



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.8.

9/4/2025

Subject:

Still Florida Properties LLC (Kelly Delmonico) requests a zoning classification change from AU to BU-1. (25Z00019) (Tax Account 2000338) (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 change of zoning classification from AU (Agricultural Residential) to BU-1 (General Retail Commercial).

Summary Explanation and Background:

The applicant is requesting a change of zoning classification from AU (Agricultural Residential) on 3.49 acres to BU-1 (General Retail Commercial) to allow for commercial use and future development of the subject property. The applicant has clarified that they intend to construct a "flex-contractor office building" with a layout of several units and no outside storage to allow for permitted uses within the BU-1 zoning district. The applicant has been advised on the limitations of warehousing within the BU-1 zoning district. The property's current configuration has remained the same since the earliest recorded deed available from February 05, 1962. The subject parcel has access to Highway 1, a state-maintained roadway.

There is also a Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, **25SS00006** to change the Future Land Use Element from Neighborhood Commercial (NC) and Residential 2 (RES 2) to Community Commercial (CC). This request, if approved, would provide consistency with the requested zoning of BU-1.

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 BU-1 general retail commercial zoning classification encompasses land devoted to general retail shopping, offices, and personal services to serve the needs of the community. BU-1 requires a minimum 7,500 square foot lot. The BU-1 classification does not permit warehousing or wholesaling. Metal buildings shall be permitted in this zoning classification subject to the restrictions presented in Section 62-2115.

North of the subject property is one (1) parcel, 3.37 acres developed with a single-family residence, AU zoning classification and RES 2 FLU. South of the subject property is one parcel, 2.15 acres, vacant property with BU-1 zoning classification and CC FLU. East of the subject property is Highway 1, a four lane, state-maintained roadway. West of the subject property is three (3) parcels: one (1) parcel, 1 acre of vacant land, a second parcel, 1.07 acres with residential related amenities and a third parcel, 1.07 acres of vacant land with all three parcels having AU zoning classification and RES 1 FLU.

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

On August 18, 2025, the Planning and Zoning Board heard the request and unanimously recommend approval.

Clerk to the Board Instructions:

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

Resolution 25Z00019

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

WHEREAS, Still Florida Properties LLC (Kelly Delmonico) requests a zoning classification change from AU (Agricultural Residential) to BU-1 (General Retail Commercial) and NC (Neighborhood Commercial), on property described as Tax Parcel 254, as recorded in OR Book 10121, Pages 1212 - 1213 of the Public Records of Brevard County, Florida. **Section 31, Township 20, Range 35.** (3.49 acres) Located on the west side of US Highway 1, approximately 455 feet south of Grantline Rd. (4150 Highway 1, Mims); and

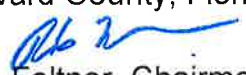
WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved; and

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 as recommended; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from AU to BU-1, 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 September 04, 2025.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida


Rob Feltner, Chairman
Brevard County Commission
As approved by the Board on September 04, 2025.

ATTEST:



RACHEL M. SADOFF, CLERK

(SEAL)

P&Z Board Hearing – August 18, 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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Viera, Florida 32940
(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS
25Z00019**

Still Florida Properties, LLC. (Kelly Delmonico)

AU (Agricultural Residential) to BU-1 (General Retail Commercial)

Tax Account Number: 2000338
Parcel I.D.: 20-35-31-00-254
Location: 4150 Highway 1 Mims, FL 32754 (District 1)
Acreage: 3.49 acres

Planning and Zoning Board: 8/18/2025
Board of County Commissioners: 9/04/2025

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	AU	BU-1
Potential*	1 single-family residence	FAR of 1.0 104 dwelling units***
Can be Considered under the Future Land Use Map	Yes NC**, RES 2	Yes CC

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

** Yes, classification may be considered, if permitted by Policy 2.10 of the Future Land Use (FLU) Element.

*** Development potential at 30 units per acre pursuant to F.S. 125.01055 (Live Local Act).

Background and Purpose of Request

The applicant is requesting a change of zoning classification from AU (Agricultural Residential) on 3.49 acres to BU-1 (General Retail Commercial) to allow for commercial use and future development of the subject property. After a phone call with the applicant, it was clarified that,

"The property owner desires to construct a flex- contractor office building with a layout of several units and no outside storage to allow for permitted uses within the BU-1 zoning district." The applicant has been advised on the limitations of warehousing within the BU-1 zoning district.

The subject parcel has access to Highway 1, a state-maintained roadway. The subject parcel is currently undeveloped and is located on the west side of Highway 1, approximately 455 feet south of Grantline Road.

There is also a Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, **25SS00006** to change the Future Land Use Element from Neighborhood Commercial (NC) and Residential 2 (RES 2) to Community Commercial (CC). This request, if approved, would provide consistency with the requested zoning of BU-1.

The property's current configuration has remained the same since the earliest recorded deed available from February 05, 1962.

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 BU-1 general retail commercial zoning classification encompasses land devoted to general retail shopping, offices and personal services to serve the needs of the community. BU-1 requires a minimum 7,500 square foot lot. The BU-1 classification does not permit warehousing or wholesaling. Metal buildings shall be permitted in this zoning classification subject to the restrictions presented in Section 62-2115.

Sec. 62-2115. - Metal buildings.

(a) Metal buildings are permitted in the BU-1 general retail commercial, TU-1 general tourist commercial, TU-2 highway transient tourist and the PBP planned business park zoning classifications subject to the following criteria:

(1) The front of the metal structure shall be galvanized, and shall utilize factory finished painted siding, at a minimum.

(2) The roofline shall be architecturally treated with a mansard roof or in another acceptable manner to enhance the appearance of the front of the metal structure.

(b) Accessory metal structures with exterior metal skin may be utilized in the commercial zones listed in this section if they are located to the rear of the rear building line of the principal structure and to the rear of the side building line of the principal structure from a side street.

In 2023, the Live Local Act was enacted and was revised in 2024. The Act is intended to address the state's growing housing affordability crisis through significant land use, zoning, and tax benefits. Pursuant to Florida Statute 125.01055, a county must authorize multifamily and mixed-use as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development. In unincorporated Brevard County, the Live Local Act effectively allows for the development of up to 30 dwelling units per acre. The subject property, encompassing 3.49 acres with approval of rezoning to BU-

1, allows for development options that include either commercial use with a Floor Area Ratio (FAR) of 1.00 or 104 multi-family units as stipulated by the Live Local Act.

The subject property retains its original zoning classification of AU when the Brevard County zoning code was adopted on May 22, 1958.

Both the NC and RES 2 FLU designations are original from the adoption of the Brevard County Comprehensive Plan on September 8, 1988.

The subject property is located within the 2007 Mims Small Area Study, situated approximately 0.6 miles north of Lionel Road. The study notes that commercial needs should generally be focused on providing goods and services to Mims residents, as opposed to larger regional markets. The commercial character in Mims north of Lionel Road should be minimal, in keeping with the area's current and future low-density rural character. Please be advised, this is from a study note that was not part of the adopted actions.

The Board may wish to consider mitigating the potential intrusion of this land use into the surrounding residential areas by limiting the use to only a flex- contractors' offices, with no outside storage.

There are no current code enforcement complaints on the property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence	AU	RES 2
South	Vacant	BU-1	CC
East	Highway 1	N/A	N/A
West	Vacant, Residential related amenities	AU	RES 1

North of the subject property is one (1) parcel, 3.37 acres developed with a single-family residence, AU zoning classification and RES 2 FLU.

South of the subject property is one parcel, 2.15 acres, vacant property with BU-1 zoning classification and CC FLU.

East of the subject property is Highway 1, a four lane, state maintained roadway.

West of the subject property is three (3) parcels: one (1) parcel, 1 acre of vacant land, a second parcel, 1.07 acres with residential related amenities and a third parcel, 1.07 acres of vacant land with all three parcels having AU zoning classification and RES 1 FLU.

The 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 BU-1 general retail commercial zoning classification encompasses land devoted to general retail shopping, offices and personal services to serve the needs of the community. BU-1 requires a minimum 7,500 square foot lot. The BU-1 classification does not permit warehousing or wholesaling.

Future Land Use

The AU zoning classification can be considered consistent with the NC Future Land Use designations provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County’s Comprehensive Plan if provided by Policy 2.10 of the Future Land Use (FLU) Element. The AU zoning can be considered consistent with the RES 2 Future Land Use designations. The proposed BU-1 zoning is not consistent with the existing RES 2 and NC FLUM designation. A Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, **25SS00006**, request for Community Commercial (CC) FLU designation, would allow the proposed zoning and future land use to be consistent, if approved.

Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

FLUE Policy 2.2 - The zoning process regulates the types and intensities of uses for a parcel of land. Criteria which aid in assessing zoning compatibility, shall include consideration of the following standards:

Criteria:

A. Permitted/prohibited uses;

BU-1, General Retail Commercial zoning classification encompasses lands devoted to general retail shopping, offices and personal services to serve the needs of the community. BU-1 requires a minimum 7,500 square foot lot. The BU-1 classification does not permit warehousing or wholesaling. Where the property abuts a residential zoning classification, the maximum height threshold of any building or structure shall be 35 feet. Where a side lot line abuts a residential zone, such side setback shall be a minimum of 15 feet. Where a side lot line abuts a non-residential zone, such side setback shall be 5 feet.

The development will need to comply with buffering criteria in Section 62-4342. The purpose of the landscape buffers are to provide visual and physical screening and buffering between potentially incompatible uses and to reduce the effects of glare,

noise and incompatible activities, to include commercial, institutional, public, and industrial uses when they abut existing residential uses.

B. Existing commercial zoning trends in the area;

The closest commercial zoning classification is the abutting south property which is zoned BU-1. The closest property with BU-2 zoning classification is located approximately 0.1 miles south of the subject property and is developed with a business, Pure Clean Systems Inc.

The most recent commercial development was a trucking terminal and warehouse in 2023. This property is located south of the subject property approximately 0.2 miles.

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

Staff analysis has determined the surrounding area north and west of the subject property is single-family residences mixed with agricultural pursuits and vacant lands.

The closest commercial use is the south of the subject property approximately 0.1 miles.

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

It is not anticipated that the proposed development would cause a deficiency in adopted LOS standards for roads and solid waste based on the preliminary concurrency analysis.

Connection to centralized water and sewer are not available in this area. The subject property will need to provide their own services for water and sewer.

E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and the following land use issues were identified:

The subject parcel contains mapped National Wetlands Inventory (NWI) wetlands, and hydric soils (Anclote sand), as shown on the NWI Wetlands, and USDA Soil Conservation Service Soils Survey maps, respectively. All are indicators that wetlands may be present on the property. An Environmental Assessment (Report) prepared by Atlantic Environmental in January 2025, found approximately 1.93 acres of wetlands and 1.56 acres of uplands on the site. The wetland delineation shall be verified at time of site plan submittal.

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, 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.

- 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 the regulations of Section 62-1482, 62-2115 and 62-4342 of Brevard County Code. In addition, it will need to comply with performance standards within Sections 62-2251 through 62-2272, which will be reviewed at the site plan stage should the zoning change be approved.

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;

This property will need to comply with the regulations of Section 62-1483 and 62-4342 of the Brevard County Code. In addition, the 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 0.09%. The corridor is anticipated to operate at 27.81% of capacity daily. 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 (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;

Within the 0.5-mile radius of the subject property, there are four (4) FLU designations: RES 1, RES 1:2.5, RES 2, NC and CC. RES 1 is the predominant FLU designation.

The existing pattern is a mixture of residential dwellings, a commercial cleaning business, a trucking terminal with a warehouse 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: AU, RR-1, SR, BU-1, BU-2 and IN(L) 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

One new development has occurred within 0.5 miles of the subject property within the last three years. It is located approximately 0.2 miles south of the subject property and is developed as a trucking terminal.

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:

- **24Z00003: On 5/2/3024, approved rezoning from RR-1 to AU(L) on 3.33 acres.**

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

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.

Staff analysis of a preliminary traffic concurrency indicates the proposed use will not materially and adversely impact the established residential area by introducing types or intensity of traffic, parking, trip generation. The proposed flex warehouse building with several units is a new commercial activity in the adjoining area that is not already present. However, the proposal is not within the identified boundaries of a neighborhood, but will abut a lot with a single-family residence.

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.

The area is not considered an established residential neighborhood. However, there are clearly established boundaries such as roads and open spaces.

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 surrounding is considered a residential area, not residential neighborhood. The proposed use would not preclude the existence of the existing residential area.

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 predominantly residential. 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.

The subject parcel contains mapped National Wetlands Inventory (NWI) wetlands, hydric soils (Anclote sand) and USDA Soil Conservation Service Soils Survey maps, respectively. All are indicators that wetlands may be present on the property.

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

Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along “Mitigation Qualified Roadways” (MQRs). U.S. Highway 1 is an MQR at this location. If wetlands are confirmed, 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.

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 U.S.1, between Lionel Rd. and Burkholm Rd., which has a Maximum Acceptable Volume (MAV) of 40,300 trips per day, a Level of Service (LOS) of C, and currently operates at 27.72% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.09%. The corridor is anticipated to operate at 27.81% 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 not within access for centralized water or sewer. The subject property will have to provide their own services for water and sewer.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Floodplain Protection
- 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 proposed zoning request is consistent and compatible with the surrounding area.

The Board may wish to consider mitigating the potential intrusion of this land use into the surrounding residential areas by limiting the use to only a flex- contractors' offices, with no outside storage

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 25Z00019

Applicant: Kelly Delmonico (Owners: Still Florida Properties LLC)

Zoning Request: AU to BU-1 and NC

Note: to allow for commercial use and future development of flex-warehouse building

Zoning Hearing: 08/18/2025; **BCC Hearing:** 09/04/2025

Tax ID No.: 2000338 (3.49 ac)

- 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

Land Use Comments:

Wetlands and Hydric Soils

The subject parcel contains mapped National Wetlands Inventory (NWI) wetlands, and hydric soils (Anclote sand), as shown on the NWI Wetlands, and USDA Soil Conservation Service Soils Survey maps, respectively. All are indicators that wetlands may be present on the property. An Environmental Assessment (Report) prepared by Atlantic Environmental in January 2025, found approximately 1.93 acres of wetlands and 1.56 acres of uplands on the site. The wetland delineation shall be verified at time of site plan submittal.

Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). U.S. Highway 1 is an MQR at this location. If wetlands are confirmed, 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 no net loss mitigation in accordance with Section 62-3696.

Floodplain Protection

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, 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."

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. According to the Report by Atlantic Environmental, no gopher tortoises or burrows were observed during the site visit on January 22, 2025. However, due to potentially suitable habitat in the uplands of the site, Atlantic Environmental recommends that a formal gopher tortoise survey be conducted prior to land clearing/development. 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 prior to any plan, permit submittal, or development activity, including land clearing. 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.

LESS AND EXCEPTING THEREFROM THAT PART OF SAID PROPERTY LYING WITHIN THE RIGHT OF WAY OF LAWRENCE ROAD AS SHOWN ON THE AFORESAID PLAT, SAID PROPERTY LYING AND BEING IN SECTION 31, TOWNSHIP 20 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA.

CERTIFIED TO:
STILL FLORIDA PROPERTIES LLC; DOCKSIDE TITLE, LLC
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

PANEL: 0105
CLIFFY: H

FIELD WORK: 7-10-2024

MIMS, FL 32754

SURVEY NUMBER: 643457
CLIENT FILE NUMBER: 24-1671

[illegible]

1. CHICKEN BATH — 1. BUC (BUCK)
 2. CHICKEN BATH — 2. BUC (BUCK)
 3. CHICKEN BATH — 3. BUC (BUCK)
 4. CHICKEN BATH — 4. BUC (BUCK)
 5. CHICKEN BATH — 5. BUC (BUCK)
 6. CHICKEN BATH — 6. BUC (BUCK)
 7. CHICKEN BATH — 7. BUC (BUCK)
 8. CHICKEN BATH — 8. BUC (BUCK)
 9. CHICKEN BATH — 9. BUC (BUCK)
 10. CHICKEN BATH — 10. BUC (BUCK)

BASIS OF BEARING: S12°43'12"E

UNDER MY DIRECTION, NOT YET VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND A RAISED EMBOSSED SEAL AND SIGNATURE

Kenneth J. Osborne

Kenneth J. Osborne
PROFESSIONAL SURVEYOR AND MAPPER

OSBORNE
1000 12th St. NW
Washington, DC 20004-4500

Digitally signed by Kenneth J. Osborne
DN: cn=Kenneth J. Osborne, o=OSBORNE

SCALE
1"=50'

GRAPHIC SCALE (in Feet)
1 inch = 30 ft

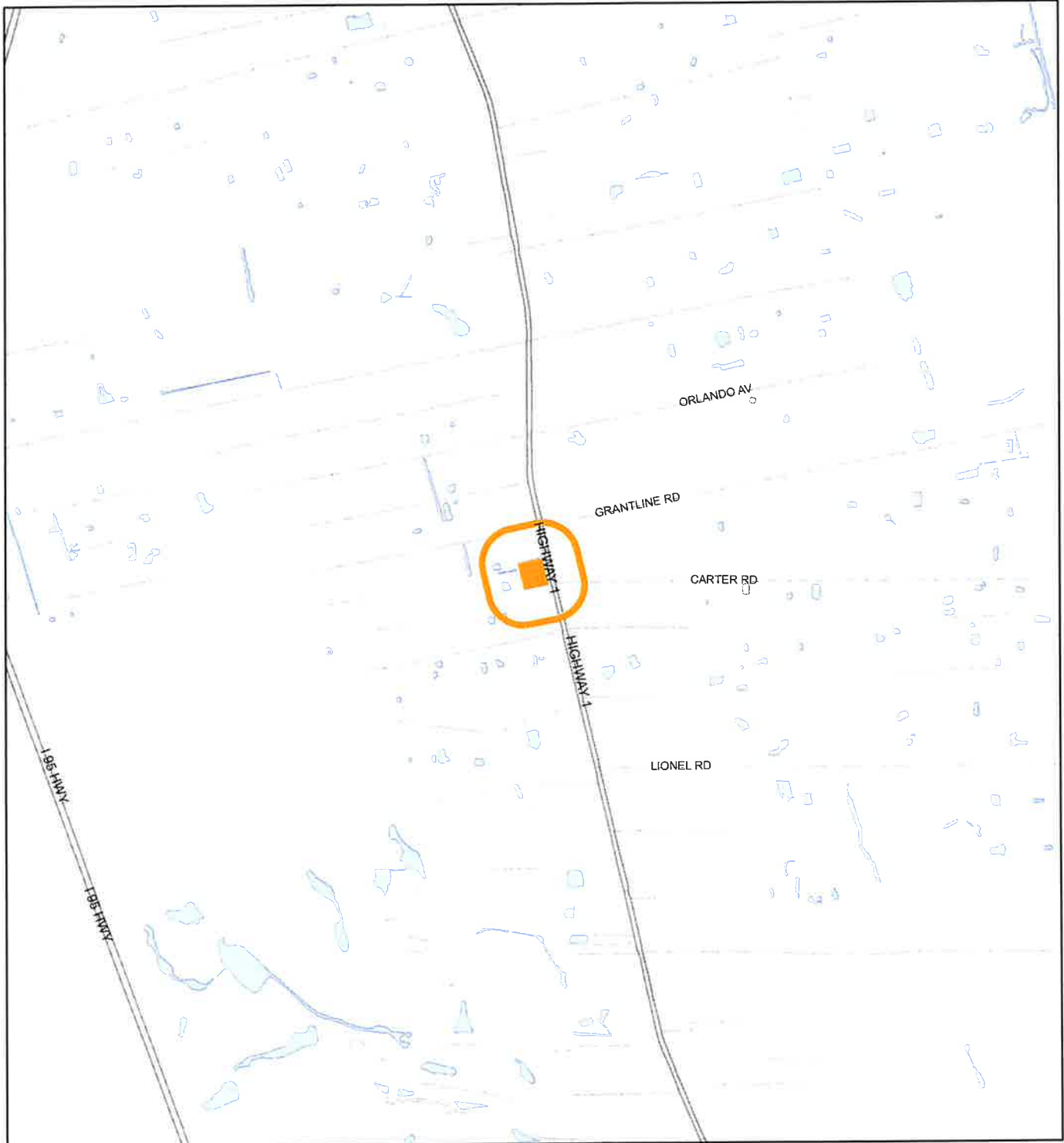
1) LEGAL DESCRIPTION PROVIDED BY OTHERS
2) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR
EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN
ON THE PLAT
3) UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER
IMPROVEMENTS WERE NOT LOCATED
4) WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE
USED TO REST CONCRETE FOUNDATIONS
5) ONLY VISIB F ENCROACHMENTS LOCATED.
6) DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS
OTHERWISE SHOWN

7) FENCE OWNERSHIP NOT DETERMINED
8) ELEVATIONS INDICATED HEREON ARE IN FEET AND DECIMALS REFERENCED TO 1984
9) THIS SURVEY HAS BEEN COMPLETED FOR A MORTGAGE TRANSACTION ITS SCOPE IS LIMITED TO THE
10) IDENTIFICATION OF DEFICIENCIES, NO DESIGN OR CONSTRUCTION SHALL BE BASED UPON THIS SURVEY WITHOUT APPROVAL FROM TARGETED PARTY
11) NO LIABILITY FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE
12) SOME INSTANCES GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES. IN ALL CASES DIMENSIONS SHOWN INDICATE THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS

LB #7893
SERVING FLORIDA
6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE <http://targetsurveying.net>



LOCATION MAP
STILL FLORIDA PROPERTIES LLC
25Z00019



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: 5/21/2025

— Buffer
— Subject Property

ZONING MAP

STILL FLORIDA PROPERTIES LLC
25Z00019



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.

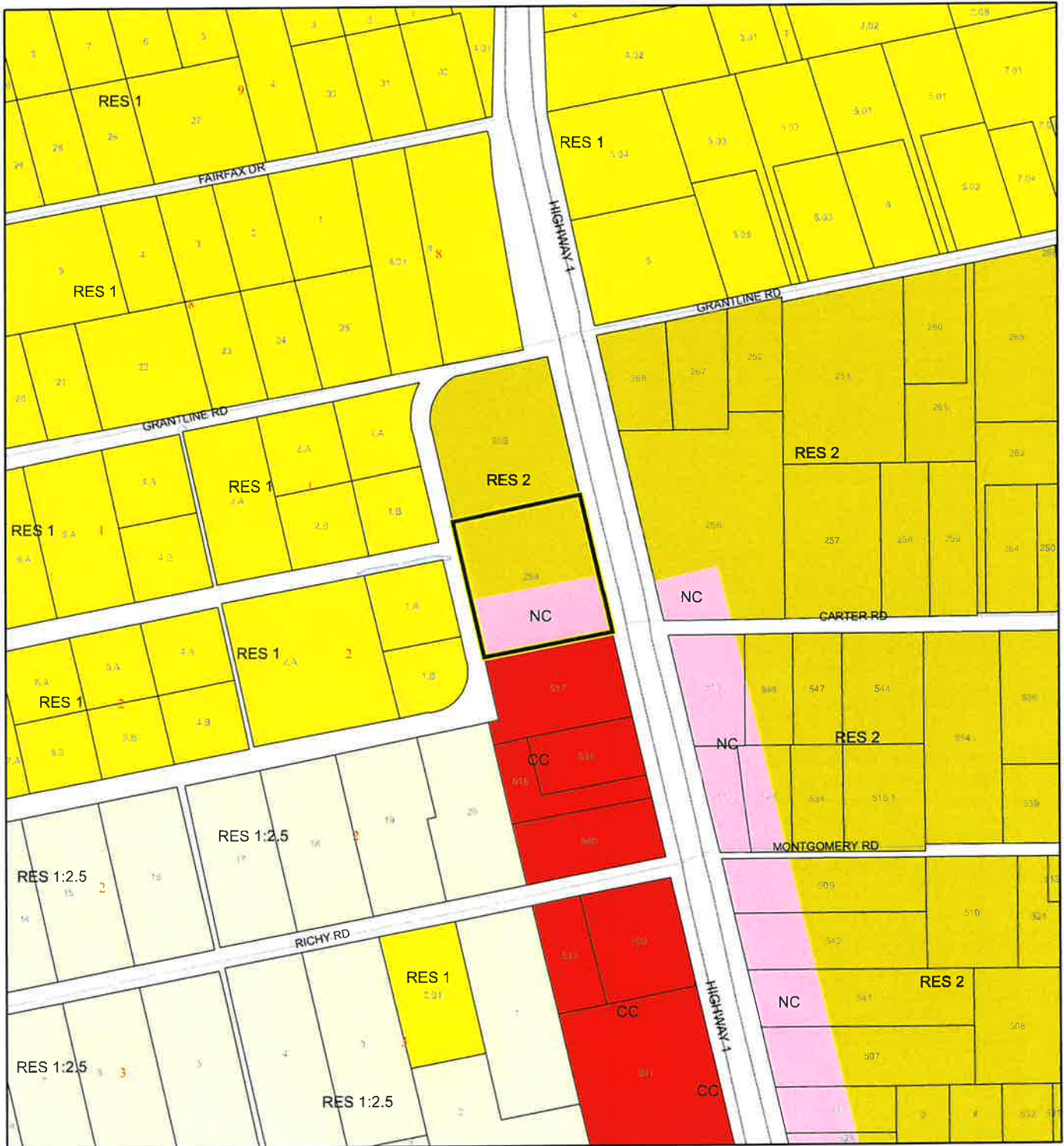
Produced by BoCC - GIS Date: 5/21/2025

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

STILL FLORIDA PROPERTIES LLC

25Z00019



1:4,800 or 1 inch = 400 feet

Subject Property

Parcels

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AERIAL MAP
STILL FLORIDA PROPERTIES LLC
25Z00019



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2024

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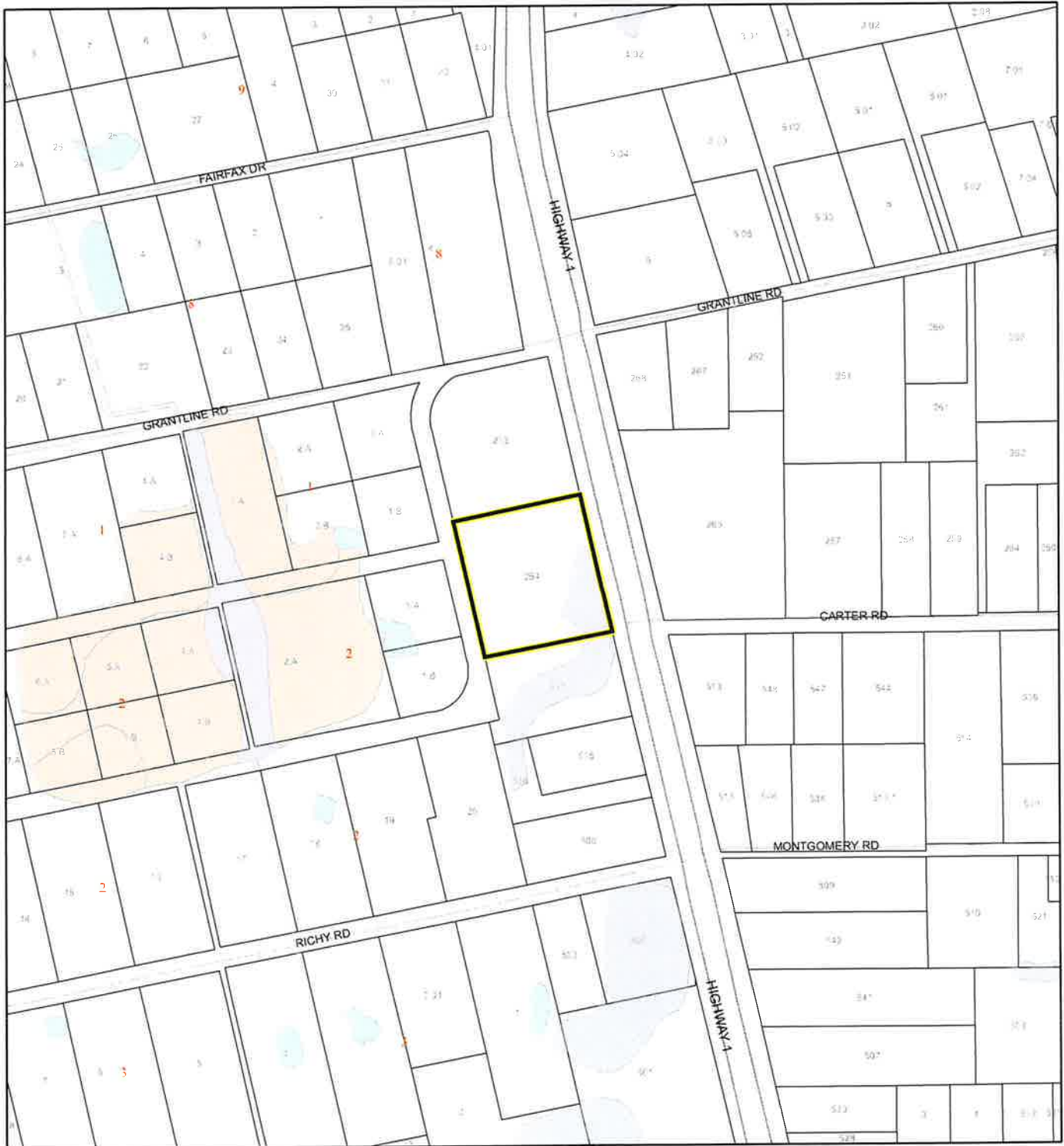
Produced by BoCC - GIS Date: 5/21/2025

— Subject Property
□ Parcels

NWI WETLANDS MAP

STILL FLORIDA PROPERTIES LLC

25Z00019



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/21/2025

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 |

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

STILL FLORIDA PROPERTIES LLC

25Z00019



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/21/2025

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

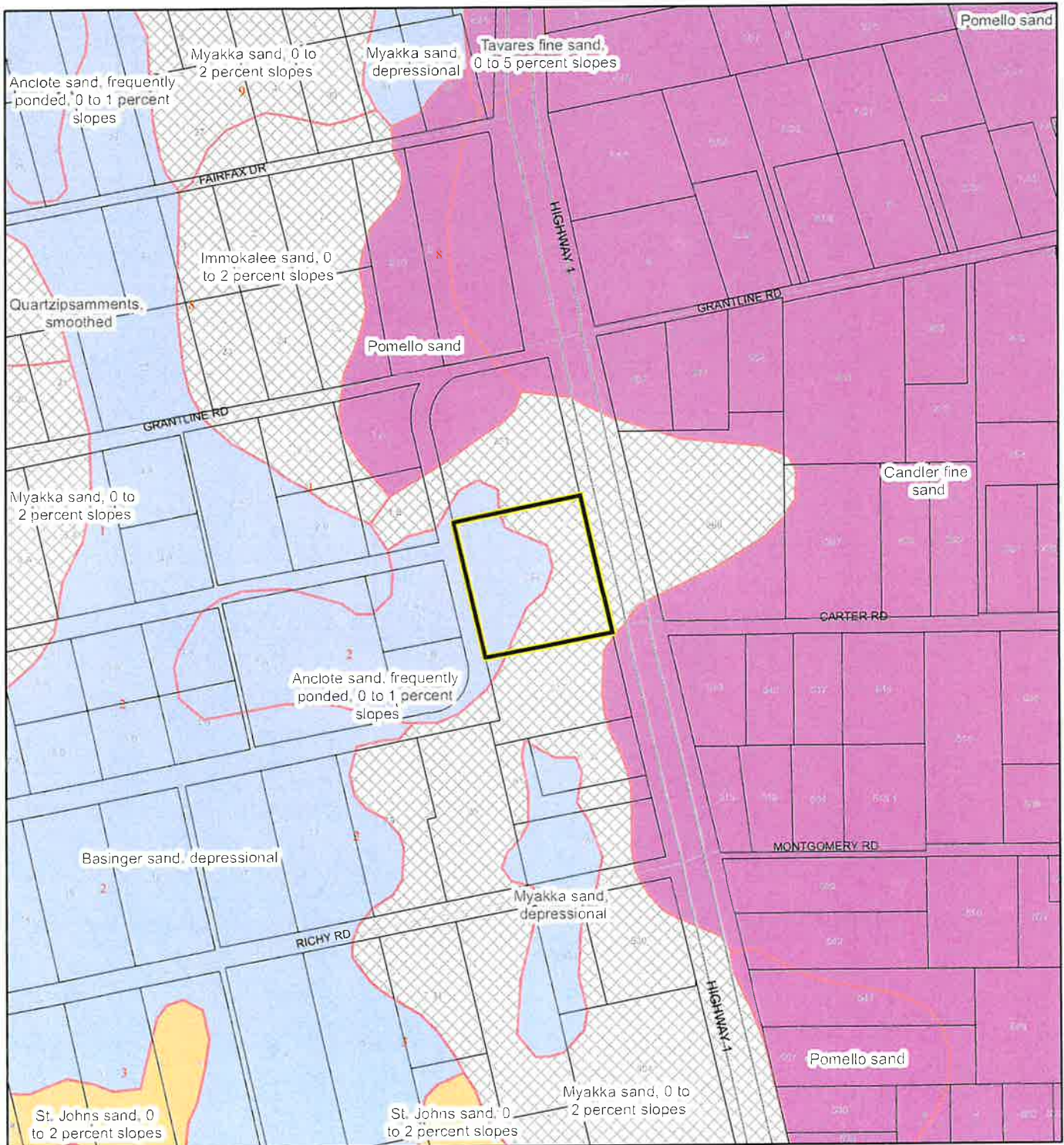
Subject Property

Parcels

USDA SCSSS SOILS MAP

STILL FLORIDA PROPERTIES LLC

25Z00019



1:4,800 or 1 inch = 400 feet

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- 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: 5/21/2025

FEMA FLOOD ZONES MAP

STILL FLORIDA PROPERTIES LLC

25Z00019



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/21/2025

FEMA Flood Zones

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

COASTAL HIGH HAZARD AREA MAP

STILL FLORIDA PROPERTIES LLC
25Z00019



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.

Produced by BoCC - GIS Date: 5/21/2025

 Subject Property

 Parcels

Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

STILL FLORIDA PROPERTIES LLC

25Z00019



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/21/2025

— Subject Property

□ Parcels

Septic Overlay

■ 40 Meters

■ 60 Meters

■ All Distances

EAGLE NESTS MAP

STILL FLORIDA PROPERTIES LLC

25Z00019



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.

Produced by BoCC - GIS Date: 5/21/2025

 Subject Property

 Parcels

 Eagle Nests FWS

SCRUB JAY OCCUPANCY MAP

STILL FLORIDA PROPERTIES LLC

25Z00019



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.

Produced by BoCC - GIS Date: 5/21/2025

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

STILL FLORIDA PROPERTIES LLC

25Z00019



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.

Produced by BoCC - GIS Date: 5/21/2025

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, August 18, 2025**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Ana Saunders (D5); Erika Orriss (D3); Debbie Thomas (D4); Greg Nicklas (D3); Ron Bartcher (D2); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Robert Brothers (D5); Melissa Jackson (D5) and Eric Michajlowicz (3).

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

Excerpt of complete agenda

H.7. Still Florida Properties LLC (Kelly Delmonico) requests a Small-Scale Comprehensive Plan Amendment (25S.11) to change the Future Land Use Map (FLUM) designation from NC and RES 2 to CC. (25SS00006) (Tax Account 2000338) (District 1)

H.8. Still Florida Properties LLC (Kelly Delmonico) requests a zoning classification change from AU to BU-1 and NC. (25Z00019) (Tax Account 2000338) (District 1)

Trina Gilliam read both item H.7. and H.8. into the record as they are companion applications but will need separate recommendations.

Kelly Delmonico spoke to the applications. She stated their whole goal of today's request is to seek BU-1 zoning. And for the property to have BU-1 zoning, we're looking at a change of the future land use designation. It's a mix of the RES 2 and commercial. And to get the BU-1, we would seek a future land use. This is an extension of the existing community commercial and the BU-1 and BU-2 to the south. The reason we're requesting BU-1 zoning is because the property owner would like to utilize this property to assist small businesses using either flex space or flex warehouse. It's the type of structure where each of the units for those small businesses have a small office and a storefront in the front with a large rollup door and then they have flexible space that they can use for storage or for fabrication. A lot of these users, what they're focused on is builders and contractors. Think AC, plumbing, electrical, cabinet makers, things like that. All of those uses because we want them all to be inside. That's why we're seeking BU-1. We don't need to seek BU-2, which would allow the heavier commercial uses than the outdoor type uses. We met with Commissioner Delaney, this is in her district, after we made the application to make sure there weren't any major concerns to consider. When we were looking at the design of this site, which we're not bringing the design before you today, but we are aware there are some wetlands on the west side of the property. So, our design would be sensitive to that and would push the building and the impervious surfaces to the east closest to US-1. This request is consistent with the comprehensive plan and the land development regulations, and we would really appreciate today a recommendation for approval and are happy to answer any questions.

No Public Comment

Erica Orriss stated her only question is it says in 2007 there's a Mims small study area and it says that really what we want to do is if this property is developed that you are providing good and services to Mims residents. So, would that be the case?

Ms. Delmonico responded Yes, I would foresee this is where small businesses would set up shop for the residents of this area and maybe other companies who need like satellite locations throughout different parts of the county. There's not a lot of places up in Mims that have this type of use available.

Ms. Orriss stated one of the other things she read was that the board may wish to consider mitigating the potential intrusion of this land use into surrounding residential areas by limiting this to only flex contractors with no outside storage. So maybe a binding development plan.

Ms. Delmonico stated she doesn't believe BU-1 allows for outdoor storage. We wouldn't be opposed to limiting that because that's not what we need to do here. But I think BU-1 protects that unless I'm missing something. We would prefer just a BU-1 zoning that we develop within those constraints because the other thing is that the use that we're proposing there is like 15 different uses. It's not a single category. It's pulling things from different contractors and cabinet makers, and someone could go in there with just an office or something. So, we do like the idea of allowing all the BU-1 uses.

Ms. Orriss stated her question is does BU-1 allow for no outside storage?

Ms. Gilliam responded that is correct.

Jerrad Atkins asked how many units if you don't mind?

Ms. Delmonico responded we're still in the conceptual phases of design because we haven't done the engineering work for the land. But in just a sketch that we had a local engineer work on for us, we had nine. But again, that's not based on engineering standards. These are about 17-1800 square foot units. It would have the rollup door and the office space with a bathroom in it and then it could be used in compliance with the BU-1 zoning.

Eric Michajlowicz stated I'm assuming these are leases. Not purchases.

Ms. Delmonico replied Yes, sir. Correct.

Mr. Michajlowicz asked who maintains the common grounds once you're all leased up?

Ms. Delmonico replied that the property owner who would be leasing out the units would take care of that the whole time.

Mr. Michajlowicz stated you don't rely on the leases.

Ms. Delmonico responded correct. They would just be focused on the inside of their units.

Ms. Gilliam requested that the applicant state they understand that no warehousing will be permitted with this use. It is for flex contractor offices, but no warehousing. We just want to have that on the record.

Ms. Delmonico stated yes, it would have storage as part of the business and their associated uses but warehousing as in you just have it only used for storage. We agreed that that's not an allowed use in the zoning district.

Motion to recommend approval of item H.7. by Erica Orriss, seconded by Ana Saunders. Motion passed unanimously.

Motion to recommend approval of Item H.8. by Robert Brothers, seconded by Debbie Thomas. Motion passed unanimously.

Meeting adjourned at 4:18 p.m.

DRAFT

From: [Rachael Feagan](#)
To: [AdministrativeServices](#)
Subject: Courtesy Notice for ID# 25SS00006 - & 25Z00019
Date: Friday, August 15, 2025 1:22:47 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Property Owners James and Rachael Feagan
3845 Grantline Rd. Mims, FL 32754

We do have concerns with the flooding issues in the low areas of this property.

Sincerely,
James Feagan

Board Meeting Date

9-4-25

Item Number: H.8.

Motion By: KD

Second By: KP

Nay By: _____

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