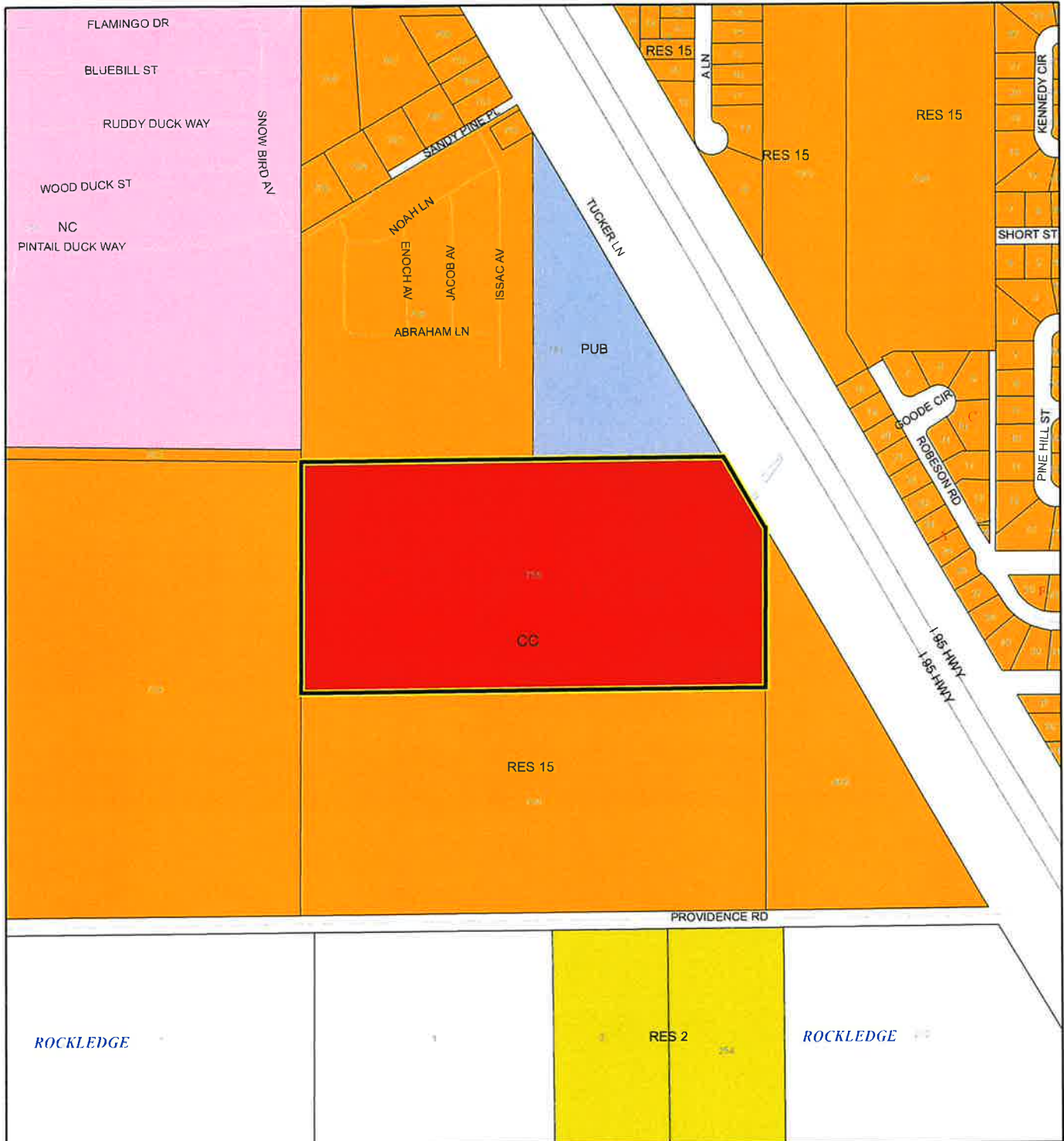
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Produced by BoCC - GIS Date: 4/23/2025

PROPOSED FUTURE LAND USE MAP

TG RENTALS OF BREVARD LLC

25SS00005



1:4,800 or 1 inch = 400 feet

Subject Property
Parcels

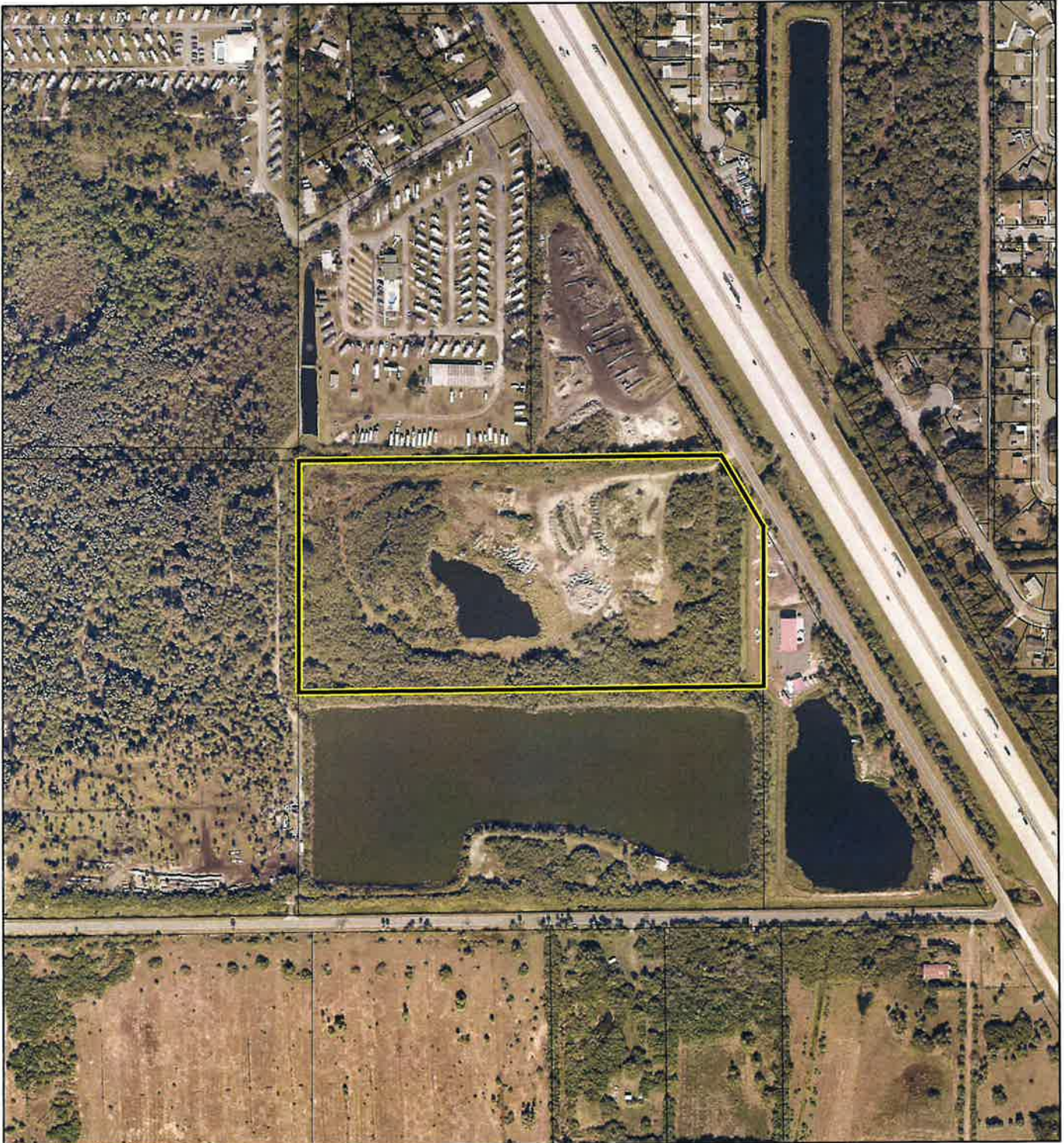
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Produced by BoCC - GIS Date: 4/23/2025

AERIAL MAP

TG RENTALS OF BREVARD LLC

25SS00005



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2024

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Produced by BoCC - GIS Date: 4/23/2025

— Subject Property

□ Parcels

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Goodson, Tom		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Brevard County Board of County Commissioners	
MAILING ADDRESS 2575 North Courtenay Pkwy, Suite 200		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Merritt Island		☐ CITY ☒ COUNTY ☐ OTHER LOCAL AGENCY	
COUNTY Brevard		NAME OF POLITICAL SUBDIVISION: Brevard County	
DATE ON WHICH VOTE OCCURRED August 7, 2025		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Tom Goodson, hereby disclose that on August 7, 20 25 :

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____ ;
- ☐ inured to the special gain or loss of my relative, _____ ;
- ☐ inured to the special gain or loss of _____, by
whom I am retained; or
- ☐ inured to the special gain or loss of _____, which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

On August 7, 2025, the Brevard County Board of County Commissioners, sitting in its capacity as the Zoning Board, was presented with a request to change both the zoning classification and future land use designation for property owned by a limited liability company (TG Rentals of Brevard LLC) in which I am the manager.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

August 7, 2025
Date Filed

Tom Goodson
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

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.

FUTURE LAND USE MAP SERIES
PLAN AMENDMENT

STAFF COMMENTS

Small Scale Plan Amendment 25S.10 (25SS00005)
Township 24, Range 35, Section 35

Property Information

Owner / Applicant: **TG Rentals of Brevard, LLC/ MBV Engineering, Inc.**

Adopted Future Land Use Map Designation: Residential 15 (RES 15)

Requested Future Land Use Map Designation: Community Commercial (CC)

Acreage: 19.8 acres

Tax Account # 2409190

Site Location: West side of Tucker Ln., 1,320 feet north of Providence Rd.

Commission District: 1

Current Zoning: Recreational Vehicle Park (RVP)

Requested Zoning: BU-2 (Retail, Warehousing and Wholesale Commercial)

Background & Purpose

The applicant requests a Small-Scale Comprehensive Plan Amendment (SSCPA) to change the Future Land Use Map (FLUM) from Residential 15 (RES 15) to Community Commercial (CC) on a 19.8-acre parcel for the purpose of a storage facility with an office building and RV storage. The applicant has a companion rezoning application, **25Z00016**, requesting a change from RVP (Recreational Vehicle Park) to BU-2 (Retail, Warehousing and Wholesale Commercial). The subject parcel is currently undeveloped and is located on the west side of Tucker Ln. approximately 1,320 feet north of Providence Rd.

The property's current configuration has remained the same since the earliest recorded deed available from February 11, 1982.

The subject property retains its original FLU designation established in 1988 by the Brevard County Comprehensive Plan: RES 15.

The proposed FLU designation can be considered an introduction and intensification in the area, as the current surrounding designations are Public, NC, and RES 15. The requested CC FLU designation embodies activities which are intended to serve several

neighborhoods, sub-regional and regional areas, and provide an array of retail, personal, and professional uses.

A majority of the subject parcel contains mapped National Wetlands Inventory (NWI), St. Johns River Water Management District (SJRWMD) wetlands, or hydric soils. Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). However, Tucker Lane is not a MQR at this location. An amendment to the Comprehensive Plan would be required to add this segment of Tucker Lane to the MQR map and associated MQR table in the Conservation Element.

If 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.

There are no special access restrictions along this section of Tucker Lane besides access management requirements as noted in the Code of Ordinances of Brevard County, Section 62-2957. Please note the following potential issues with the site that will be reviewed through the Site Plan process by Engineering:

- There is an existing County maintained ditch "Tucker Outfall" that runs along the east property line. The design will need to allow for the maintenance of this ditch and an associated drainage easement granted to the County will most likely be needed per Code Section 62-3751, Exhibit A – Stormwater Management Criteria, subsection 2.2 (b) and (c).
- The site is within Flood Zone AE. The design will need to ensure no adverse impacts to adjacent properties and provide for compensatory storage per Natural Resources comments.

There are no current code enforcement complaints on the property.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Recreational Vehicle Park, Vacant land	RVP, GML	RES 15, PUB
South	Vacant, lake	GU	RES 15
East	Detached garage and lake, Tucker Ln.	AU	RES 15
West	Vacant	AU	RES 15

North of the subject property is two (2) parcels: one is developed as an RV park, 12 acres with RVP zoning classification and RES 15 FLU. A second parcel is 6 acres, vacant with GML zoning classification and PUB FLU.

South of the subject property is one parcel, 20 acres, vacant property that has a lake, with GU zoning classification and RES 15 FLU.

East of the subject property is one parcel 8.16 acres, developed with a detached garage and a lake with AU zoning classification and RES 15 FLU. Also located east is Tucker Lane.

West of the subject property is one parcel 39.89 acres, vacant with AU zoning classification and RES 15 FLU.

Residential 15 (RES 15) FLU designation affords the second highest density allowance, permitting a maximum density of up to fifteen (15) units per acre, except as otherwise may be provided for within this element.

Public Facilities (PUB) FLU designation is used to provide for adequate lands to meet the existing and future needs for public facilities and services.

Future Land Use

The RVP zoning classification is consistent with the RES 15 Future Land Use designations provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. The proposed BU-2 zoning classification cannot be considered consistent with the RES 15 FLU. The proposed BU-2 zoning classification may be considered consistent with the requested CC Future Land Use designation.

Comprehensive Plan Policies/Comprehensive Plan Analysis

Comprehensive Plan Policies are shown in plain text; Staff Findings of Fact are shown in **bold**.

Notice: The Comprehensive Plan establishes the broadest framework for reviewing development applications and provides the initial level of review in a three layer screening process. The second level of review entails assessment of the development application's consistency with Brevard County's zoning regulations. The third layer of review assesses whether the development application conforms to site planning/land development standards of the Brevard County Land Development Code. While each of these layers individually affords its own evaluative value, all three layers must be cumulatively considered when assessing the appropriateness of a specific development proposal.

Role of the Comprehensive Plan in the Designation of Commercial Lands FLUE Policy 2.1

The Comprehensive Plan takes into consideration broad criteria for evaluating requests for commercial land use designations within Brevard County. At a minimum, these criteria address the following:

Criteria:

- A. Overall accessibility to the site;

The subject parcel has direct access to Tucker Lane. In addition, traveling north, the subject property has access to State Road 520.

- B. Compatibility and inter-connectivity with adjacent adopted Future Land Use designations and land uses;

The Board may consider if the request is compatible with the surrounding area. However, the proposed development may serve several nearby permanent and temporary residential areas, including a potential large development within the City of Rockledge south of the subject property across Providence Road. There is no interconnectivity, as this is a separate development with no other proposed or existing commercial abutting it.

- C. Existing commercial development trend in the area;

The closest commercial FLU is Neighborhood Commercial (NC), which is approximately 100 feet northwest of the subject property, developed as an RVP. The closest CC FLU is located over 0.5 miles north of the subject and is developed with a Holiday Inn hotel.

To note, there is one property with BU-1 zoning classification with RES 15 FLU approximately 0.4 miles north of the subject property that is developed with a single-family mobile home on the 0.77-acre property.

However, the most recent commercial developments have occurred in the City of Cocoa jurisdiction, being a car dealership constructed in 2022. There were 2 more car dealerships within the same area developed in 2018. All three of the car dealerships are located on the north side of S.R. 520.

Existing commercial BU-2 uses within the County jurisdiction are approximately 1.2 miles northwest of the subject property.

- D. Fundamental changes in the character of an area prompted by infrastructure improvements undertaken by the County;

No fundamental changes in the character of the area prompted by infrastructure improvements undertaken by the County have been identified.

- E. Availability of required infrastructure at/above adopted levels of service;

The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in the transportation adopted level of service.

The subject property is within access to centralized potable water provided by the City of Cocoa and is within access to Brevard County Utilities for sewer. Concurrency will be reviewed during the site plan process.

- F. Spacing from other commercial activities:

Community Commercial activities are located north of the subject parcel along State Road 520 and intersection of Tucker Lane approximately 0.7 miles from the subject property .

- G. Size of proposed commercial designation compared with current need for commercial lands;

A market study was neither provided nor required.

- H. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems:

The subject property has been reviewed by the Brevard County Natural Resources Management (NRM) Department for adherence to the objectives and policies of the Conservation Element of the Comprehensive Plan. The property is reported to contain mapped aquifer recharge soils, which may limit development and potentially impose impervious area restrictions.

A majority of the property is mapped as being within the floodplain as identified by FEMA and is subject to the development criteria in Objective 4 of the Conservation Element.

See the attached NRM comments at the end of this report.

- I. Integration of open space; and

The provisions of this Criterion will be addressed at the site plan

stage.

J. Impacts upon strip commercial development.

FLUE Policy 2.12 discourages strip commercial development. This request is not an extension of strip commercial development.

Locational and Development Criteria for Community Commercial Uses

FLUE Policy 2.8

Locational and development criteria for community commercial land uses are as follows:

Criteria:

- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.

The proposed CC encompasses approximately 19.8 acres. Tucker Lane is considered a local rural road; it is not classified as a principal arterial road. However, Tucker Lane does intersect S.R. 520, which is classified as an Urban Principal Arterial Road based on data from the Space Coast Transportation Planning Organization.

The Board may consider the request based on the “should” be located at arterial/arterial intersections to be satisfied through an alternative action of limiting use to RV Storage.

Glossary definition:

Should - expresses obligation; mandatory action necessary unless it can be clearly demonstrated that:

- a. Strict application will be contrary to the public interest;
- b. The public values being protected are insignificant and strict application will result in an excessive hardship to the project;
- c. Strict application will place an excessive hardship on the project, and an alternative action is available which is equal to or superior than the original requirements in reaching the policy's objective, or;**
- d. The activity is not financially feasible for the local government.

Staff analysis indicates storage with 500 units would produce 45 weekday trips based on data from ITE Trip Gen 11th edition. The Board may wish to consider mitigating the potential intrusion of this land use into the

surrounding residential areas through the rezoning by limiting the use to only a storage facility with an office building and RV storage.

- B. Community commercial complexes should not exceed 40 acres at an intersection.

The subject site is not located at an intersection and will not exceed 40 acres.

- C. Community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.

The proposal does not meet the spacing criteria for community commercial clusters. Approximately 0.70 miles north of the subject property along State Road 520 and Tucker Lane is a cluster of community commercial, 18.51 ± acres.

- D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size unless within a Planned Unit Development (PUD) zoning classification. The square footage may be increased if it is located within a PUD zoning classification.

The subject property is over 10 acres but less than 40 acres, therefore the gross floor area shall not exceed 400,000 square feet.

- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites unless accompanied with a PUD zoning classification wherein the FAR may be increased up to 1.75.

This application does not accompany a PUD zoning request; therefore, the FAR will be limited to 1.00.

- F. Recreational vehicle parks shall be located in areas which serve the needs of tourists and seasonal visitors to Brevard County. The location of recreational vehicle parks shall have access to interstate interchanges via arterial and principal collector transportation corridors or the property shall be located on a major multi-county transportation corridor.

The applicant has not proposed a recreational vehicle park on the subject property.

FLUE 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;

The applicant proposed use of an RV storage yard and a mini storage facility is not anticipated to affect the quality of life, hours of operation, lighting, odor, noise levels, or traffic in the existing area. A proposed concept plan has not been provided.

This property will need to comply with the regulations of Section 62-1483, 62-1833.5, and 62-1837 of Brevard County Code. And Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan stage should the zoning change be approved.

Traffic from the proposed development will impact the surrounding area, however, the corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The maximum development potential from the proposed FLUM amendment increases the percentage of MAV utilization by 2.06%. The corridor is anticipated to operate at 55.38% of capacity daily. To note: Concurrency is completed using State Road 520 as Tucker Lane has no preliminary traffic management count information. Specific concurrency issues will be addressed at the time of site plan review.

- 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 appraisal can determine if material reduction has or will occur due to the proposed use.

- 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;

Within the 0.5-mile radius of the subject property, there are four (4) FLU designations: RES 15, NC, PUB, and RES 2. RES 15 is the predominant FLU designation.

The existing pattern is a mixture of residential mobile homes, residential dwellings, an RV park, and large vacant lots.

There have been no FLUM amendments within one-half mile of the subject property in the past three years.

There are several zoning classifications within the 0.5-mile radius of the subject property, with the predominant zoning classification being AU.

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

No new development has occurred within 0.5 miles of the subject property within the last three years.

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

It appears no changes in actual development have occurred in the immediate area within the last three years. However, there has been one zoning action:

- **21Z00038: On 2/3/2022, approved rezoning from GU to AU on 4.81 acres, approximately 700 feet to the south.**

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

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

FLUE 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 or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

Staff analysis indicates that on the west side of I-95 along Tucker Lane, a local rural road has a mix of both vacant and residential developed properties. There are no commercial developments within the 0.5-mile radius of the subject property.

The companion request for BU-2 would be considered an introduction of a new zoning classification in the area.

The BU-2 zoning classification is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted (i.e., major auto-repair facilities, paint and body shops, and contractor storage yards). Off-site impacts such as noise, light, traffic, and other potential nuisance factors associated with BU-2 activities should be considered.

- 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.

This segment of Tucker Lane is a paved roadway. The area is not considered an established residential neighborhood.

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.

There are no other neighborhood commercial uses within 0.50 miles of the subject. The proposed use may be considered compatible within the surrounding area if the BU-2 uses were limited to just the proposed RV storage and mini storage facility. There is an existing tiny home community and a large RV park to the north, which abuts single-family residential. As well as a large single-family development proposed south of Providence Road within the City of Rockledge's jurisdiction of over 950 homes. The proposed would not preclude the existence of 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.

This area is presumed to be primarily residential, permanent and temporary. The proposed zoning would be the first commercial zoning to be approved in the area within at least the past five years.

FLUE 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 unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

A majority of the subject parcel contains mapped National Wetlands Inventory (NWI), St. Johns River Water Management District (SJRWMD) wetlands, or hydric soils. A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) AE, as identified by the Federal Emergency Management Agency (FEMA), and as shown on the FEMA Flood Map.

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

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

Preliminary Concurrency

The closest concurrency management segment to the subject property is S.R 520, between Friday Rd. and I-95, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 53.31% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 2.06%. The corridor is anticipated to operate at 55.38% of capacity daily. The maximum development potential of the proposal 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.

No school concurrency information has been provided as the proposed project is a commercial development and not intended for residential uses. The subject property is within access for City of Cocoa's potable water and Brevard County Utilities for sewer.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Floodplain Protection
- Protected and Specimen Trees
- Protected Species
- Potential Code Enforcement

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

For Board Consideration

The Board should consider if the request is consistent and compatible with the surrounding area.

In its analysis of this Policy, the Board may consider whether Policy 2.8 may be satisfied through alternative means, specifically whether limiting uses to RV storage would mitigate concerns of being located on a local road.

The Board should consider if the request is consistent with the Policy 2.8 Locational and separation criteria.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary
Item No. 25SS00005**

Applicant: Bruce Moia (Owner: TG Rentals of Brevard LLC)

Land Use Request: RES 15 to CC

Note: for development of RV and Mini Storage Facility

LPA Hearing: 06/26/2025; BCC Hearing: 07/17/2025

Tax ID No.: 2409190 (19.8 acres)

- 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
- Floodplain Protection
- Protected and Specimen Trees
- Protected Species
- Potential Code Enforcement

Land Use Comments:

Wetlands and Hydric Soils

A majority of the subject parcel contains mapped National Wetlands Inventory (NWI), St. Johns River Water Management District (SJRWMD) wetlands, or hydric soils (Anclote sand, frequently ponded, 0 to 1 percent slopes; Riviera sand, 0 to 2 percent slopes; and Tomoka muck, undrained); indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). However, Tucker Lane is not a MQR at this location. An amendment to the Comprehensive Plan would be required to add this segment of Tucker Lane to the MQR map and associated MQR table in the Conservation Element.

Additionally, if 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. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

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 property is likely within the St. Johns Riverine floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. If confirmed, the property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, **including compensatory storage and filled footprint restrictions.**

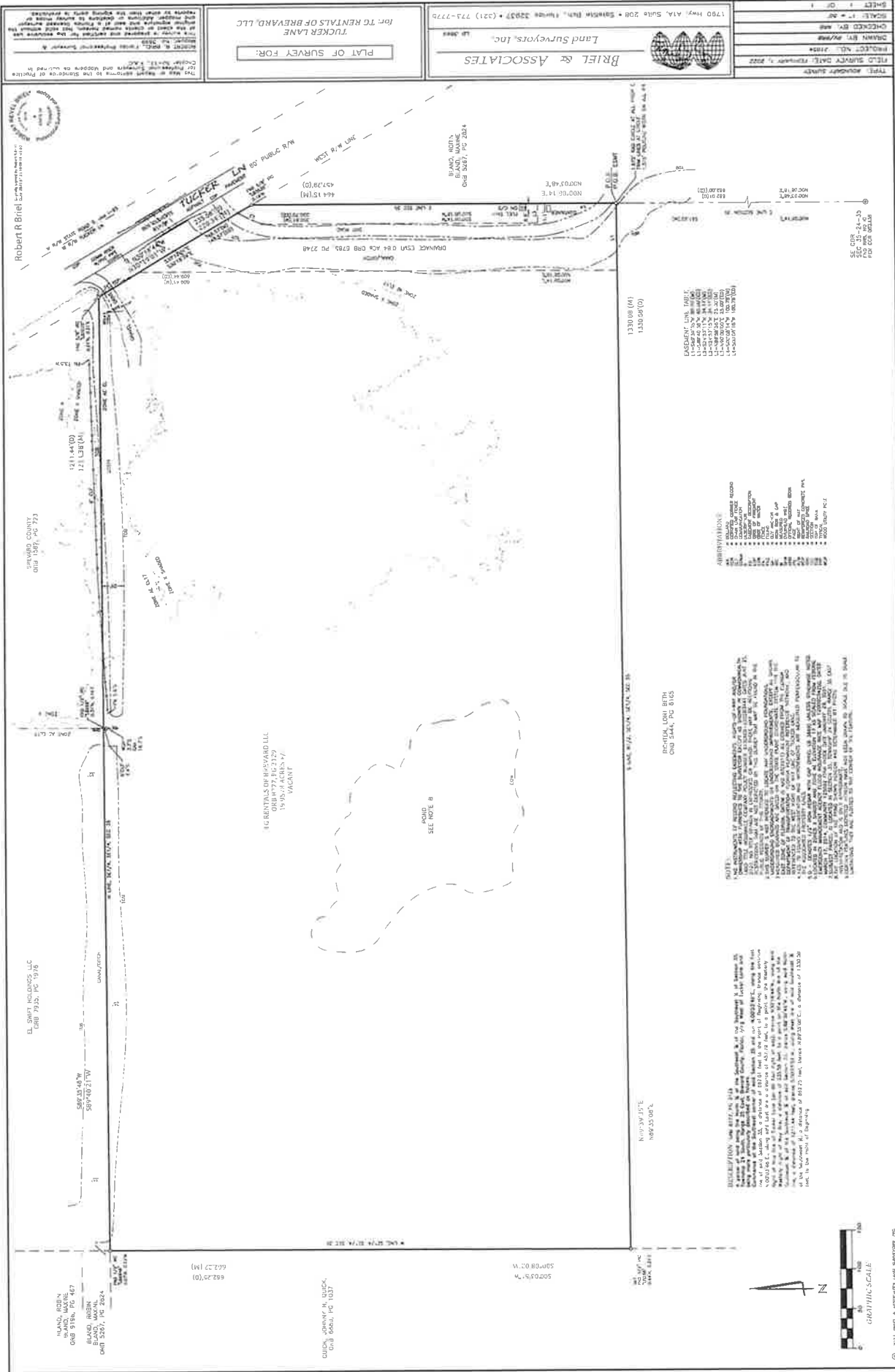
Per Section 62-3723(4), elevations of the riverine 100-year, riverine 25-year, and ten-year floodplains shall be determined utilizing the best available data, which includes FIRM maps and the Flood Insurance Study for Brevard County, Florida and Unincorporated Areas, April 3, 1989, prepared by the Federal Emergency Management Agency; and the Mean Annual, 10-Year, 25-Year and 100-Year Profiles for the Upper St. Johns River Under the Existing Conditions, prepared by Dr. Donthamesetti V. Rao, P.E., St. Johns River Water Management District (March 1985). 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." **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal or performing any land clearing activities.**

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. As applicable, 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.



POTABLE WATER SERVICE

CAPACITY AVAILABILITY CERTIFICATE

This certificate is issued for the purpose of verifying that potable water service is available pursuant to Section 163.3202 (2) (g), Florida Statutes. However, this certificate in no way reserves capacity for the project or property described below and is issued for conditional Site Plan, Subdivision, or building permit approval only.

I. Unit of Government or Entity Issuing Certificate City of Cocoa

II. Applicant/Owner Information

Owner Name TG Rentals of Brevard LLC

Address 630 Cidco Road, Cocoa FL 32926

Home Phone # _____ Work # 321-631-5523

Applicant Name Bruce A. Moia, P.E., MBV Engineering, Inc.

Address 1250 W. Eau Gallie Blvd., Ste H, Melbourne, FL 32935

Home Phone # _____ Work # 321-253-1510

III. Legal Description and Development Proposal

<u>24</u>	<u>35</u>	<u>35</u>	<u>00</u>	<u>755</u>	
Township	Range	Section	Subdivision#	Block/Parcel	Lot

Subdivision Name _____

Site Acreage 19.8 Zoning Classification RVP Requesting BU-2

If Residential: Type of Residential _____ Maximum Number of Dwelling Units _____

If Non-Residential: Specific Uses Boat and RV Storage Square Footage 300 SF office

IV. Availability of Potable Water Service

15 GPD per 100 SF of Floor Space = 45 GPD
/ 265 = .17 ERU

The Following potable water capacities are available as of the date of this application.

1 # of units or equivalent non-residential units

265 gallons/day @ 265 gallons/residential unit/day

Affected Facility Claude H Dyal WTP

☒ As of the date of this evaluation sufficient capacity is available for the project described in Sections III & IV.

___ As of the date of this application, potable water capacities *are not* available.

Katherine Ennis Digitally signed by Katherine Ennis
Date: 2024.11.15 10:23:55 -05'00'

City of Cocoa

11/15/24

Signature and Title

Jurisdiction

Date

V. The subject property is in an area not served by public water supply system and will be utilizing a private well. Location of said wells must be shown on site plan.

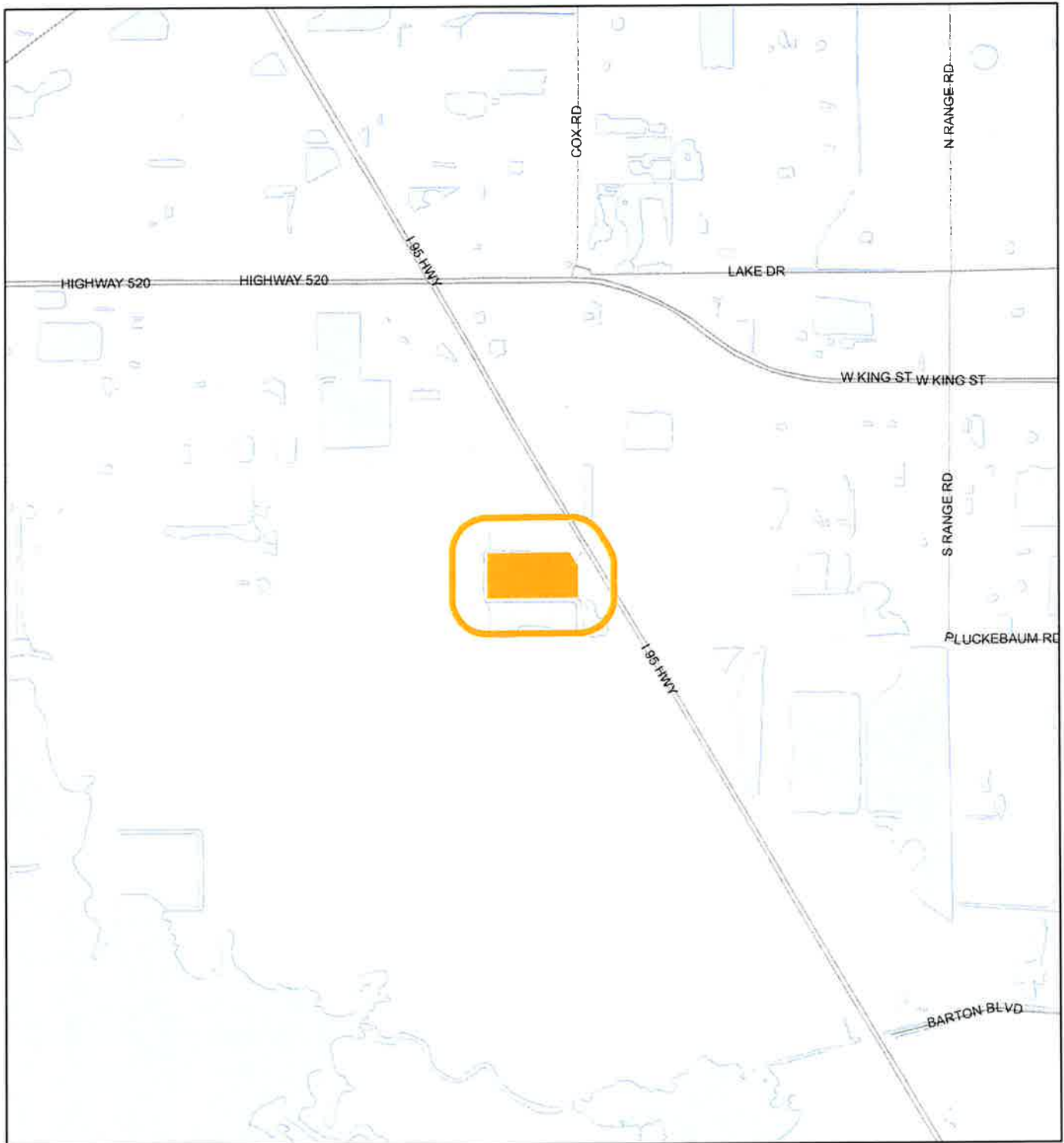
Signature and Title

Jurisdiction

Date

LOCATION MAP

TG RENTALS OF BREVARD LLC
25SS00005



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

Buffer Distance: 500 feet

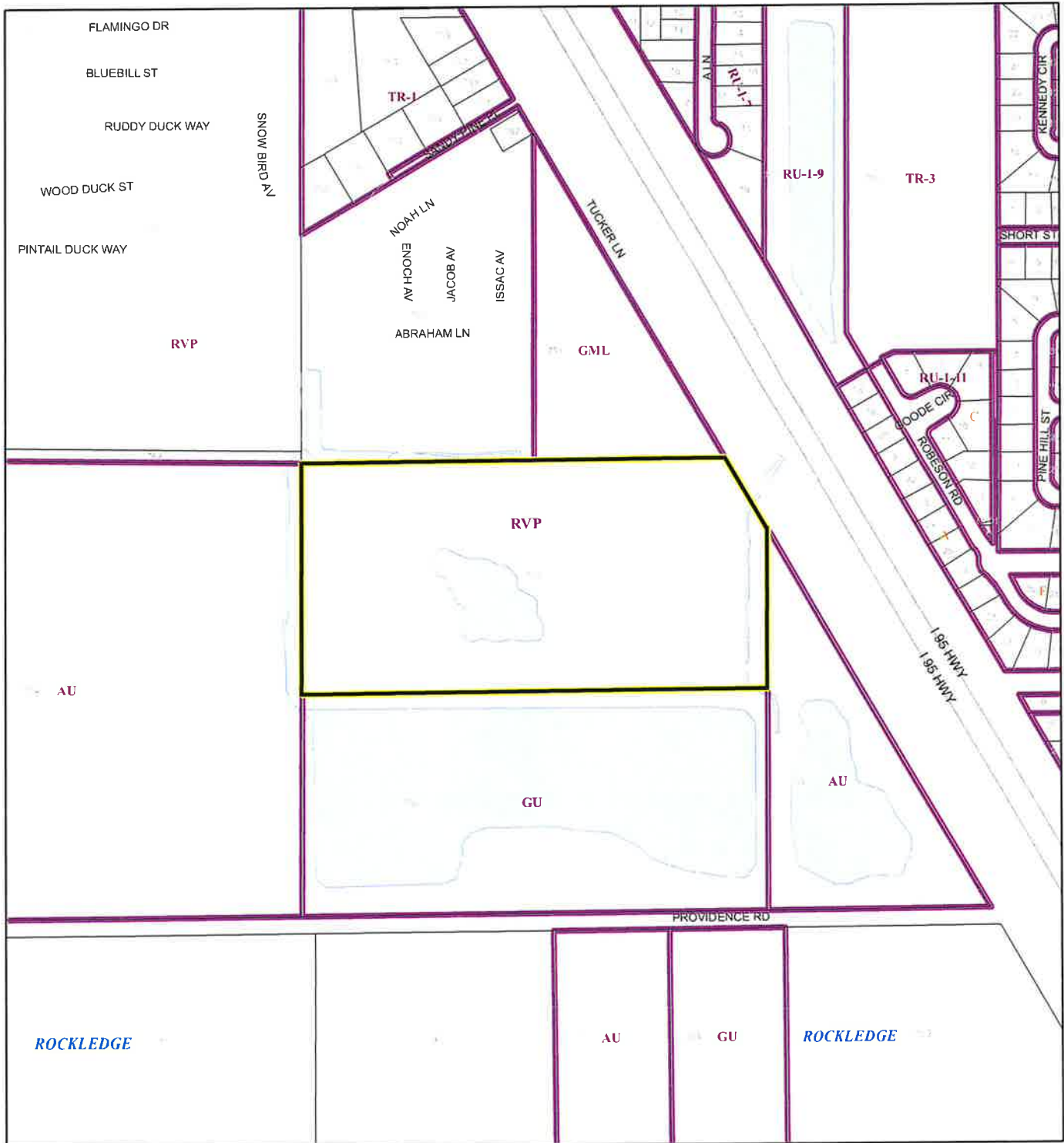
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 4/23/2025

- Buffer
- Subject Property

ZONING MAP

TG RENTALS OF BREVARD LLC
25SS00005



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/23/2025

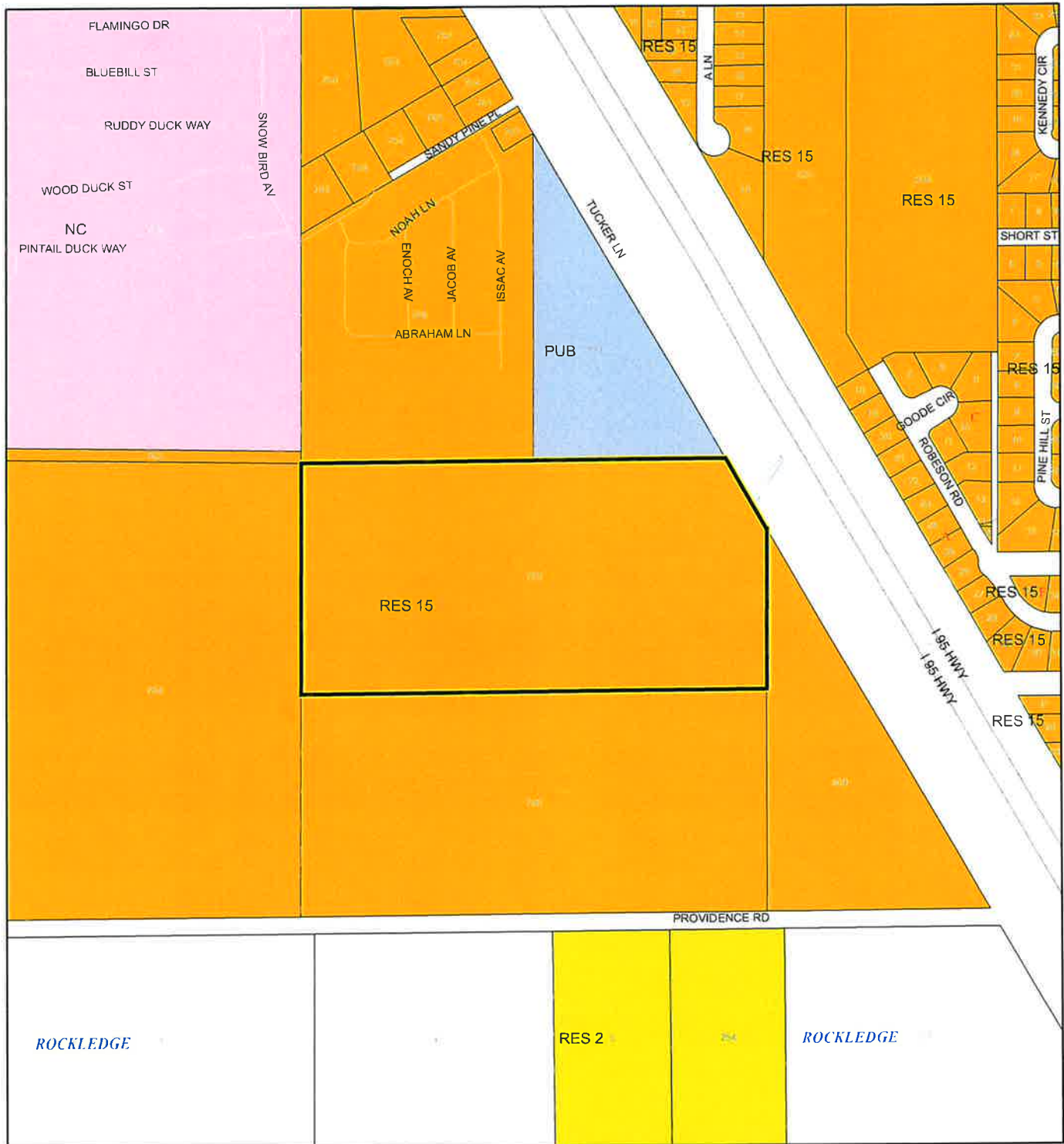
 Subject Property

Parcels

Zoning

FUTURE LAND USE MAP

TG RENTALS OF BREVARD LLC
25SS00005



1:4,800 or 1 inch = 400 feet

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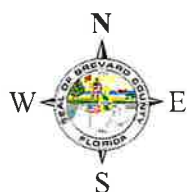
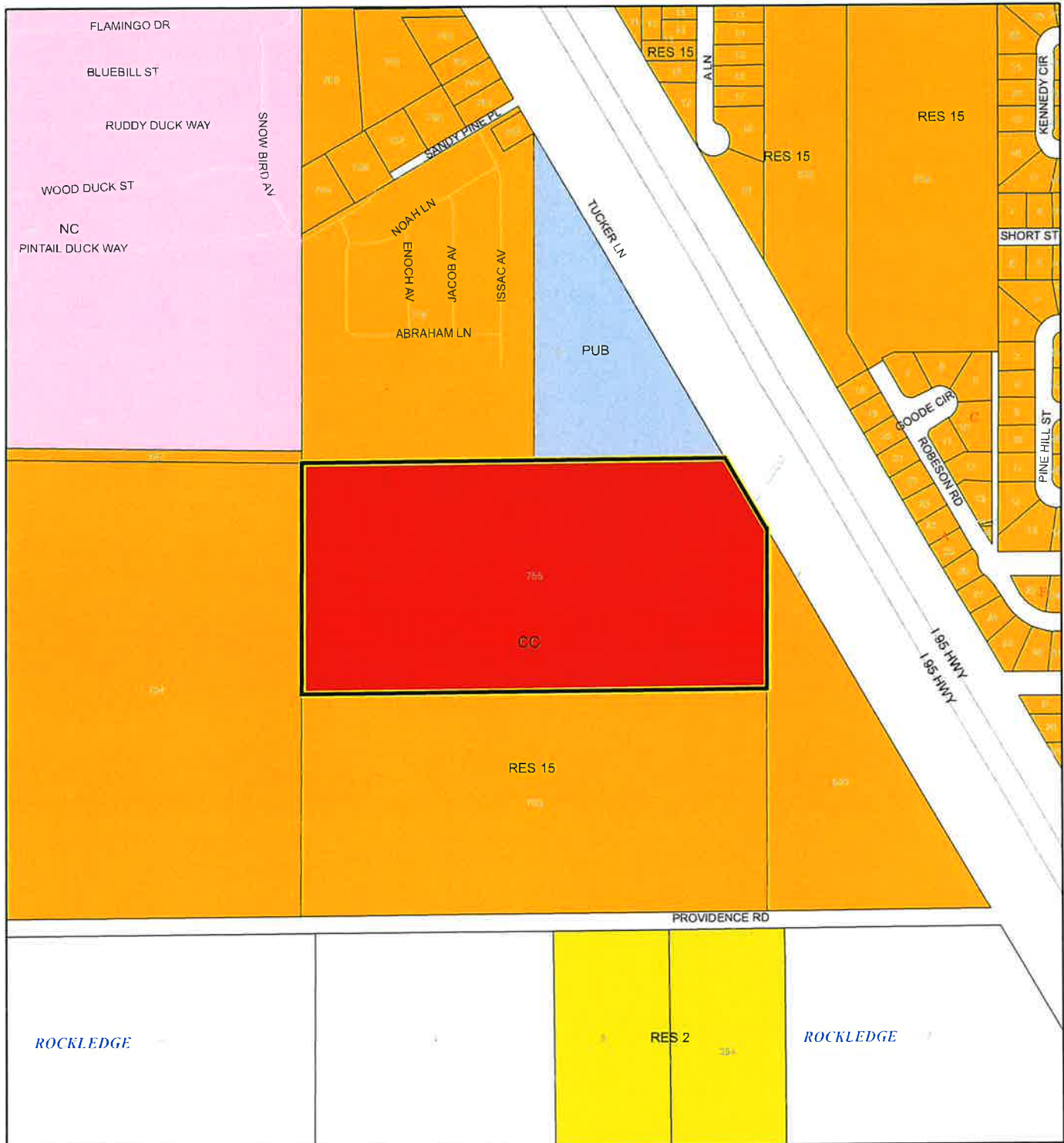
Produced by BoCC - GIS Date: 4/23/2025

Subject Property
Parcels

PROPOSED FUTURE LAND USE MAP

TG RENTALS OF BREVARD LLC

25SS00005



1:4,800 or 1 inch = 400 feet

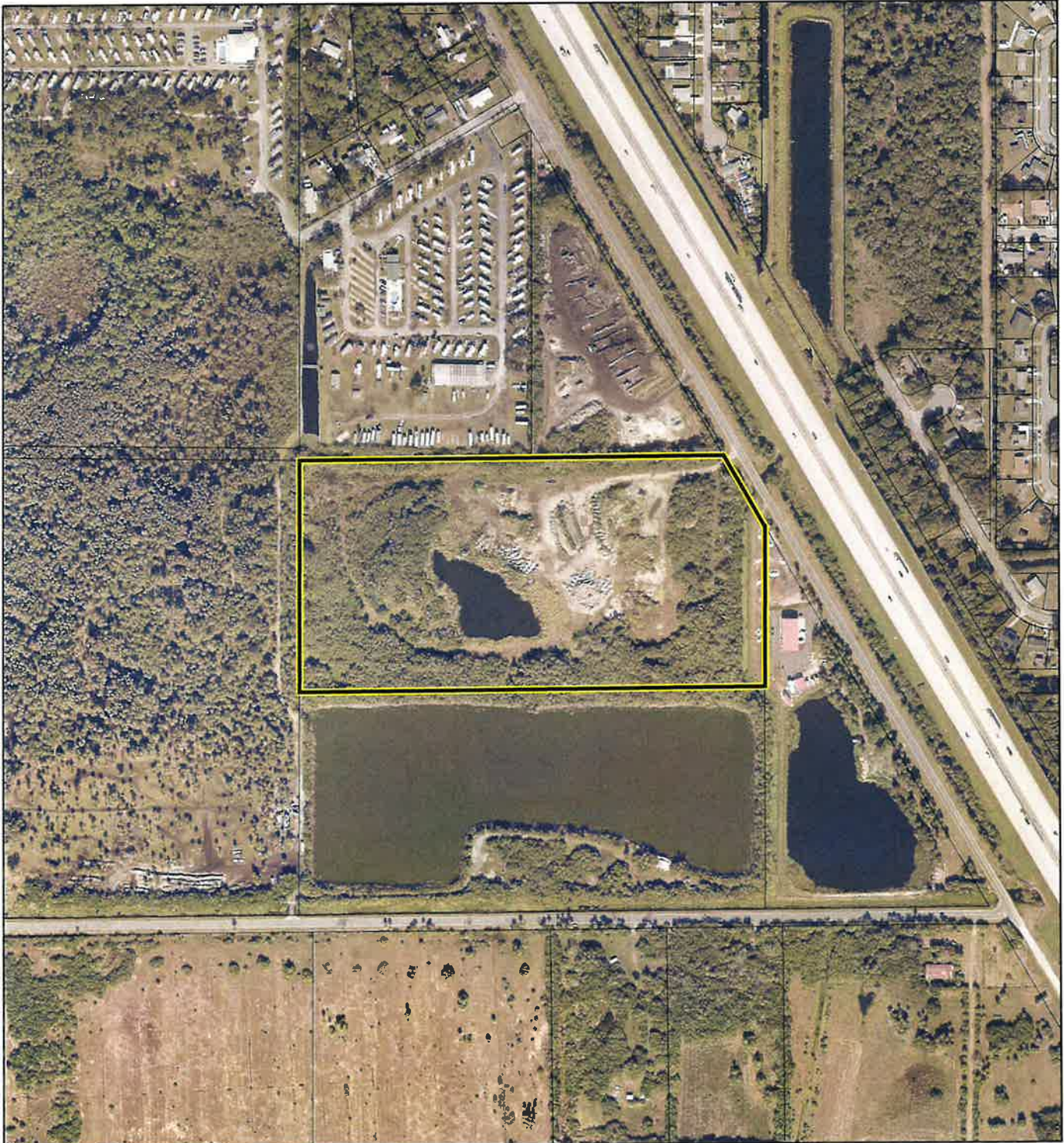
— Subject Property
 □ Parcels

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: 4/23/2025

AERIAL MAP

TG RENTALS OF BREVARD LLC
25SS00005



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2024

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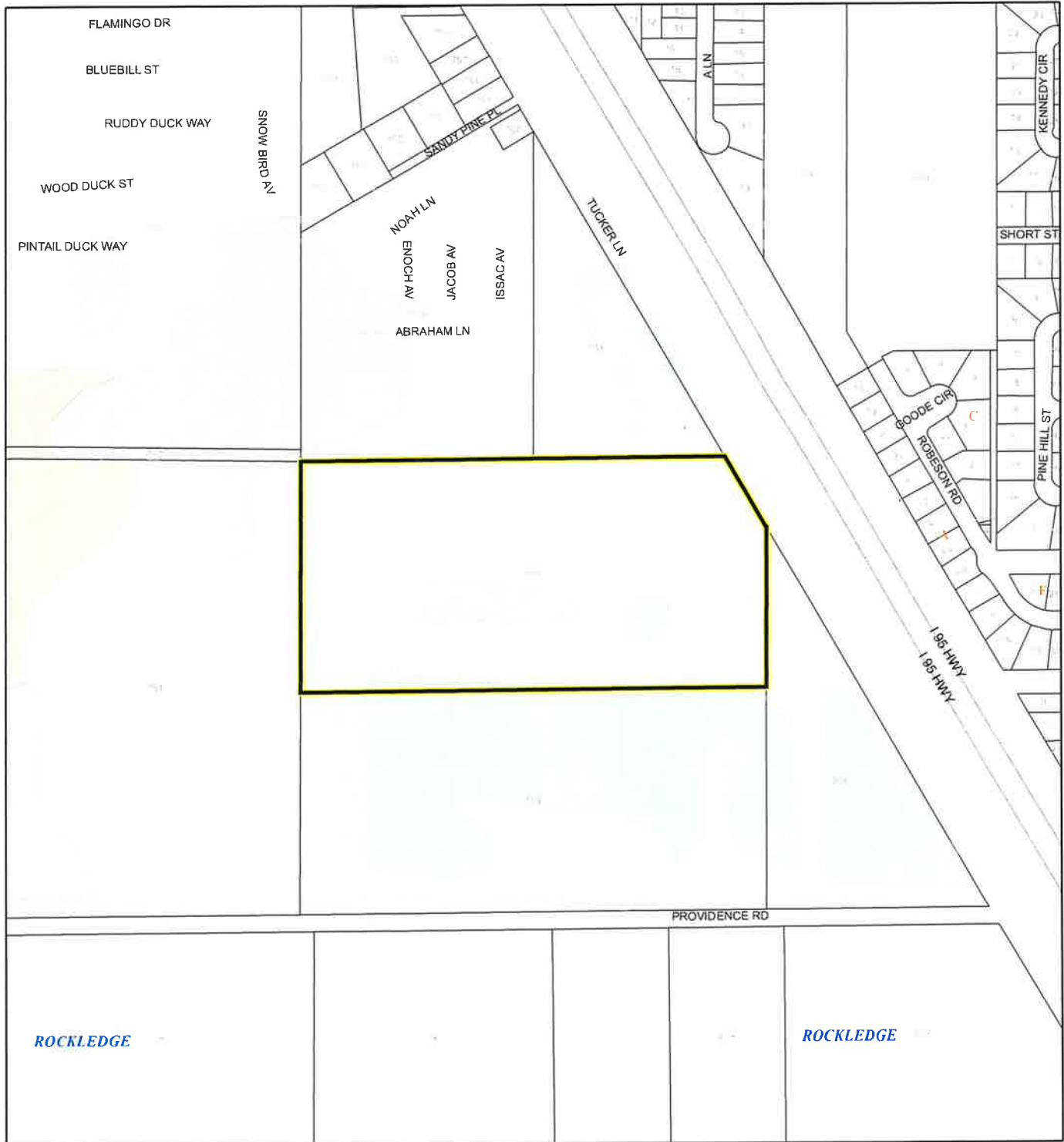
— Subject Property

□ Parcels

NWI WETLANDS MAP

TG RENTALS OF BREVARD LLC

25SS00005



1:4,800 or 1 inch = 400 feet

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National Wetlands Inventory (NWI)

Estuarine and Marine Deepwater

Estuarine and Marine Wetland

Freshwater Emergent Wetland

Freshwater Forested/Shrub Wetland

Freshwater Pond

Lake

Other

Riverine

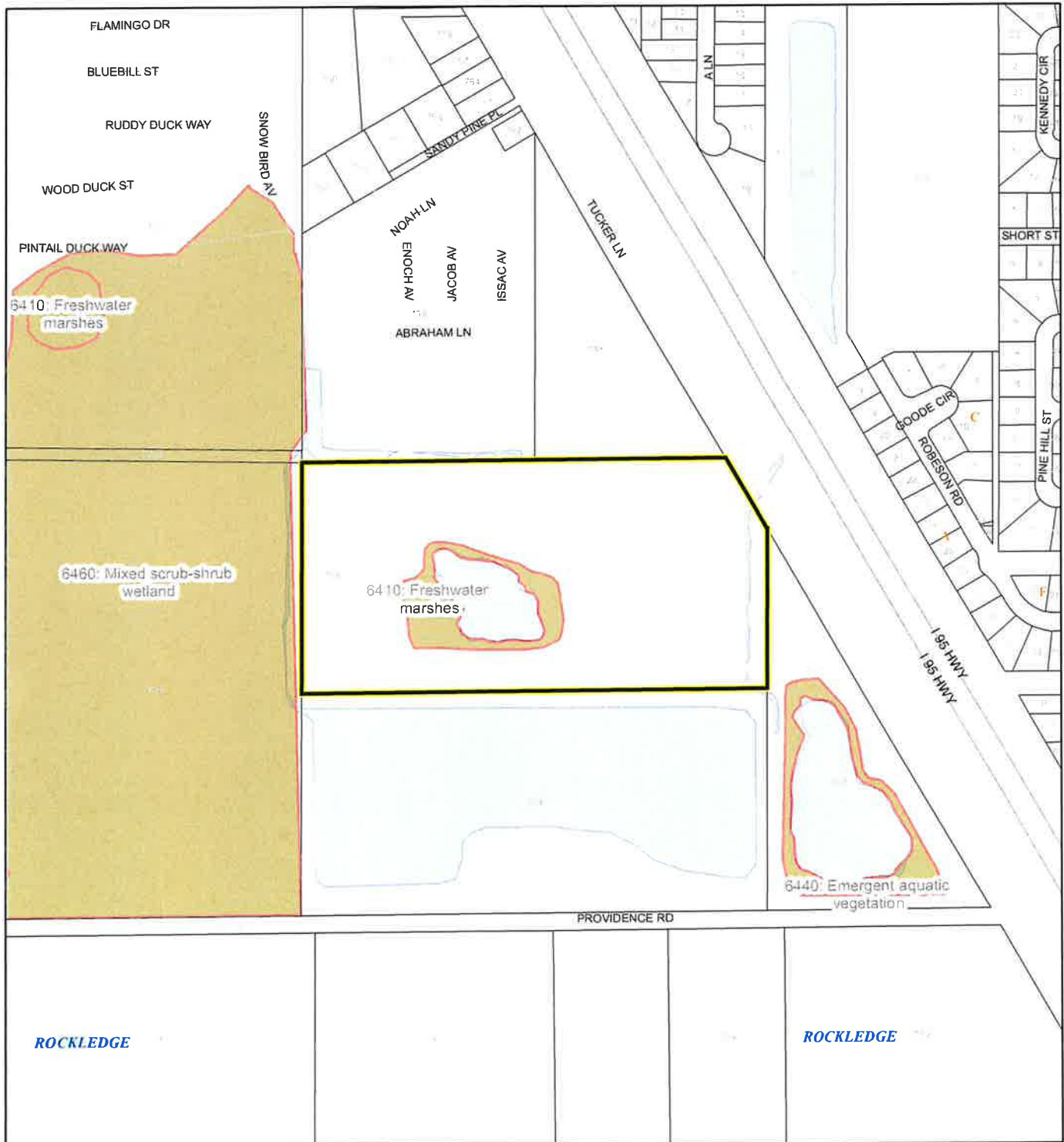
Subject Property

Parcels

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

TG RENTALS OF BREVARD LLC

25SS00005



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

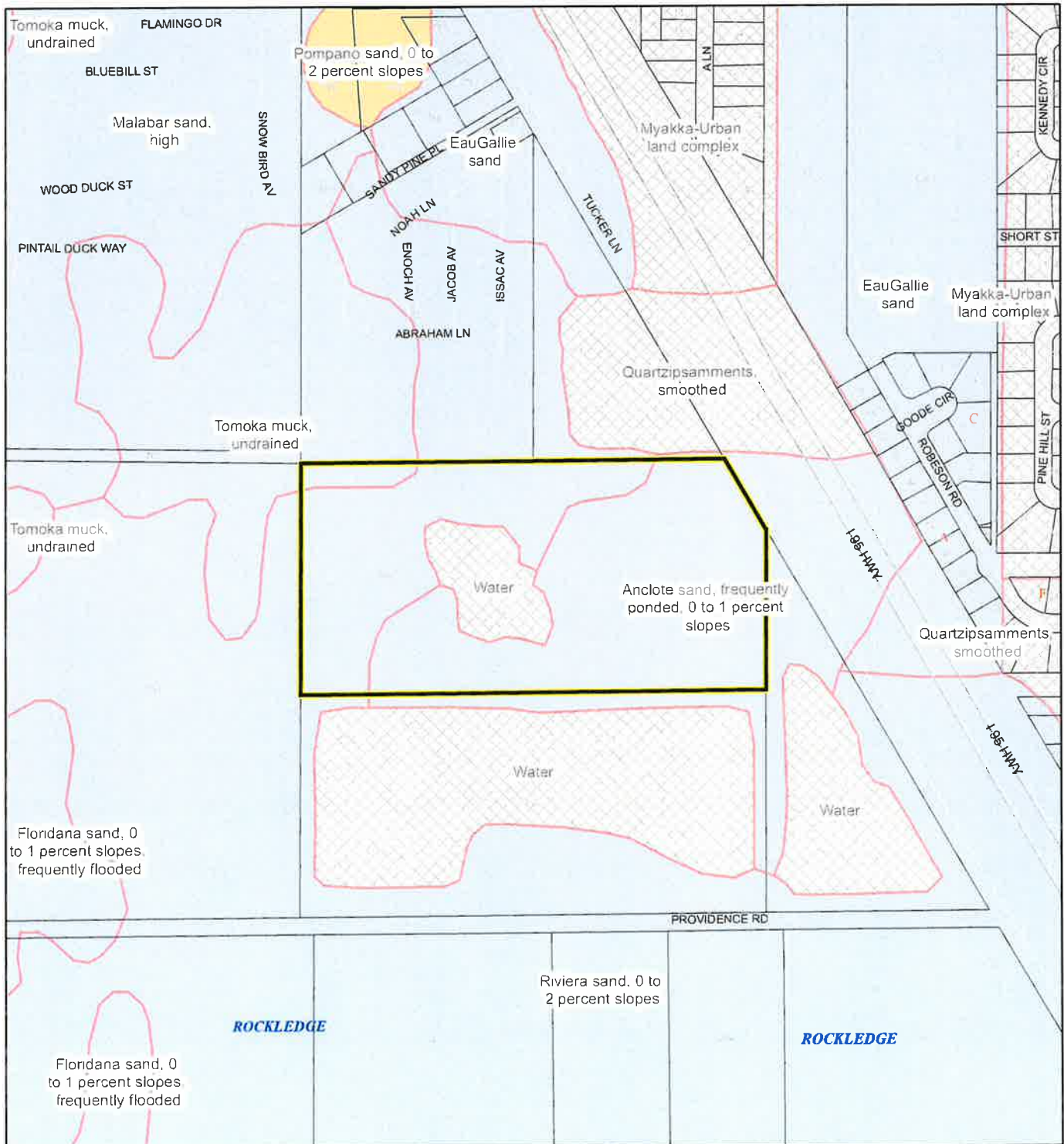
Subject Property

Parcels

USDA SCSSS SOILS MAP

TG RENTALS OF BREVARD LLC

25SS00005



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/23/2025

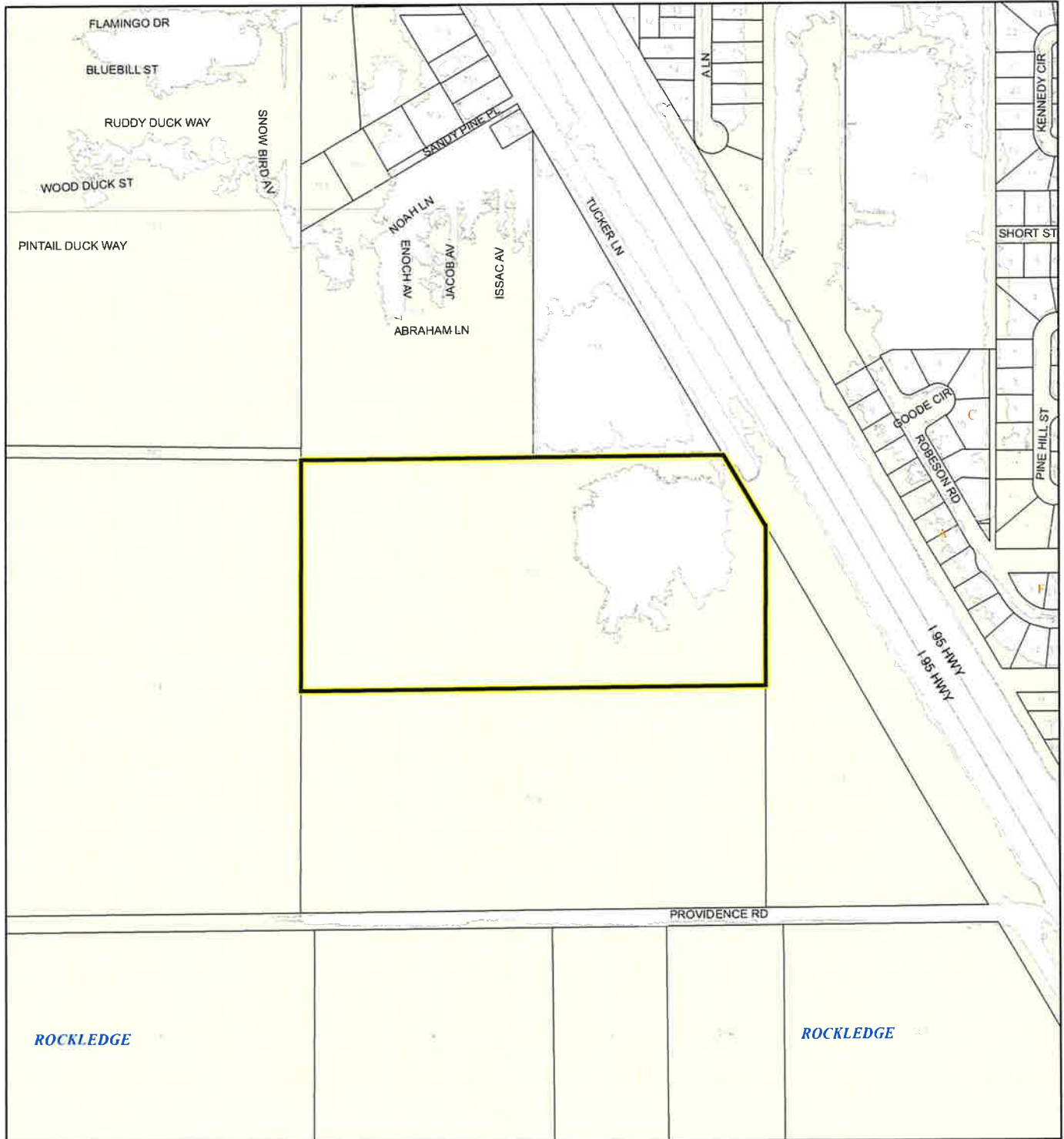
USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

TG RENTALS OF BREVARD LLC
25SS00005



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/23/2025

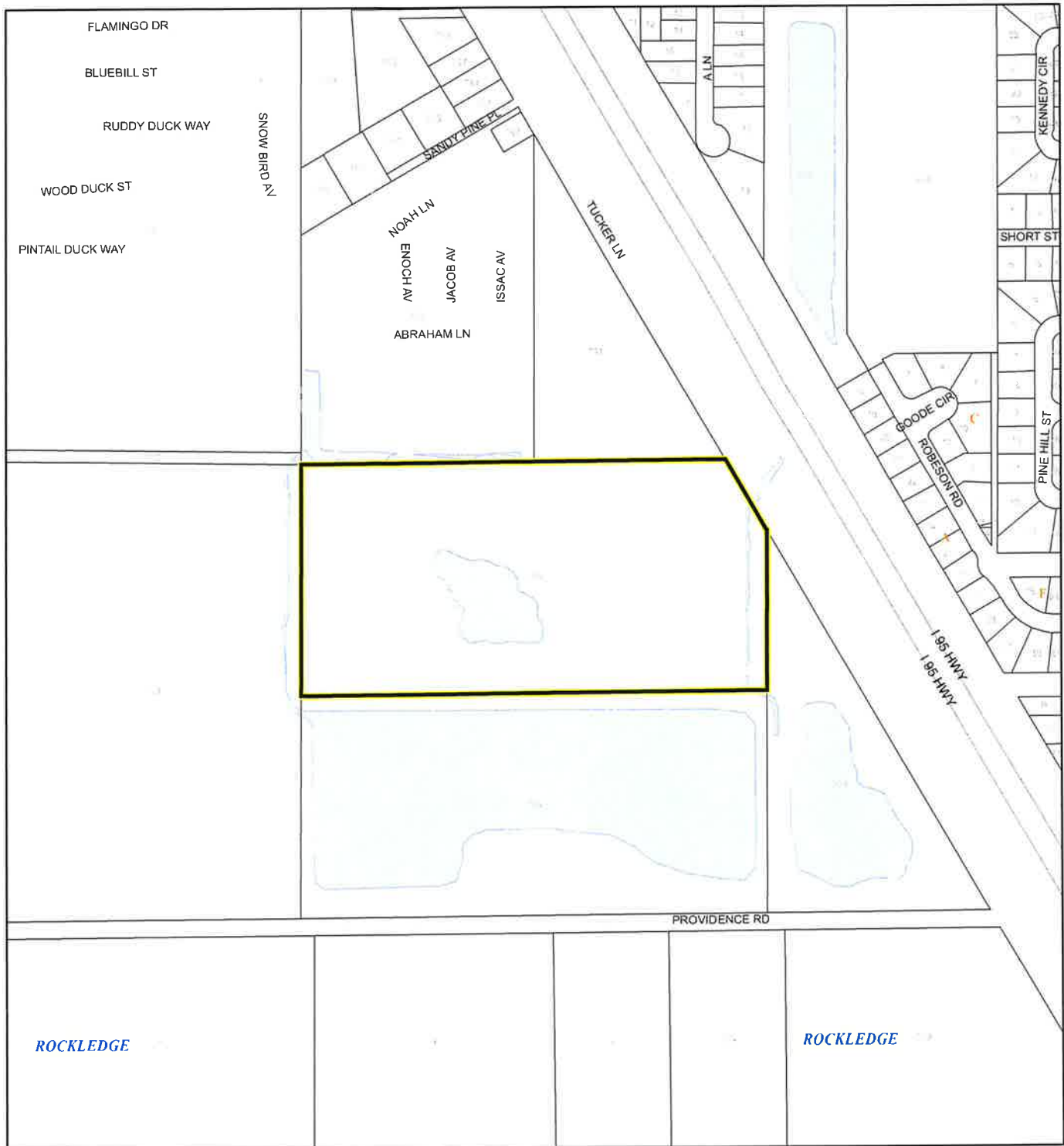
FEMA Flood Zones

A	AO	x
AE	Open Water	
AH	VE	
— Subject Property	□ Parcels	

COASTAL HIGH HAZARD AREA MAP

TG RENTALS OF BREVARD LLC

25SS00005



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

TG RENTALS OF BREVARD LLC

25SS00005



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

Septic Overlay

■ 40 Meters

■ 60 Meters

■ All Distances

EAGLE NESTS MAP

TG RENTALS OF BREVARD LLC

25SS00005



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/23/2025

Subject Property

Parcels

Eagle Nests FWS

SCRUB JAY OCCUPANCY MAP

TG RENTALS OF BREVARD LLC

25SS00005



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/23/2025

 Subject Property

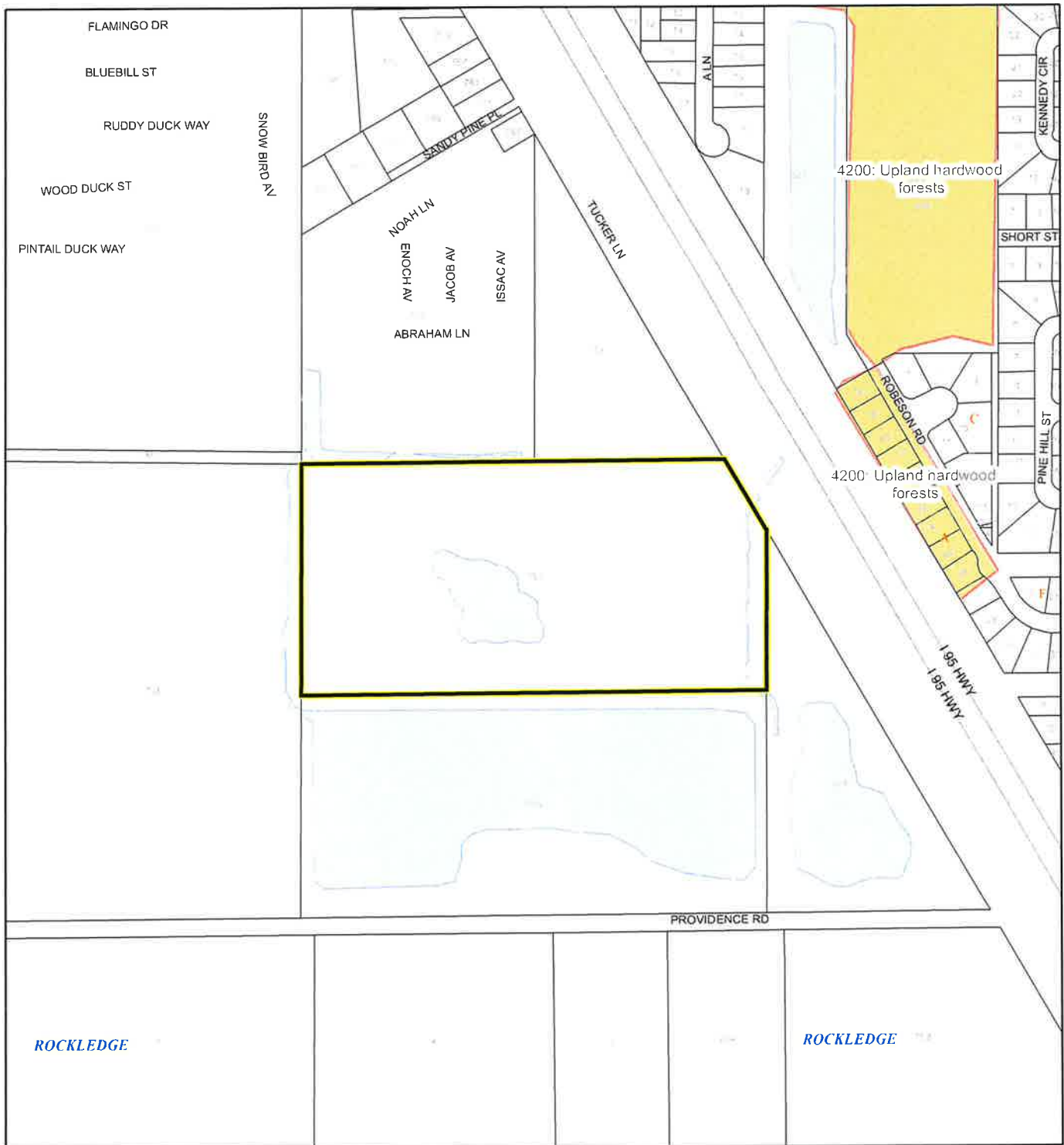
 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

TG RENTALS OF BREVARD LLC

25SS00005



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/23/2025

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 **Monday, July 14, 2025**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were Henry Minneboo, Vice-Chair (D1); Ana Saunders (D5); Erika Orriss (D3); Debbie Thomas (D4); Greg Nicklas (D3); Ron Bartcher (D2); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Melissa Jackson (D5) and Robert Wise (D2).

Staff members present were Trina Gilliam, Zoning Manager; Justin Caron, Assistant County Attorney; Billy Prasad, Planning and Development Director; Jane Hart, Natural Resources; and Alice Randall, Operations Support Specialist.

Excerpt of complete agenda

H.4. TG Rentals of Brevard, LLC (Bruce Moia) requests a Small-Scale Comprehensive Plan Amendment (25S.10) to change the Future Land Use Map (FLUM) designation from RES 15 to CC. (25SS00005) (Tax Account 2409190) (District 1)

H.5. TG Rentals of Brevard, LLC (Bruce Moia) requests a zoning classification change from RVP to BU-2. (25Z00016) (Tax Account 2409190) (District 1)

Trina Gilliam read both item H.4. and H.5. into the record as they are companion applications but will need separate recommendations.

Mr. Moia stated this is a vacant piece of property. it's um vacant piece of property. Not a whole lot really, they want to do a storage facility, storage and RV. Very low intensity. They were considering annexing into Rockledge, but they've been hoping they could go ahead get this done in the county. It's low impact for the area. I think it's an appropriate place for it. So, to do that, we must get a land use change, and we must get a rezoning.

No Public Comment

Mr. Hopengarten asked why storage in this area.

Mr. Moia responded that's a question for Mr. Goodson.

Mr. Minneboo stated his opinion, knowing the area, it's fantastic. That's boat storage. On the way out there all you have is modular homes, RVs, a great location.

Mr. Moia stated he didn't think there were any other in the area and it would be a good place.

Mr. Hopengarten stated he hates storage. I look at it differently. If you make this commercial, under SP 102, you could put quite a few affordable homes on that lot. Like 300. And we have a housing crisis here and I'm on the affordable housing council and I would think it would be a better use than the applicant asking to do outdoor storage plus mini storage. So, you're going to have some mini storage on this. I'm against mini storage in certain areas because it doesn't bring any revenue to the county. There's no employment. No jobs provided on this. It's just a cash register for the owner. And I disagree with it. I don't want Brevard, and I've mentioned this many times when you were on the board, that why are we becoming the storage capital of America. And I compare this with Houston, which has six million people, but they've only got 300 storage facilities, and we have way over that. It just it doesn't make sense to me to keep putting storage on the land when we should be putting

housing on the land. That's why I object to this development. I don't think it's the right use. I would go along with the commercial CC designation, but if they were to change it to housing and not for storage.

Mr. Moia stated he would bring that up to the owner. But he thinks that he's got his heart set on storage. Still, if you develop the property, it's a low impact to the infrastructure with an increased tax revenue on the property because you're taxing it on the value of the property now and you have very little impact. So, to me it's a win.

Ms. Orriss stated it says in determining whether an established residential neighborhood exists blah blah.... Under number two it says the proposed use may be considered compatible within the surrounding area if the BU2 uses were limited to just the proposed RV storage in mini storage facility. So, it would just be always that. I don't know if it needs to have a BDP or not. So, I just looked at it differently. I mean just because it only fits.

Mr. Moia replied we did talk about that with staff. We would be willing to do that if that was a request from the board. It also goes with the BU1 as well. I think it's how they usually phrase it, you get all your uses that you're already entitled to, but we can limit it to the storage for the BU2 use. Absolutely.

Motion to recommend approval of Item H.4. with a BDP by Erika Orriss, seconded by Ruth Amato. Motion passed 10 to 1.

Motion to recommend approval of Item H.5. with a BDP limiting the use to RV storage and mini storage, retaining the BU1 uses. Motion passed 10 to 1.

Meeting adjourned at 5:08 p.m.

Board Meeting Date

Item Number: H/5.

Motion By: KD

Second By: KA

Nay By: _____

Commissioner	DISTRICT	AYE	NAY
Commissioner Delaney	1	☒	☐
Vice Chair Goodson <i>left</i>	2	☐	☐
Commissioner Adkinson	3	☒	☐
Commissioner Altman	5	☒	☐
Chairman Feltner	4	☒	☐