



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.2.

3/5/2026

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### **Subject:**

Spacewalk Groves, Inc. (Kim Rezanka) requests a CUP for land alteration. (25Z00057) (Tax Account 2315318) (District 2)

### **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 modification to an existing CUP (Conditional Use Permit) for land alteration in PIP (Planned Industrial Park) zoning classification.

### **Summary Explanation and Background:**

The applicant is seeking to amend a prior CUP to expand land alteration activities on the subject property from 10.94 acres to 37.5 acres on a 40.86-acre parcel to accommodate a commercial borrow pit operation primarily to be utilized to support construction projects at the Space Center. The applicant's original CUP was approved on August 27, 1998, under Zoning Resolution number Z-10134. Section 62-1936, Brevard County Code of Ordinances, allows an application for a CUP for Land Alteration with a minimum size for land alteration at five acres. The subject property does not have direct frontage on N. Courtenay Pkwy. The site will be accessed from N. Courtenay Parkway through the abutting parcel to the east, owned by the federal government, which has been previously utilized for the prior CUP's land alteration activities. Trucking and hauling hours of operation are from 6 AM - 4 PM, Monday through Saturday, with 23 average daily truck trips. The haul route is from the site onto N. Courtenay Parkway, with north being the primary route and south being the secondary route. The sketch plans have not been reviewed for compliance with other County departments, except for Brevard County Natural Resources Management Department. Should this application be approved, a full compliance review will occur as part of the Land Alteration Permit (discussed below). Approval of this application does not vest the applicant from compliance with all applicable regulations.

As is required by Section 62-4421(b), Brevard County Code of Ordinances, the applicant is also seeking to modify the Land Alteration Permit from the County since the intended land excavation is greater than 5 acres. The existing Brevard County land alteration permit (LAP# 98-06-001) would be modified and would remain in effect and, upon completion of the 37.5-acre borrow pit operation, the site will be incorporated into the private stormwater retention system serving the Magruder-Smith Farms Lake located west of the subject property.

Additional zoning history includes an administrative zoning initiated for compliance with FLU Policy 10.2 (updated to Policy 15.2) to bring the zoning into conformity with the Brevard County Comprehensive Plan's Future Land Use Map, which was approved by the Board under Zoning Resolution Z-10146 on September 24, 1998; the approval of this action changed the AU zoning with CUP for land alteration to PIP zoning with retention of the CUP for land alteration.

The abutting parcels located to the north and east are within federal property and not county zoned. There are five (5) zoning classifications within a 0.5-mile radius of this property. Those zonings are AU, IU, IU-1, PIP and RR-1. The most prevalent zoning classification is the AU classification.

The Board may consider whether the request is consistent and compatible with the surrounding area.

On February 12, 2026, the North Merritt Island Dependent Special District Board heard the request and unanimously recommended approval.

On February 16, 2026, the Planning and Zoning Board heard the request and unanimously recommended approval.

**Clerk to the Board Instructions:**

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

**Resolution 25Z00057**

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

**WHEREAS, Spacewalk Groves, Inc.** (Kim Rezanka) requests a CUP (Conditional Use Permit) for Land Alteration of 37.5 acres within a parent tract in PIP (Planned Industrial Park) zoning classification, on property described as Tax Parcel 500, as recorded in ORB 3845, Page 1372, of the Public Records of Brevard County, Florida. **Section 13, Township 23, Range 36.** (40.7 acres) Located approximately 390' north of N. Courtenay Pkwy., and approximately 1,381' east of Simons Ave. (No Address, Merritt Island); 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 CUP for Land Alteration of 37.5 acres within a parent tract in PIP zoning classification, be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

**BE IT FURTHER RESOLVED** that this resolution shall become effective as of March 05, 2026.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

  
Thad Altman, Chair

Brevard County Commission

As approved by the Board on March 05, 2026.

ATTEST:

  
RACHEL M. SADOFF, CLERK

(SEAL)

P&Z Board Hearing – February 16, 2026.

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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 Building A, Room 114  
 Viera, Florida 32940  
 (321)633-2070 Phone / (321)633-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS  
 25Z00057**

**Spacewalk Groves, Inc. (Kimberly Rezanka)  
 Land Alteration Conditional Use Permit (CUP)**

Tax Account Number: 2315318  
 Parcel I.D.: 23-36-13-00-500  
 Location: Located approximately 390 feet north off North Courtenay Parkway, and approximately 1,381 feet east of Simons Ave. (District 2)  
 Acreage: 40.7 acres  
 NMI Board: 2/12/2026  
 Planning & Zoning Board: 2/16/2026  
 Board of County Commissioners: 3/05/2026

**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)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	PIP with 11-acre CUP for land alteration	PIP with expansion of existing CUP for land alteration
<b>Potential*</b>	11-acre alteration	37.5-acre alteration
<b>Can be Considered under the Future Land Use Map</b>	YES PI	YES PI

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

**Background and Purpose of Request**

The applicant is seeking to amend a prior CUP to expand land alteration activities on the subject property from 10.94 acres to 37.5 acres on a 40.7 acre parcel to accommodate a commercial borrow pit operation primarily to be utilized to support construction projects at the Space Center. The applicant's original CUP was approved on August 27, 1998, under Zoning Resolution number **Z-10134**.

Section 62-1936 allows an application for a CUP for Land Alteration with a minimum size for land alteration at five acres. The applicant included engineered sketch plans in their CUP application showing the proposed overall site and the offsite haul route. The subject property does not have direct frontage on N. Courtenay Pkwy. The site will be accessed from N. Courtenay Parkway through the abutting parcel to the east, owned by the federal government, which has been previously utilized for the prior CUP's land alteration activities. Trucking and hauling hours of operation are from 6 AM – 4 PM, Monday through Saturday, with 23 average daily truck trips. The haul route is from the site onto North Courtenay Parkway, with north being the primary route and south being the secondary route. The sketch plans have not been reviewed for compliance with other County departments, with the exception of Brevard County Natural Resources Management Department. Approval of this application does not vest the applicant from compliance with all applicable regulations.

As is required by County Code Sec. 62-4421(b), the applicant is also seeking to modify the Land Alteration Permit from the County since the intended land excavation is greater than 5 acres. The existing Brevard County land alteration permit (LAP# 98-06-001) shall remain in effect and, upon completion of the 37.5-acre borrow pit operation, the site will be incorporated into the private stormwater retention system serving the Magruder-Smith Farms Lake located west of the subject property.

Additional zoning history includes an administrative zoning initiated for compliance with FLU Policy 10.2 (updated to Policy 15.2) to bring the zoning into conformity with the Brevard County Comprehensive Plan's Future Land Use Map, which was approved by the Board under Zoning Resolution **Z-10146** on September 24, 1998; the approval of this action changed the AU zoning with CUP for land alteration to PIP zoning with retention of the CUP for land alteration.

***Surrounding Area***

	<b>Existing Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Unimproved	N/A	N/A
<b>South</b>	Vacant western parcel; Industrial air plant eastern parcel	IU & IU-1 with CUP for Heavy Industry Use	Industrial
<b>East</b>	Solar plant	N/A	N/A
<b>Northwest</b>	Shed/building	AU	RES 1
<b>Southwest</b>	200-foot guyed Communication Tower	PIP with tower CUP	PI

The abutting parcels located to the north and east are within federal property and not county zoned. There are five (5) zoning classifications within a 0.5-mile radius of this property. Those zonings are AU, IU, IU-1, PIP and RR-1. The most prevalent zoning classification is the AU classification.

The AU zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character on lots of at least 2.5-acres in size, 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, beekeeping, plant nurseries, and the packing and processing of commodities raised on site. Conditional uses in AU include hog farms, zoological parks, and land alteration.

Florida Statute 570.86 defines "agritourism activity" as "any agricultural related activity consistent with a bona fide farm, livestock operation, or ranch or in a working forest which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions." Local government is prohibited from adopting ordinances, regulations, rules, or policies that prohibit, restrict, regulate, or otherwise limit an agritourism activity on land that has been classified as agricultural land. At this time, there is no agricultural exemption on the subject property.

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

IU zoning classification permits light industrial land uses within enclosed structures. The minimum lot size is 20,000 square feet, with a minimum width of 100 feet and a minimum depth of 200 feet.

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

## **Land Use**

The subject property is currently designated Planned Industrial. The PIP zoning classification is considered consistent with the Planned Industrial FLU designation.

## **Applicable Land Use Policies**

**FLUE Policy 3.5** addresses the Planned Industrial Future land use designation. The Planned Industrial land use designation is intended to accommodate the clustering of light industrial and business uses in settings which provide special attention to the integration of infrastructure, such as circulation, parking, and utilities, while placing emphasis upon aesthetics of the project and compatibility with abutting properties and properties within the industrial park. These parks shall be designed to limit intrusion into residential areas. Appropriate uses are those that operate within enclosed buildings such as manufacturing, assembling, fabricating, warehousing and retailing activities. Hotel and motel accommodations that serve the travel needs of employees or clients associated with firms within the planned industrial or business parks are also appropriate. Marinas may also be considered within this land use designation. Appropriate locations for planned industrial parks shall be based upon the criteria listed below. Table 3.1 summarizes the specific development parameters listed below as well as issues that affect decision making for

rezoning requests and for site plan review, as described in Policies 3.2 and 3.3.

Criteria:

A. Planned industrial park project sites shall incorporate at least three (3) acres.

**Staff analysis: Site area according to survey is 40.7 acres in area.**

B. Planned industrial parks must be within 660 feet of the major transportation corridors. Major transportation corridors include such roadways as Interstate 95, U.S. Highways 1 and 192, and State Roads 3, 46, 50, 528, 524, 520, 518, and 516.

**Staff analysis: Parcel lies within 360 feet of N. Courtenay Parkway (State Road #3).**

**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;

***The parcel has an existing 10.94-acre land alteration permit and is currently being mined. The request is not anticipated to diminish the enjoyment of safety or quality of life in the existing industrial area. The proposed CUP will need to comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272. The applicant says no blasting is proposed.***

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 (Master Appraiser 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;

**The historical land use of the area can be characterized as existing industrial development to the parcels southern and eastern borders. This site is located within an 83+ acre Planned Industrial node. The parcels to the north and east are within federally controlled property. The parcels to the west are within the**

**Residential 1 and Planned Industrial (PI) FLU designations. Parcels to the south are within the Heavy/Light Industrial (IND) FLU designation.**

**There are four (4) land use types within 0.5-mile radius of this property. Those Future Land Use designations are: Heavy/Light Industrial, Planned Industrial, Residential 1 and Residential 1:2.5. The most prevalent FLU type in this area is the Residential 1 designation.**

**There are five (5) Zoning classifications within 0.5-mile radius of this property. Those zoning classifications include AU, IU, IU-1, PIP and the RR-1 designations. The predominant zoning classification is the AU classification followed closely by the RR-1 designation.**

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

**There has been no new development within 0.5 miles.**

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

**There have been no zoning actions within a half-mile radius around this site within the last 3 years.**

**There has been no new development approved within the past three years.**

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

**No material violation of relevant policies has been identified.**

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

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

##### **Criteria:**

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

**Staff analysis indicates the request is located in an area of existing residential and industrial type uses. Residential uses are developed to the west upon 3+ acre AU zoned lots and to the south beyond N. Courtenay Parkway as 1+ acre lots zoned RR-1. Industrial use includes a solar farm to the east, a 200-foot-tall cellular tower to the west, and an industrial air manufacturing plant to the south. The applicant notes that 80% of the anticipated truck traffic is towards the east (heading north into KSC**

**property) and 20% to the west (heading south towards the Barge Canal). The noted average daily truck trips are 23 trucks per day.**

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 site lacks road frontage and utilizes an easement for access. This site does not abut any active residential development or platted residential subdivisions.**

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.

**Staff analysis indicates that the area is either unimproved, developed for low density single-family residential use or industrially improved for a cellular tower, solar and liquid air manufacturing uses.**

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.

**The subject parcel continues to be used under a land alteration permit for over 27 years (Land Alteration Permit issued under #98-06-001). When completed, the site will be utilized for a private retention system. The nearby residential uses to the west have been in existence since 1986 with last unit development in 2006. Residential development to the south along N. Courtenay Parkway has been used since 2004.**

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

The proposed CUP will access the N Courtenay Parkway segment between N Tropical Trail to Space Commerce Way. The maximum development potential from the proposed CUP does not increase the percentage of Maximum Acceptable Volume utilization as the project will maintain the current number of trips per day they are currently using. The concept plan identifies 23 average daily truck trips. The corridor is anticipated to operate at 26.29% of capacity daily. The request is not anticipated to create a deficiency in LOS.

A. Whether adopted levels of service will be compromised;

**Staff analysis indicates the levels of service for transportation facilities will not 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;

**There is an existing Land Alteration Permit under development at this time; any potential traffic improvements or roadway bonding should be addressed within their comments for the proposed expansion.**

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;

**Staff analysis indicates N. Courtenay Parkway as a 4-land roadway. Traffic capacity is within limits.**

D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose potential for material danger to public safety in the surrounding area;

**Staff analysis indicates no new roadway impacts. Existing impacts to continue with the expansion request.**

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;

**Staff analysis indicates no adverse change to existing roadway.**

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;

**Staff analysis of the proposed sketch plan indicates existing truck traffic may increase from 15 to 23 truck trips per day (one-way). Northbound truck traffic may increase deterioration of the N. Courtenay Parkway driveway intersection and medium cut to continue on N. Courtenay Parkway.**

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.

**Staff analysis of south bound traffic (27-year track record) may not be an impact to existing residential neighborhoods to the south or west of this location.**

**Administrative Policy #6 - 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.**

The proposed CUP appears to meet land development policies noted above.

Page 7

## **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.**

The entire subject parcel contains mapped hydric soils. However, the St. Johns River Water Management District concluded that there are no on-site wetlands in the vicinity of the proposed excavation in a technical staff report dated November 20, 2023, for an existing Consumptive Use Permit. A wetland delineation may 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, and as shown on the FEMA Flood Map. Additionally, the parcel is located on North Merritt Island (NMI), north of Hall Road. Section 62-3724(4) contains additional criteria including compensatory storage in North Merritt Island.

There is a mapped eagle nest (BE934) approximately 360 feet west of the site. Please contact USFWS at 352-406-6780. At the time of permitting, documentation is required indicating USFWS has been contacted.

## **Preliminary Concurrency**

The closest concurrency management segment to the subject property is N Courtenay Parkway, between N Tropical Trail to Space Commerce Way, which has a Maximum Acceptable Volume (MAV) of 45,800 trips per day, a Level of Service (LOS) of C, and currently operates at 26.29% of capacity daily. The maximum development potential from the proposed CUP does not increase the percentage of MAV utilization. The corridor is anticipated to operate at 26.29% of capacity daily. The request is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development is considered an industrial project; not a residential project.

The parcel is within the Brevard County utilities service area for public sewer. The closest Brevard County sewer line is approximately 8,800 feet south along N Courtenay Parkway.

This site does not appear to have potable water service at this time. The City of Cocoa would be the potential service provider in the future.

## **Special Considerations for CUP (Conditional Use Permit)**

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

if any, are indicated below.

Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context of public health, safety and welfare. The applicant has submitted documentation in order to demonstrate consistency with the standards set forth in Section 62-1901 and Section 62-1936, Land Alteration.

This request should be evaluated in the context of **Section 62-1936** which outlines conditions for Land Alteration which states:

- (a) The minimum size for land alteration is five acres.

***The applicant's request is increasing from 10.94 to 37.5 acres.***

- (b) The approval of a conditional use permit for a land alteration shall be subject to the applicant's obtaining a land alteration permit meeting the requirements and conditions of article XIII, division 4, of this chapter, or a private lake permit meeting the requirements and conditions of article XIII, division 5, of this chapter, from the office of natural resources management.

***The applicant has an active NRMD Land Alteration Permit (LAP) application under review.***

- (c) A land alteration shall be set back 50 feet from all property lines, and 75 feet from any right-of-way or major arterial street as defined in article VII of this chapter. A land alteration shall be set back 250 feet from all residentially zoned properties and AU and GU zoned properties which are not owned by the applicant. A minimum side slope shall be no steeper than five feet horizontal to one foot vertical (5:1) to a mean water depth of five feet. Slopes deeper than five feet shall be no steeper than 2:1.

***The applicant has submitted drawings which show compliance with required setbacks.***

- (d) A conceptual site plan, binding on the property owner, shall be submitted which shows the following:

***The applicant has submitted plans which comply with the following criteria; however, no blasting areas have been identified. Board should verify that blasting and explosives are not proposed or should direct the applicant to remit revised plans depicting a proposed location.***

- (1) The size and location of the land alteration.

***The applicant has submitted plans which shows the size and location of the land alteration.***

- (2) The location of any equipment and equipment storage.

***The applicant has submitted plans which shows the location of equipment and equipment storage.***

- (3) The points of ingress and egress.

***The applicant has submitted plans which shows the point of ingress and egress along the southeast boundary.***

- (4) The extent of buffering, and other associated operational components.

***The applicant has submitted plans which shows the location of buffering.***

- (5) Rock crushing operations must be specified and the exact location described during application submittal.

***The applicant has advised that there will be no rock crushing operations. Material excavated will be structural fill for various local space center projects.***

- (6) Identify the maximum number of truck trips per day to and from the site.

***The applicant has estimated the truck volume to be between 10-30 trips per day with 23 truck trips as the average.***

- (7) A vicinity map shall be provided that reflects the removal routes that trucks and other vehicles will use to haul sites or areas external to the alteration site.

***The applicant has submitted plans which reflects the removal routes that trucks and other vehicles will use to haul sites or areas external to the alteration site.***

- (8) Location of areas where explosives, blasting agents, or detonators may be used in conjunction with land alteration activities.

***The applicant states this operation does not intend to use explosives.***

- (e) Land alteration activity must be located with direct access to collector or arterial roads except for projects within commercial and industrial zoned properties.

***The SCTPO lists the nearby road segment as Principal Arterial Other - Rural. Applicant states most traffic will be headed in a north direction into federal property.***

- (f) Land alteration activities shall be limited to operations between dawn to dusk and prohibited on Sundays.

***The applicant states the operational hours are 6AM – 4PM Monday - Saturday.***

- (g) If deemed necessary by the county manager or designee, where the intensity of the operation would have a potential to damage an existing paved public road or street, a performance bond to guarantee repair of the road or street shall be required.

***Potential impacts are within state DOT controlled area and not county-maintained roadways.***

- (h) Such conditional use may be limited to a time specific duration as set by the board of county commissioners.

***Time limitations have not been set by the Board outside of the conditions stated above. Should the Board wish to limit the impacts beyond the current code limitations, such conditions would need to be determined at the public hearing.***

- (i) In the event that explosive, blasting agents or detonators, as defined in section 62-4391, may be used in conjunction with land alteration activities, the notice required pursuant to subsection 62-1151(b) must disclose the intent to use such materials.

***The applicant states this operation does not intend to use explosives.***

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901, as outlined on pages 6-9 of these comments. Section 62-1901 provides that the approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. The applicant's responses are indicated in bold and staff observations, if any, are provided in italics.

Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context of public health, safety and welfare. The applicant has submitted documentation in order to demonstrate consistency with the standards set forth in Section 62-1901 and Section 62-1936, Land Alterations.

### **General Standards of Review**

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

**Applicant's Response: Approval will not result in substantial and adverse impacts on adjacent and nearby properties due to: (1) The number of onsite workers needed for normal operation is two. The number of truck drivers can vary from 5 to fifteen depending on the job. The gates are only open when there is a job. The hours of operation are from 6 a.m. to 4 p.m. Monday through Fridays, Saturday only in emergencies. (2) All diesel-powered equipment and trucks are mufflered and the dewatering pumps are electrical units. The Property is located on Planned Industrial Park PIP zoning, adjacent to Heavy Industrial IU-1 zoning. Occupied by the Air Liquide, Inc. complex which generates higher decibels. Spacewalk Groves is an existing borrow pit, operating in this location for 25 years without noise complaints. Roadway dust (particles) will be monitored and controlled with watering of the roadway. (3) Two borrow pits Magruder-Smith Farms, Inc. and Spacewalk Groves, Inc have operated for 25 years at this location with no traffic incidents. The operation is not open to the public (not a storefront operation) and is only open for specific jobs. Trucks enter and exit onto SR-3/Courtenay Parkway, and the bulk of the fill material excavated is exported directly onto NASA property, to job sites in close proximity, which allows for a quick turnaround, reducing the need for a large fleet of truck traffic on the roadway.**

*Staff analysis: This site is required to meet the performance standards of Section 62-2251 through 62-2272, including the noise regulations of Section 62-2271.*

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

**Applicant's Response:** The proposed use as a commercial borrow pit operation and is not out of character with the adjacent uses as this is an expansion of an existing use established in the area since 1998. The existing Spacewalk Groves CUP 10134 was approved in 1998 for an eleven acre borrow pit. The proposed use is to expand the existing pit area up to 30 acres on the 41-acre tract. When finished the excavated area will be incorporated into a larger private drainage system which will allow for more flood resilience, benefiting the surrounding properties. [Directly to the north and east of the subject Property is the Merritt Island National Wildlife Refuge (U.S. government owned land), directly to the south abutting N. Courtney Pkwy is Airgas USA, LLC, supplier of industrial, medical and specialty gases, and to the west is Communication Towers Inc.] Although the area contains residential zoning, access for sewer and the presence of wetlands makes the area unsuitable for residential subdivision development at this time.

*Staff analysis: The applicant has proposed their intent to comply with code provisions. If the Board desires additional information, beyond these standards it should be identified at the public hearing.*

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

**Applicant's Response:** The proposed use is already established. This application is for an expansion of the existing borrow pit that will eventually be part of a private storm water park providing comprehensive storm water retention for the surrounding properties, proving for more flood resilience in the area. Providing for future storm water enhancement to the limited AU residential development to the west of the property.

*Staff analysis: The parcel is located adjacent to property under agricultural operations at this time; should this neighboring use change due to proposed residential development of the abutting sites; it may be necessary to re-evaluate the potential impacts that this site may propose.*

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

Note: Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20 percent, or ten percent if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at level of service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable county standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the

conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the board of county commissioners.

**Applicant's Response:** The existing facility will maintain ingress/egress for truck traffic onsite. Existing ingress and egress was approved and built to standards. Spacewalk Groves has agreed to do maintenance and increase the median crossing from 50' to 100' to the north on Courtenay Parkway. This will stabilize the area where the truck traffic leaves the median.

*Staff analysis:* The proposed truck volume and access to N Courtenay Parkway has estimated the truck volume to be between 30-46 trips per day. The proposed removal route is 80% (24-37 truck trips) to the north and 20% (6-9 truck trips) to the south on a state-maintained roadway.

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

**Applicant's Response:** No noise, glare, odor, particulates, smoke, fumes or other emissions from the approval of this conditional use will interfere with the use or enjoyment of adjacent or nearby properties. All diesel-powered equipment and trucks are muffled and equipped with tier 3 or tier 4 emission control systems. The dewatering pump systems are 3 phase electrical units. Road dust particulates will be monitored and controlled by watering.

*Staff analysis:* The applicant was advised to conduct themselves accordingly.

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

**Applicant's Response:** The Applicant intends to comply with all maximum allowable sounds pressure levels for Industrial property as provided in the County's Code and will not exceed the dB(A) allowed. The maximum decibel level is 75 dB. The existing borrow pit activity operates within or under this permitted level.

*Staff analysis:* The "performance standards" will be reviewed as part of the site plan review process.

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

**Applicant's Response:** It is not anticipated that the expansion of the industrial borrow pit will cause an increased level of service for solid waste disposal. This site is not open to the public and only opens for specific jobs.

*Staff analysis:* The land alteration CUP should not cause the level of service for solid waste disposal for the property or area covered by such level of service to be exceeded.

Section 62-1901(c)(2)(e): The proposed conditional use shall not cause the adopted level of service

for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.

**Applicant's Response: The proposed conditional use, a commercial borrow pit operation, will not cause an increased level for potable water or wastewater service for the property.**

*Staff analysis: The service for potable water by the City of Cocoa or wastewater for the land alteration CUP by the county will need to comply with their standards.*

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

**Applicant's Response: This site is an expansion of an existing similar industrial use to the south. Directly to the north and east of the subject Property is the Merritt Island National Wildlife Refuge (U.S. government owned land), directly to the south abutting North Courtenay Parkway is Airgas USA, LLC, (Air Liquide) supplier of industrial, medical and specialty gases, and to the west is Communication Towers Partners, property zoned AU.**

*Staff analysis: The screening or buffering aspects have been identified on the concept plan. Should the Board determine that additional measures become necessary, the Board may wish to request the applicant submit a Binding Development Plan (BDP) to provide for those additional measures.*

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

**Applicant's Response: There will be limited directional signage installed for the truck traffic. Any exterior lighting will meet the County's performance standards under section 62-2257 and will cause no interference with adjacent use of nearby properties.**

*Staff analysis: No signage or exterior lighting has been identified on the concept plan. Should the Board determine that additional measures become necessary, the Board may wish to request the applicant submit a Binding Development Plan (BDP) to provide for those additional measures.*

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

**Applicant's Response: The hours of operation are from 6 a.m. to 4 p.m. Monday through Friday, Saturdays only in emergencies. The total number of onsite workers needed for normal operation is two. The number of truck drivers can vary from 5 to fifteen depending on the job. The gates are only open when there is a job pending.**

*Staff analysis: The concept plan's Hours of operation complies with code provision.*

Section 62-1901(c)(2)(l): The height of the proposed use shall be compatible with the character of the

area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

**Applicant's Response: No habitable structure exceeds 35' in height.**

*Staff analysis: Height of proposed use is limited to 35 feet.*

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

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

**Applicant's Response: There is no offsite parking or loading areas proposed that will impair the use and enjoyment of adjacent and nearby properties.**

*Staff analysis: All parking and loading area can be performed on site.*

### **Environmental Constraints**

- Hydric Soils
- Coastal High Hazard Area
- Floodplain Protection in North Merritt Island
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements
- Protected Species

See full NRM comments at the end of this report.

### **For Board Consideration**

The Board may wish to consider the compatibility of the proposed CUP with the surrounding area. The Board may also wish to consider additional conditions beyond those cited in Sections 62-1901 and 62-1936 in order to mitigate potential offsite impacts to the abutting properties.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item No. 25Z00057**

**Applicant:** Kimberly Rezanka (Owner: Spacewalk Groves Inc.)

**Zoning Request:** Expansion of CUP for Land Alteration (Sec. 62-1936)

**Note:** to increase the land excavation site from 11 acres to 37.5 acres to accommodate a commercial borrow pit operation

**NMI Advisory:** 02/08/2026; **Zoning Hearing:** 02/16/2026; **BCC Hearing:** 03/05/2026

**Tax ID No.:** 2315318

- 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:**

- Hydric Soils
- Coastal High Hazard Area
- Floodplain Protection in North Merritt Island
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements
- Protected Species

**Land Use Comments:**

**Hydric Soils**

The entire subject parcel contains mapped hydric soils (Bradenton fine sand, limestone substratum; Copeland-Bradenton-Wabasso complex, limestone substratum; Anclote sand, frequently ponded, 0 to 1 percent slopes; and Anclote sand, frequently flooded); indicators that wetlands may be present on the property. However, the St. Johns River Water Management District concluded that there are no on-site wetlands in the vicinity of the proposed excavation in a technical staff report dated November 20, 2023, for an existing Consumptive Use Permit. **A wetland delineation may be required prior to any land clearing activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)c states that commercial or industrial land development activities may be permitted in wetlands contained in properties designated for commercial or industrial land uses on the future land use map prior to February 23, 1996, if the property abuts land(s) developed as commercial or industrial as of December 31, 2010,

and has sufficient infrastructure available to serve the commercial or industrial use. 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 Brevard County in accordance with Section 62-3696.

### **Coastal High Hazard Area**

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

### **Floodplain Protection in North Merritt Island**

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

Additionally, the parcel is located on North Merritt Island (NMI), north of Hall Road. Section 62-3724(4) contains additional criteria including compensatory storage and written certification from the engineer of record that there will be no adverse flooding impacts upon properties resulting from the proposed development. **The applicant is encouraged to continue communication with NRM prior to any plan or permit submittal or performing any land clearing activities.**

### **Indian River Lagoon Nitrogen Reduction Septic Overlay**

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

### **Land Clearing and Landscape Requirements**

Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen Trees. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen tree preservation. Land clearing is not permitted without prior authorization by NRM. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

**Land Alteration**

This property has an existing Brevard County land alteration permit (LAP # 98-06-001) on 10.94 acres of the 41.22-acre parcel. The owner is currently applying to modify the permit to expand the land alteration activities across the entire site. The application is under review in Natural Resources Management Department, and the owner is working with staff to meet all code requirements. Additionally, the owner has an approved Consumptive Use Permit for the site from the St. Johns River Water Management District (#112286-4) authorizing the use of 2.86 million gallons per year (mgy) (0.008 million gallons per day (mgd), annual average) of surface water from a mine/borrow pit for water entrained in product and dust suppression through 2035.

**Protected Species**

Federally and/or state protected species may be present on the property. Specifically, there is a mapped eagle nest (BE934) approximately 360 feet west of the site. Please contact USFWS at 352-406-6780. At the time of permitting, please provide documentation (email, letter, permit) indicating you contacted USFWS.

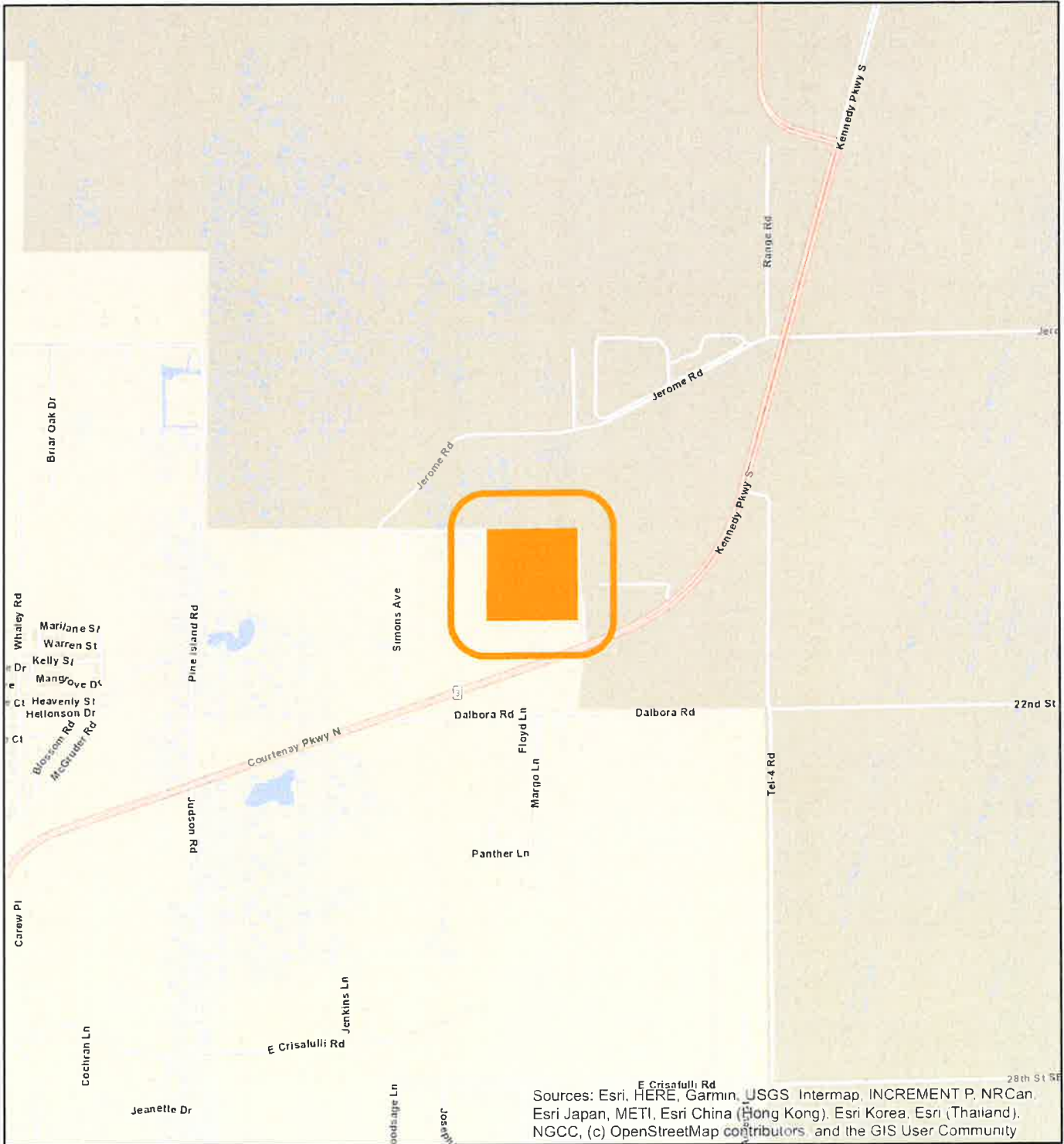








LOCATION MAP  
 SPACEWALK GROVES INC  
 25Z00057



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community





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

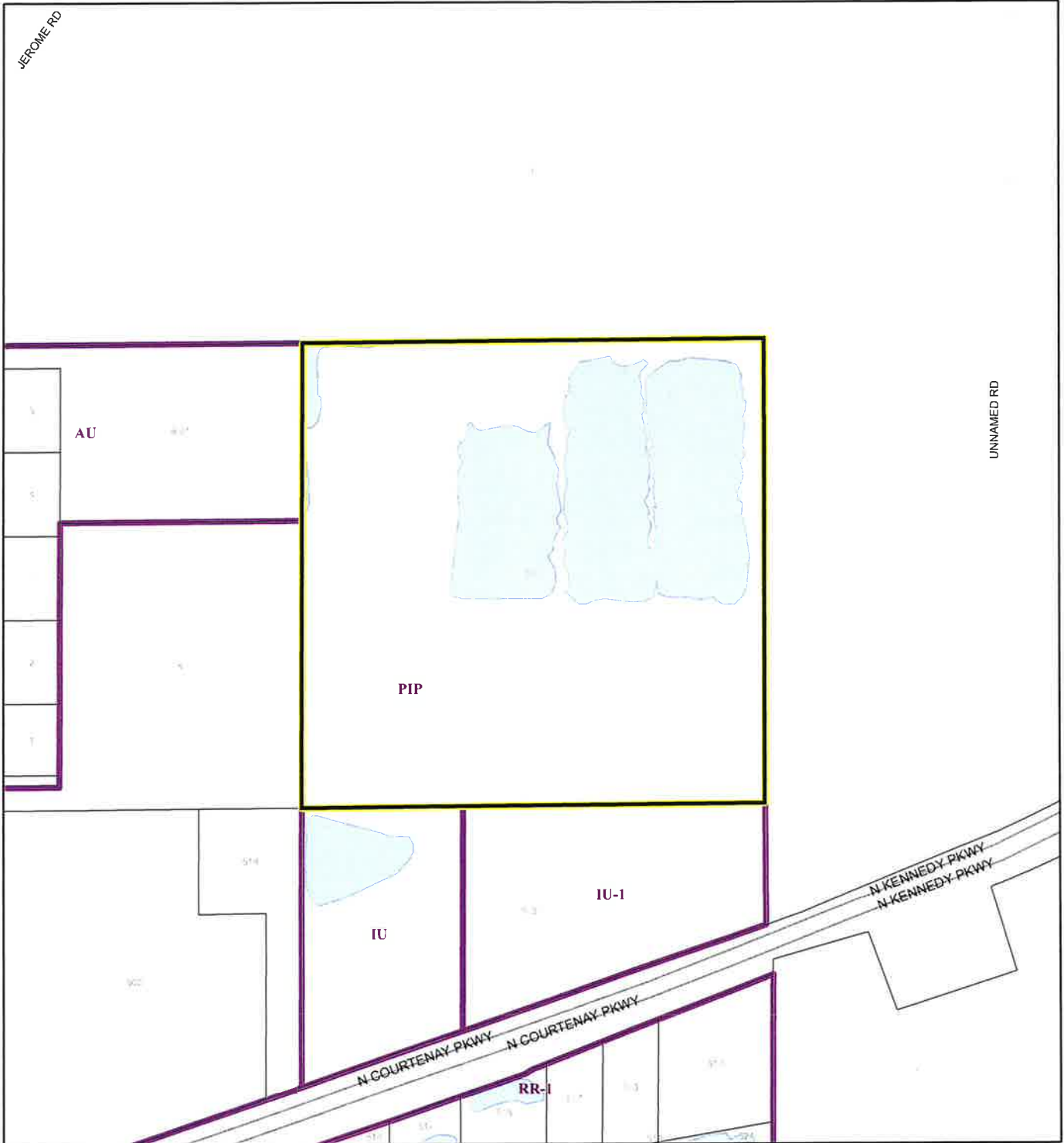
Buffer Distance: 500 feet

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Produced by BoCC - GIS Date: 12/10/2025

-  Buffer
-  Subject Property

ZONING MAP  
 SPACEWALK GROVES INC  
 25Z00057



1:4,800 or 1 inch = 400 feet

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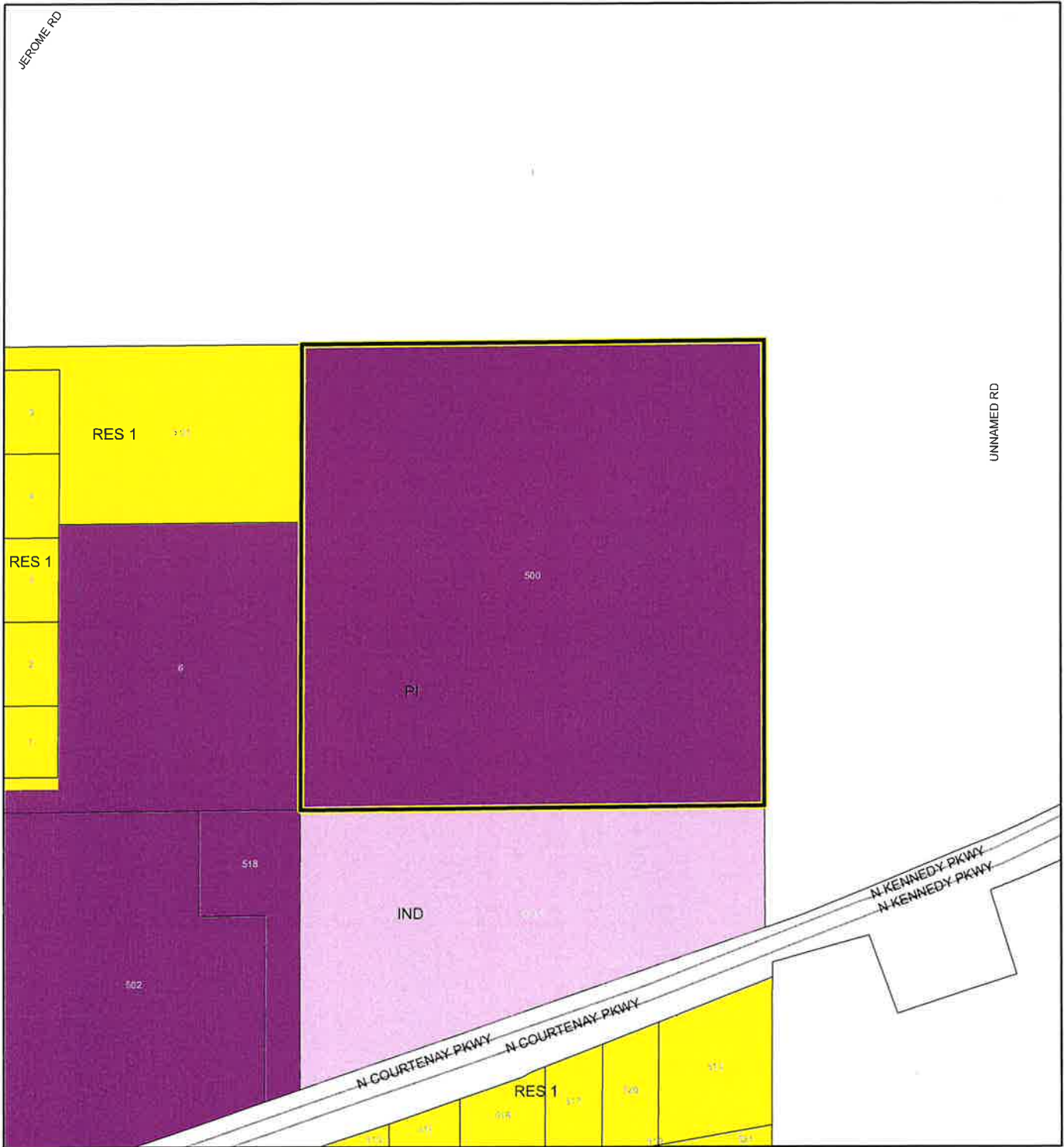
Produced by BoCC - GIS Date: 12/10/2025

-  Subject Property
-  Parcels
-  Zoning

# FUTURE LAND USE MAP

SPACEWALK GROVES INC

25Z00057



1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels

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Produced by BoCC - GIS Date: 12/10/2025

AERIAL MAP  
SPACEWALK GROVES INC  
25Z00057





1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2025

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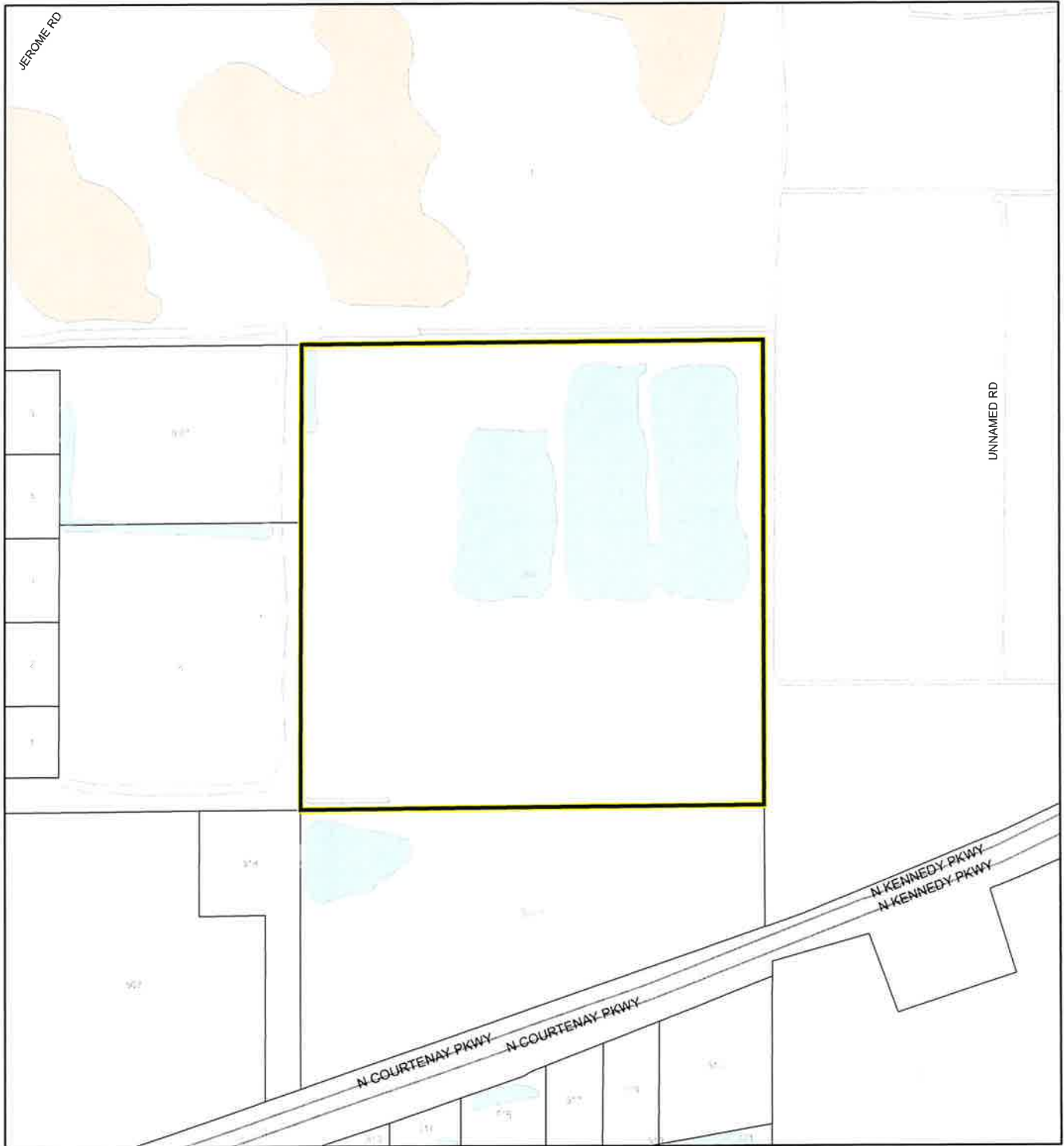
Produced by BoCC - GIS Date: 12/10/2025

 Subject Property  
 Parcels

# NWI WETLANDS MAP

SPACEWALK GROVES INC

25Z00057



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/10/2025

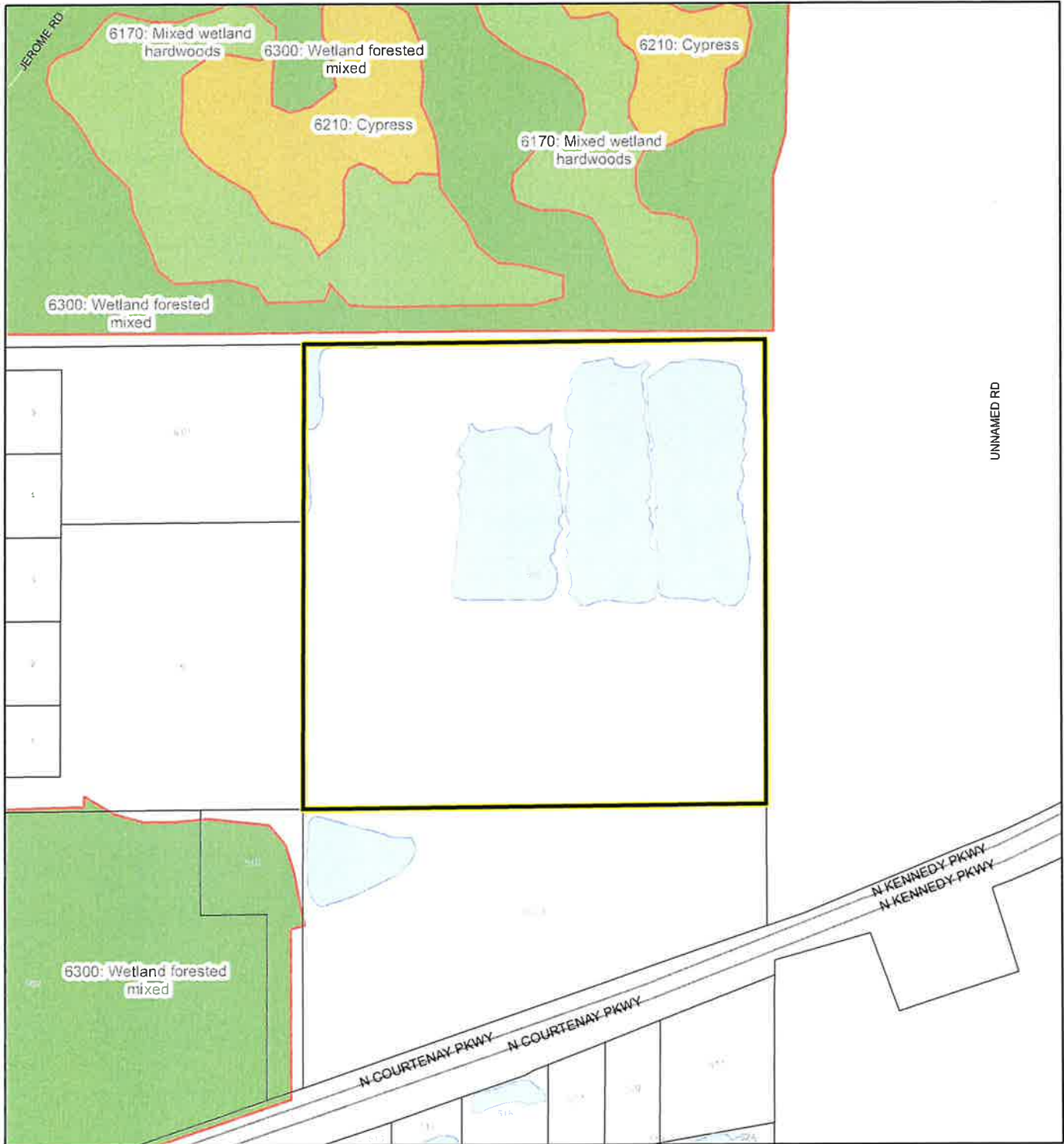
### National Wetlands Inventory (NWI)

- |                                   |                  |
|-----------------------------------|------------------|
| 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

SPACEWALK GROVES INC

25Z00057



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/10/2025

### 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

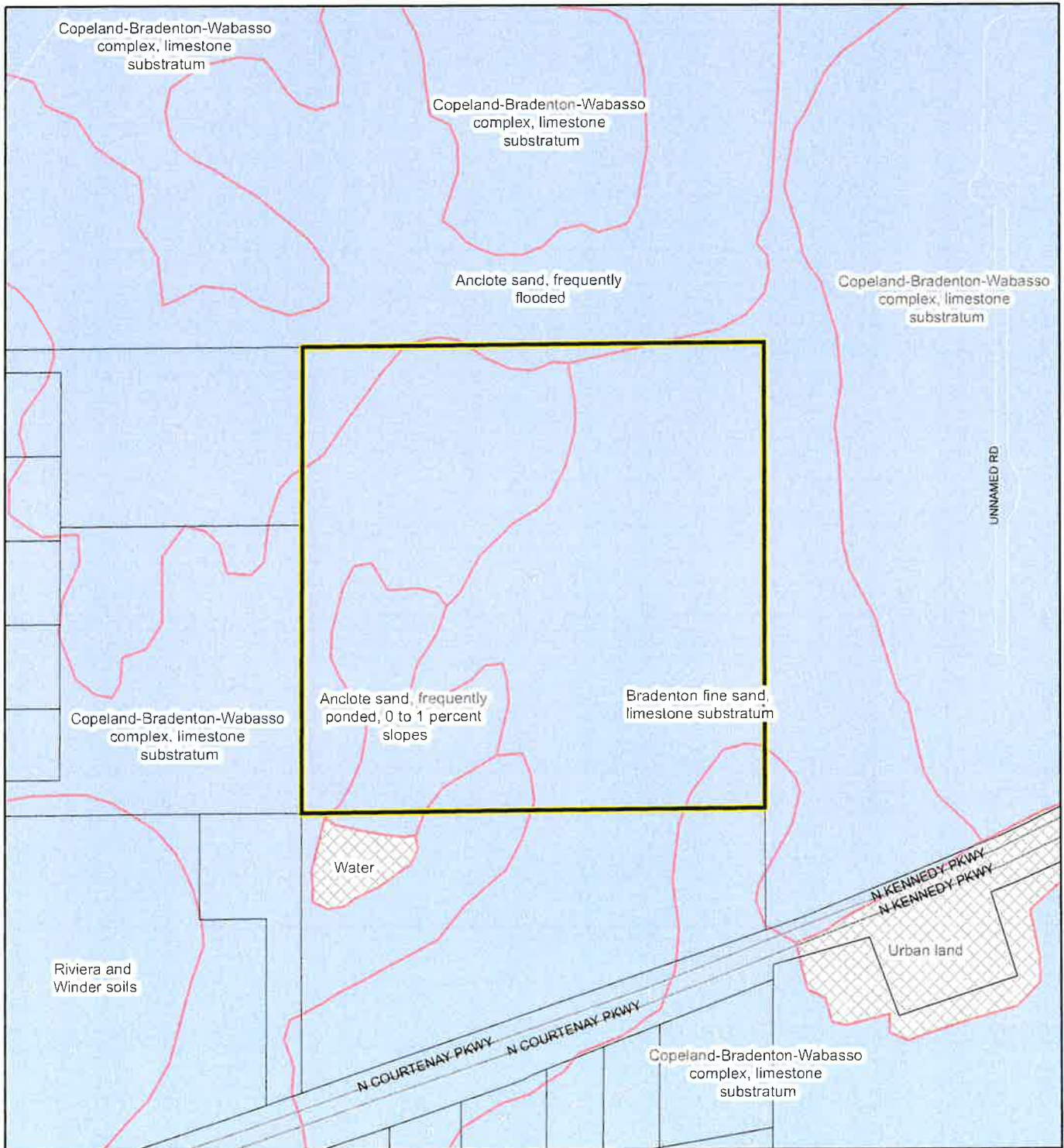
Subject Property

Parcels

# USDA SCSSS SOILS MAP

SPACEWALK GROVES INC

25Z00057



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/10/2025

## USDA SCSSS Soils

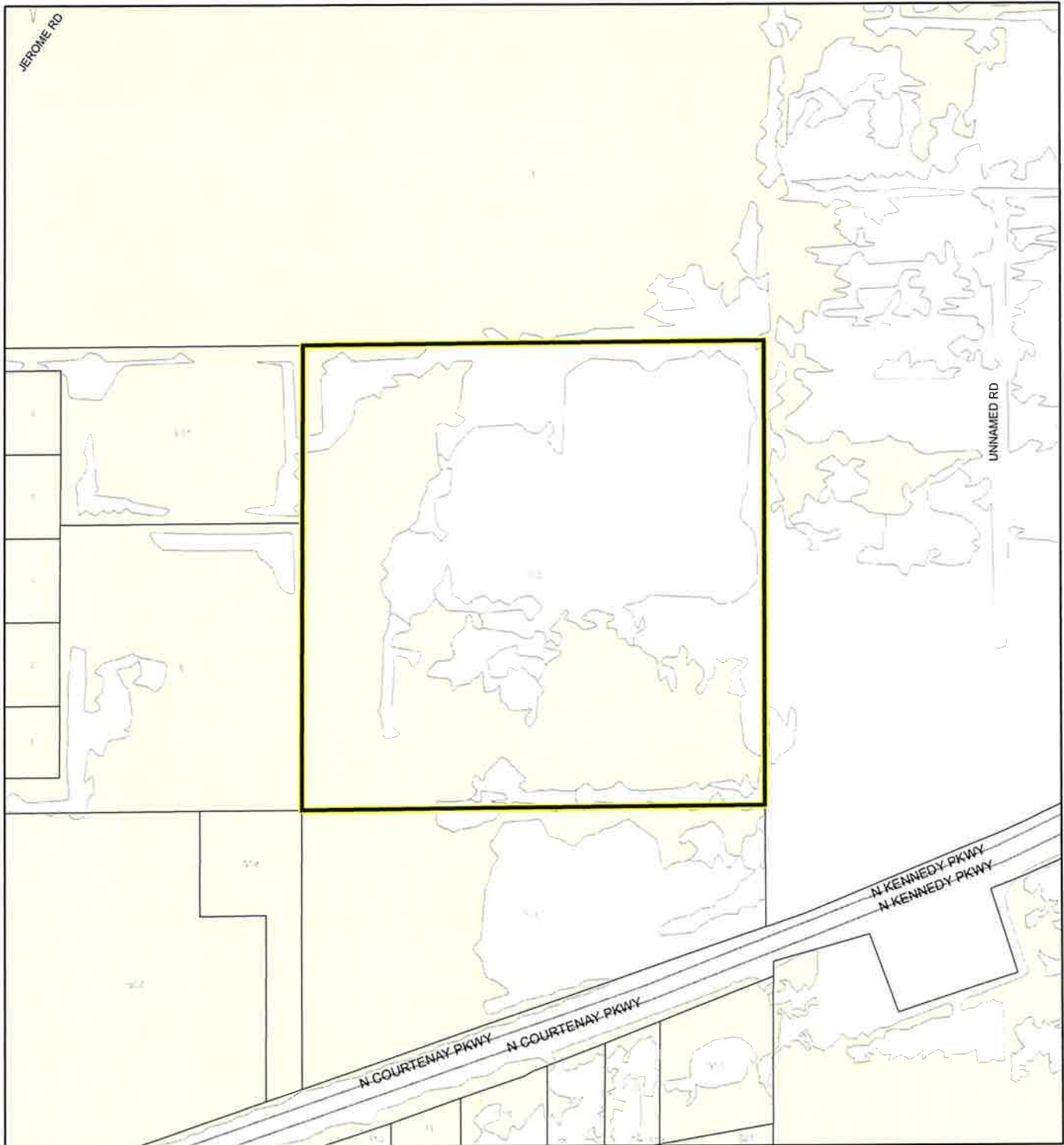
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

# FEMA FLOOD ZONES MAP

SPACEWALK GROVES INC

25Z00057












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: 12/10/2025

### FEMA Flood Zones

- |  |  |   |
|--|--|---|
|  A                |  AO         |  X |
|  AE               |  Open Water |   |
|  AH               |  VE         |   |
|  Subject Property |  Parcels    |   |

# COASTAL HIGH HAZARD AREA MAP

SPACEWALK GROVES INC

25Z00057



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/10/2025

 Subject Property

 Parcels

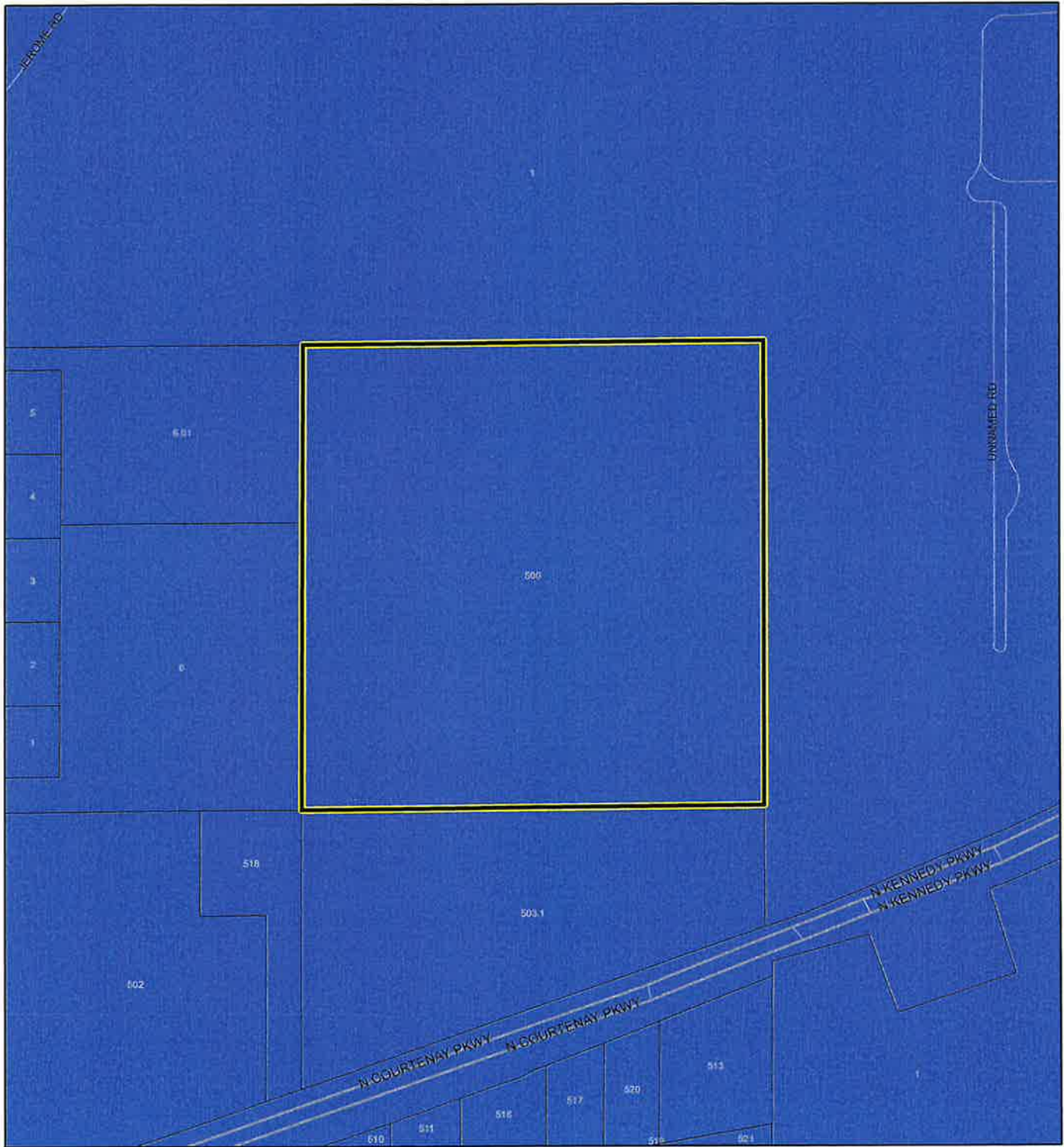
### Coastal High Hazard Area

 SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

SPACEWALK GROVES INC

25Z00057



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/10/2025

— Subject Property

□ Parcels

**Septic Overlay**

■ 40 Meters

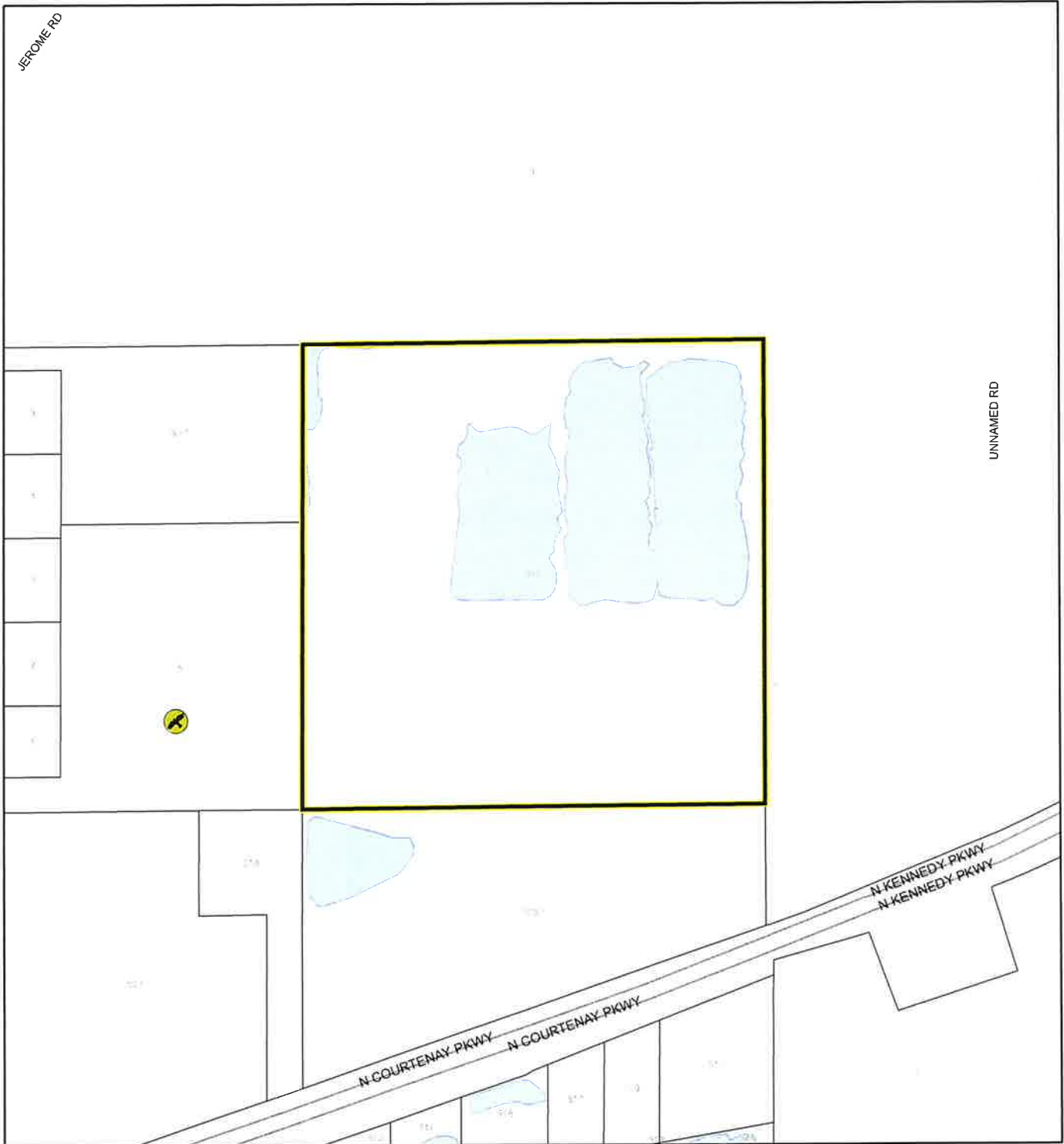
■ 60 Meters

■ All Distances

# EAGLE NESTS MAP

SPACEWALK GROVES INC

25Z00057



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/10/2025

 Subject Property

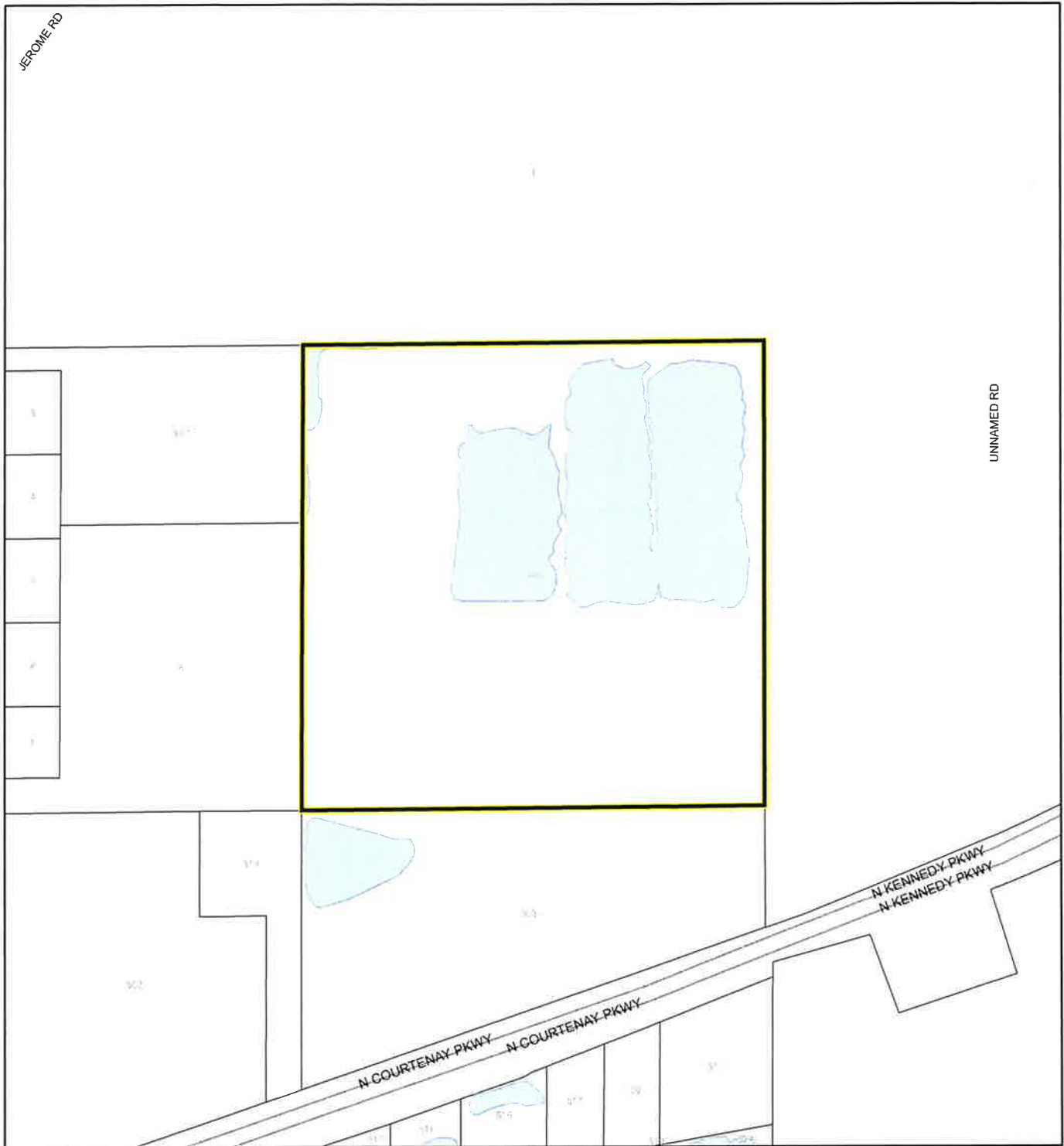
 Parcels

 Eagle Nests FWS

# SCRUB JAY OCCUPANCY MAP

SPACEWALK GROVES INC




25Z00057



1:4,800 or 1 inch = 400 feet

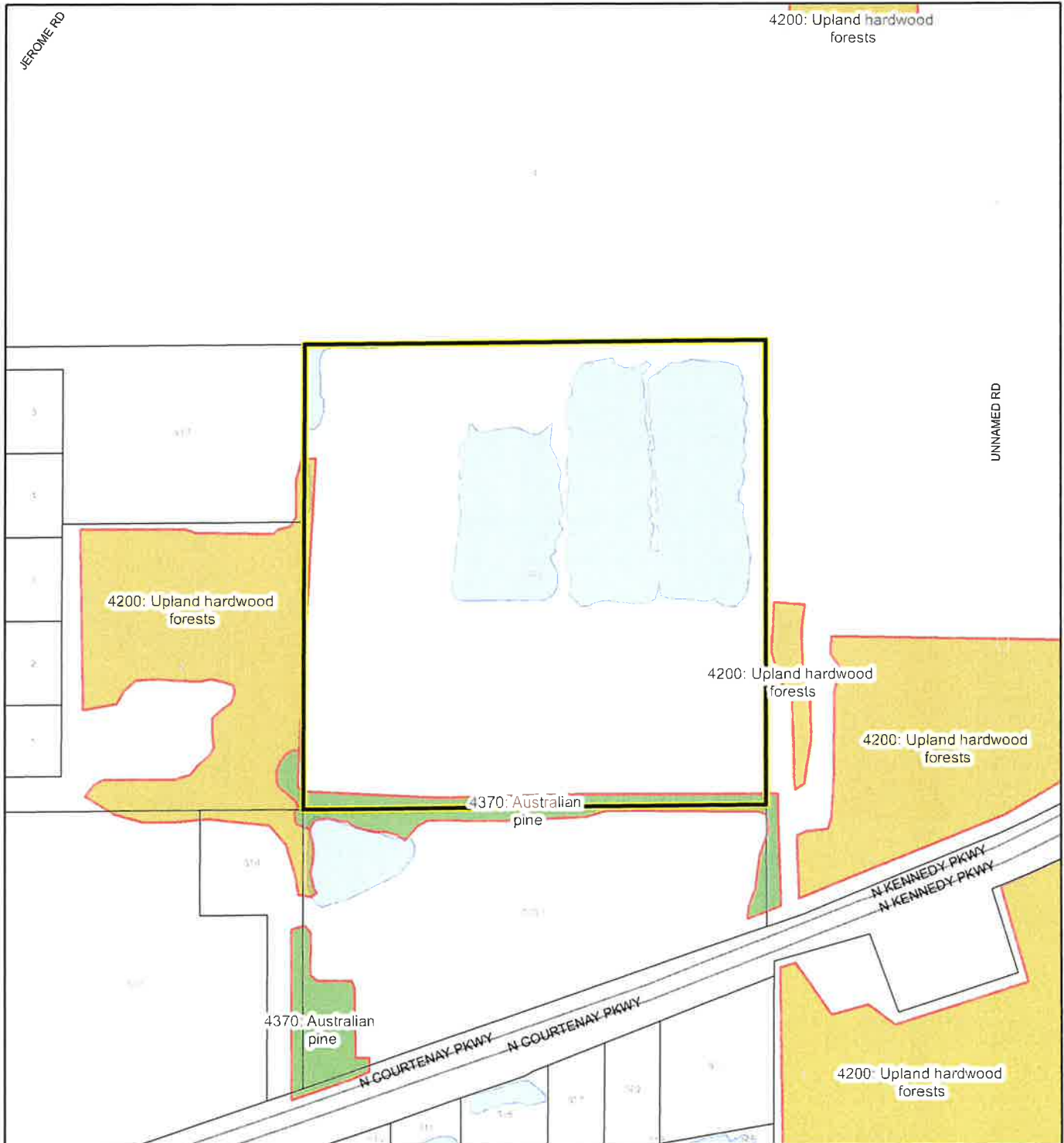
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/10/2025

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

SPACEWALK GROVES INC  
25Z00057



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.

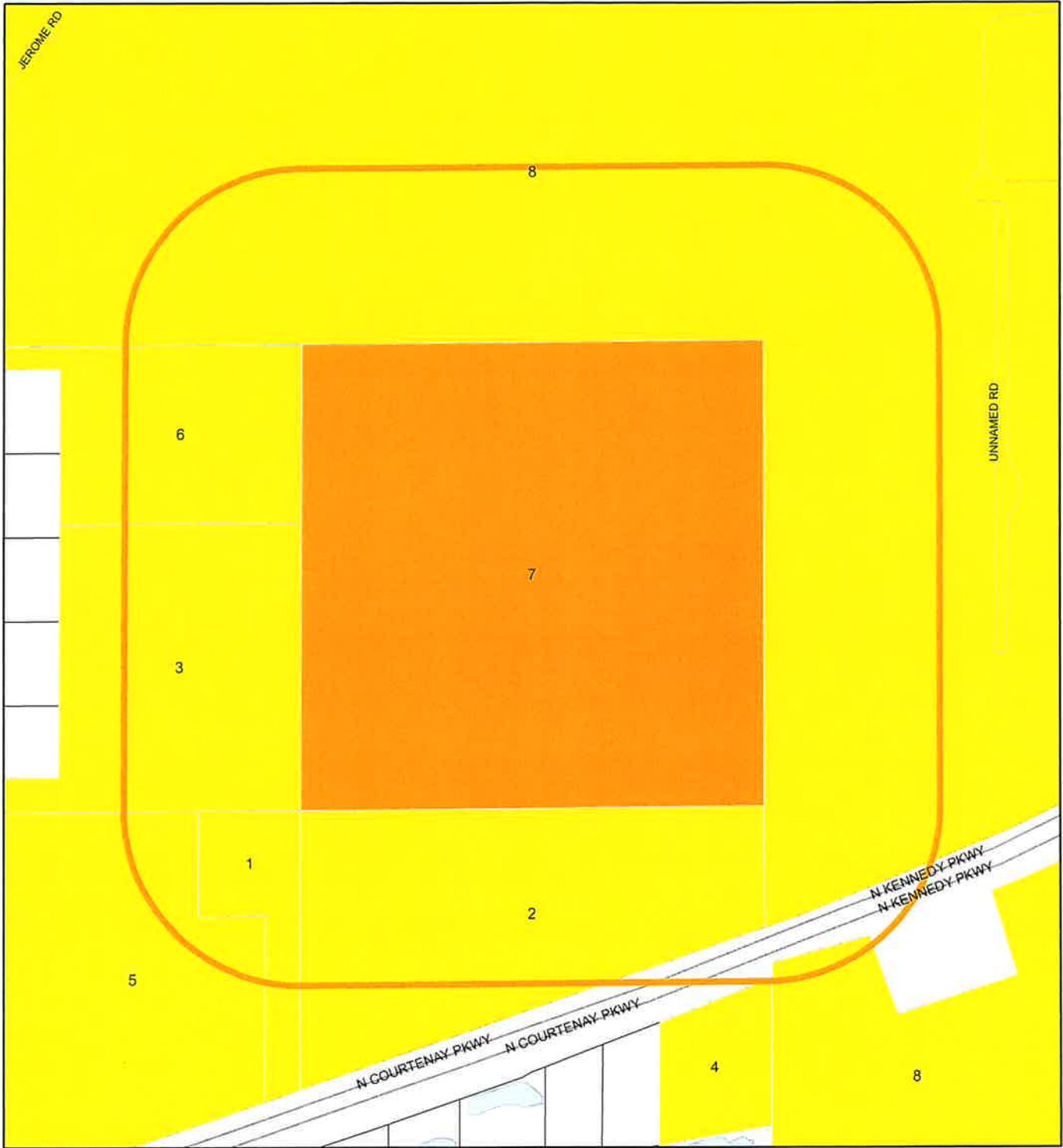
Produced by BoCC - GIS Date: 12/10/2025

### 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

RADIUS MAP  
 SPACEWALK GROVES INC  
 25Z00057







1:4,800 or 1 inch = 400 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: 12/10/2025

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

TOWNSHIP 23, RANGE 36, SECTION 13  
25Z00057

# Brevard County Official Planning & Development Map

**Legend**

- Subject Property
- TwnRng\_Lines
- Sections
- Parcels
- Streets
- Zoning Easements
- Zoning Actions
- Municipality



**DISCLAIMER AND TERMS OF USE**

The City of Brevard County, Florida, Planning and Development Department (P&D) is providing this information to you as a public service. The information is provided "as is" without any warranty or representation that the data is accurate, timely or complete. The user acknowledges and accepts the above limitations on the data provided and as a condition of use, the data shown is for informational purposes only and is not intended to be used for any other purpose.

Though this map depicts properties within the unincorporated area of Brevard County, Florida, it does not constitute a legal description of any property. The information shown on this map is for informational purposes only and is not intended to be used for any other purpose.

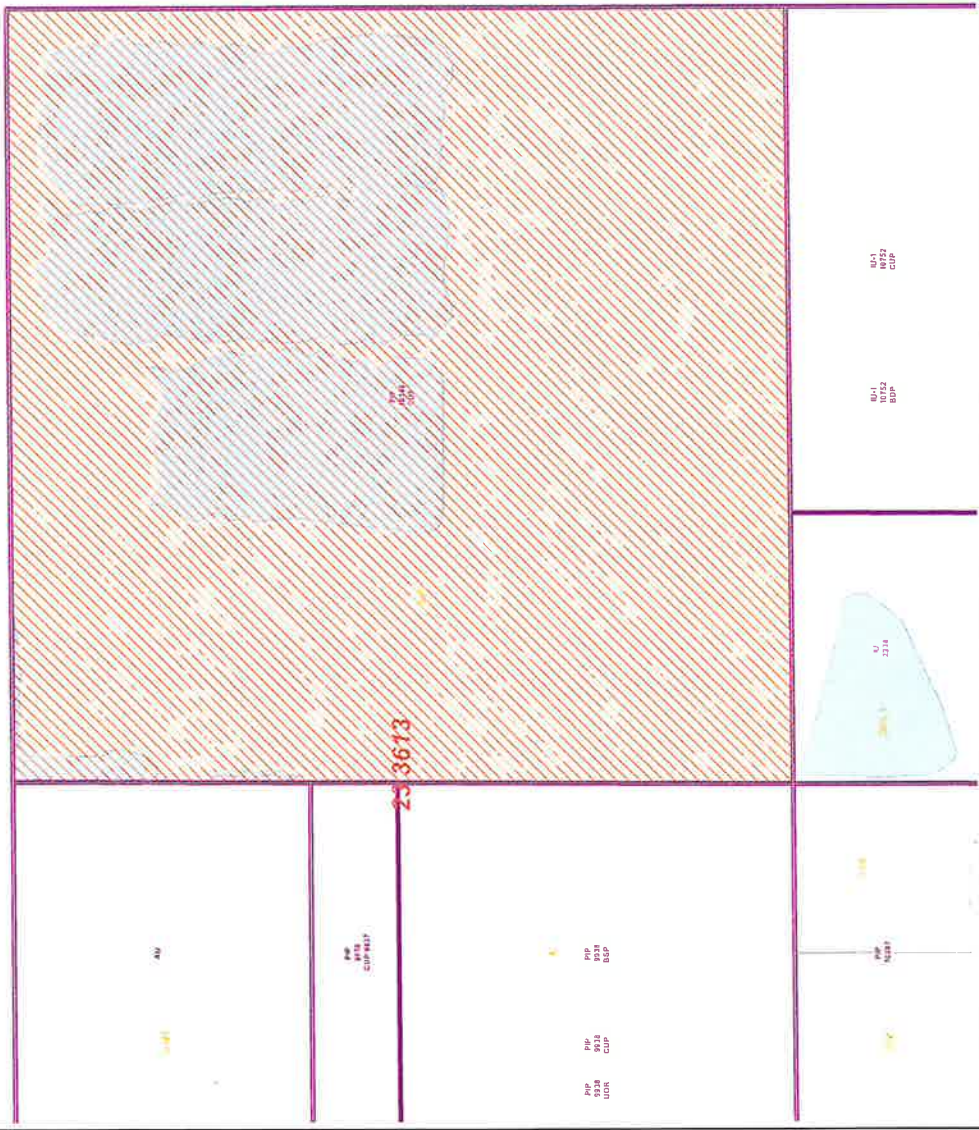
This map is for digital and print use only. The user must consult the official zoning map and the official zoning ordinance for the unincorporated area of Brevard County, Florida, for the most current information. The user must also consult the official zoning ordinance for the unincorporated area of Brevard County, Florida, for the most current information.

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1 Inch = 200 Feet

Produced by Information Technology Department - GIS  
Date: 12/10/2025



N. KENNEDY PKWY



**Date:** 02/04/2026

**To:** Brevard County Board of Commissioners

**Re:** Letter of Acknowledgement and Support – Spacewalk Groves, Inc. / Hevco II, Inc.

**To the Members of the Board:**

Since 2016, Phillips Heavy Civil has served as the exclusive site developer for the Blue Origin Campus on Merritt Island. Over the past decade, the success of this large-scale development has relied heavily on a consistent, high-quality supply chain. We are writing to formally acknowledge and recommend the services of **Spacewalk Groves, Inc. (Hevco II, Inc.)**.

For the past 10 years, Spacewalk Groves and Hevco II, Inc. have been integral partners in our site development efforts. They have served as a primary supplier of structural fill material, maintaining a standard of quality that meets the rigorous engineering requirements of the aerospace industry.

Several factors make the Spacewalk Groves site an indispensable asset to current and future development in the Merritt Island area:

- **Logistical Proximity:** Located just two miles from the Blue Origin Campus, the site allows for significantly reduced transport times and a smaller carbon footprint, which is vital for maintaining aggressive construction schedules.
- **Proven Reliability:** Our decade-long working relationship is a testament to their operational consistency and material quality.
- **Support of Industry Growth:** As the aerospace industry in Brevard County continues its projected expansion, the availability of local, high-quality structural fill is a critical infrastructure requirement.

Phillips Heavy Civil intends to continue this productive working relationship with Spacewalk Groves, Inc., to support the ongoing and future expansion of the Blue Origin Campus. We fully support their application to ensure the continued availability of these essential resources.

Sincerely,

A handwritten signature in blue ink, appearing to read 'KS', is positioned above the typed name.

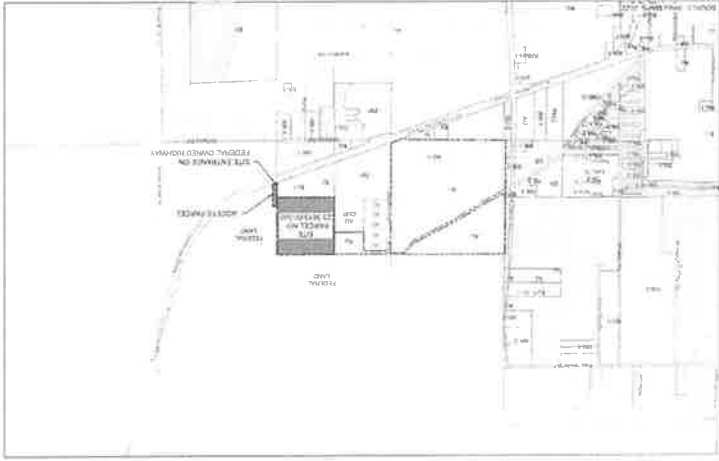
Kayla Smith  
Phillips Heavy Civil

# BREVARD COUNTY MODIFICATION APPLICATION SPACEWALK GROVES BORROW PIT 7015 NORTH COURTENAY PARKWAY (SR-3) MERRITT ISLAND, BREVARD COUNTY, FLORIDA

SECTION 13, TOWNSHIP 23, RANGE 36

INDEX:

- 1 COVER
- 2 SITE PLAN
- 3 GRADING AND DEWATERING PLAN
- 4 CROSS SECTIONS & DETAILS
- 5 NOTES & DETAILS
- 6 RECLAMATION PLAN
- 7 DRIVEWAY CONNECTION PLAN DESIGN



**PROJECT NAME:** SPACEWALK GROVES BORROW PIT

**APPLICANT:** BRIAN HAMILTON  
SPACEWALK GROVES, INC.  
PO BOX 540829, MERRITT ISLAND,  
BREVARD COUNTY, FL 32954

**ENGINEER:** HSA GOLDEN  
11 LAKE GATLIN ROAD  
ORLANDO, FL 32806  
JOHN P. SMITH  
(407) 649-5475  
ADAM HOLTkamp  
(321) 208-0219  
MERRITT ISLAND, FL 32952  
andlkamp@haisolutionsco.com

**SURVEYOR:** AOI SOLUTIONS, INC  
137 S. COURTENAY PKWY #423  
MERRITT ISLAND, FL 32952

**PROJECT AREA:** 40.86 ACRES

**ZONE DESIGNATION:** PIP - PLANNED INDUSTRIAL PARK

**FUTURE LAND USE DESIGNATION:** P1 - PLANNED INDUSTRIAL

**PARCEL NO.:** 29-36-13-00-500

**HOURS OF OPERATION:** 6AM - 4PM MONDAY - SATURDAY

**HAUL ROUTE:** FROM SITE ONTO NORTH COURTENAY  
PARKWAY NORTH (PRIMARY ROUTE) OR  
SOUTH (SECONDARY ROUTE)

**ENVIRONMENTAL RESOURCE PERMIT NUMBER:** 210176-1

**FEMA 100 YEAR FLOOD PLAIN ELEVATION:** = 3.0 NAVD 88

**CONSUMPTIVE USE PERMIT NUMBER:** 112289-4

**PROJECT #** 23-1041 001

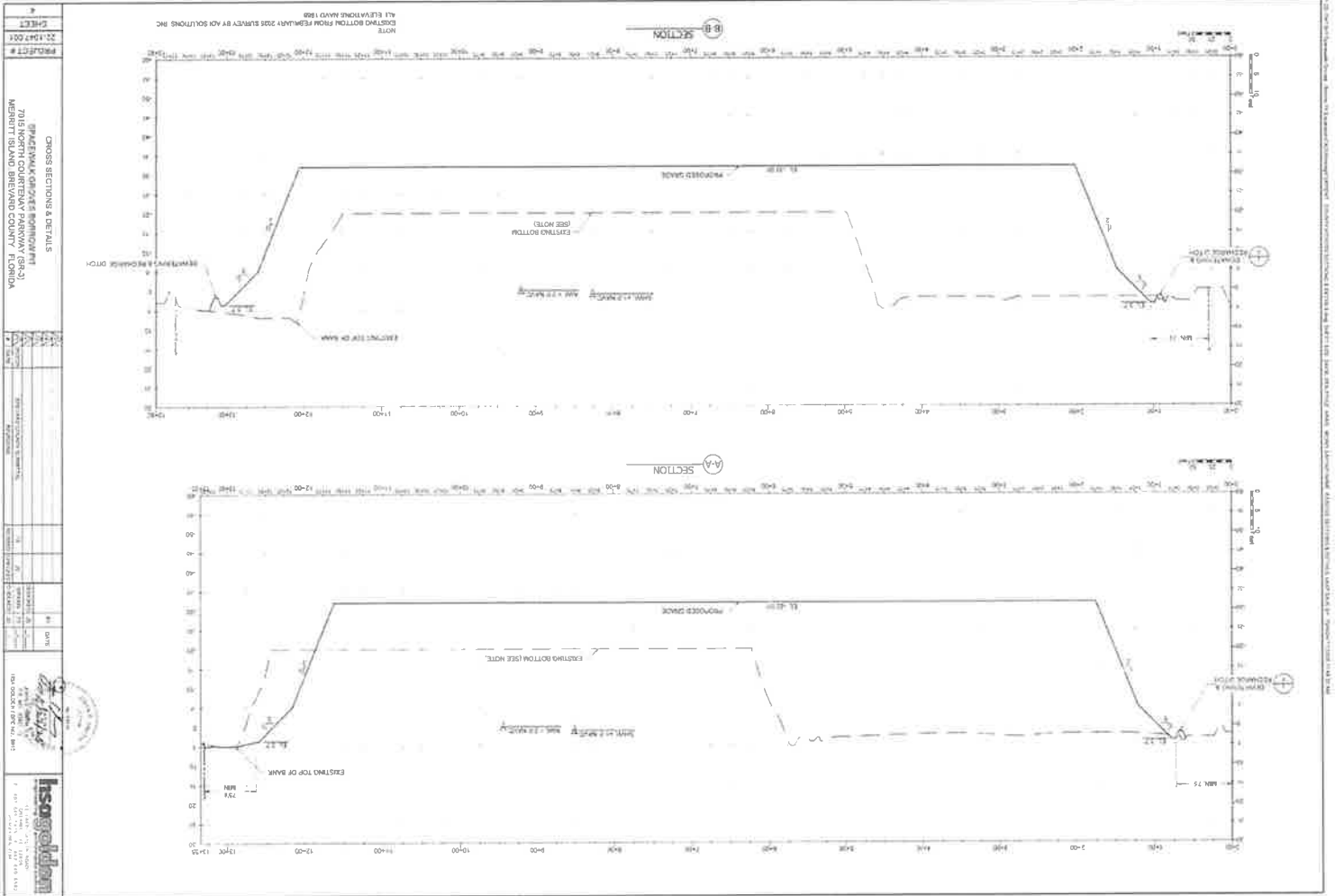
**SHEET** 1

**DATE** 08/11/2023

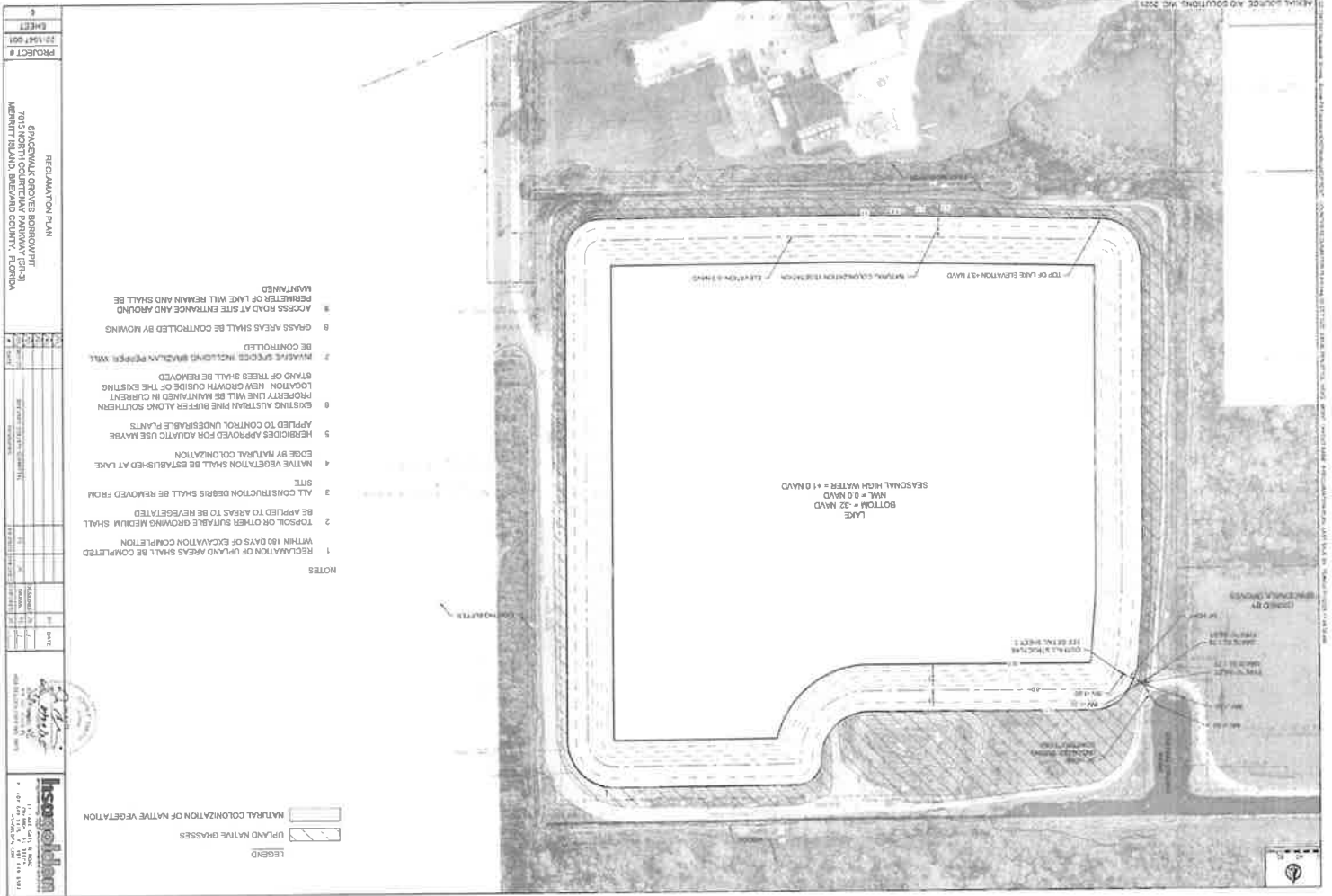
**PROJECT NAME** SPACEWALK GROVES BORROW PIT  
7015 NORTH COURTENAY PARKWAY (SR-3)  
MERRITT ISLAND BREVARD COUNTY, FLORIDA



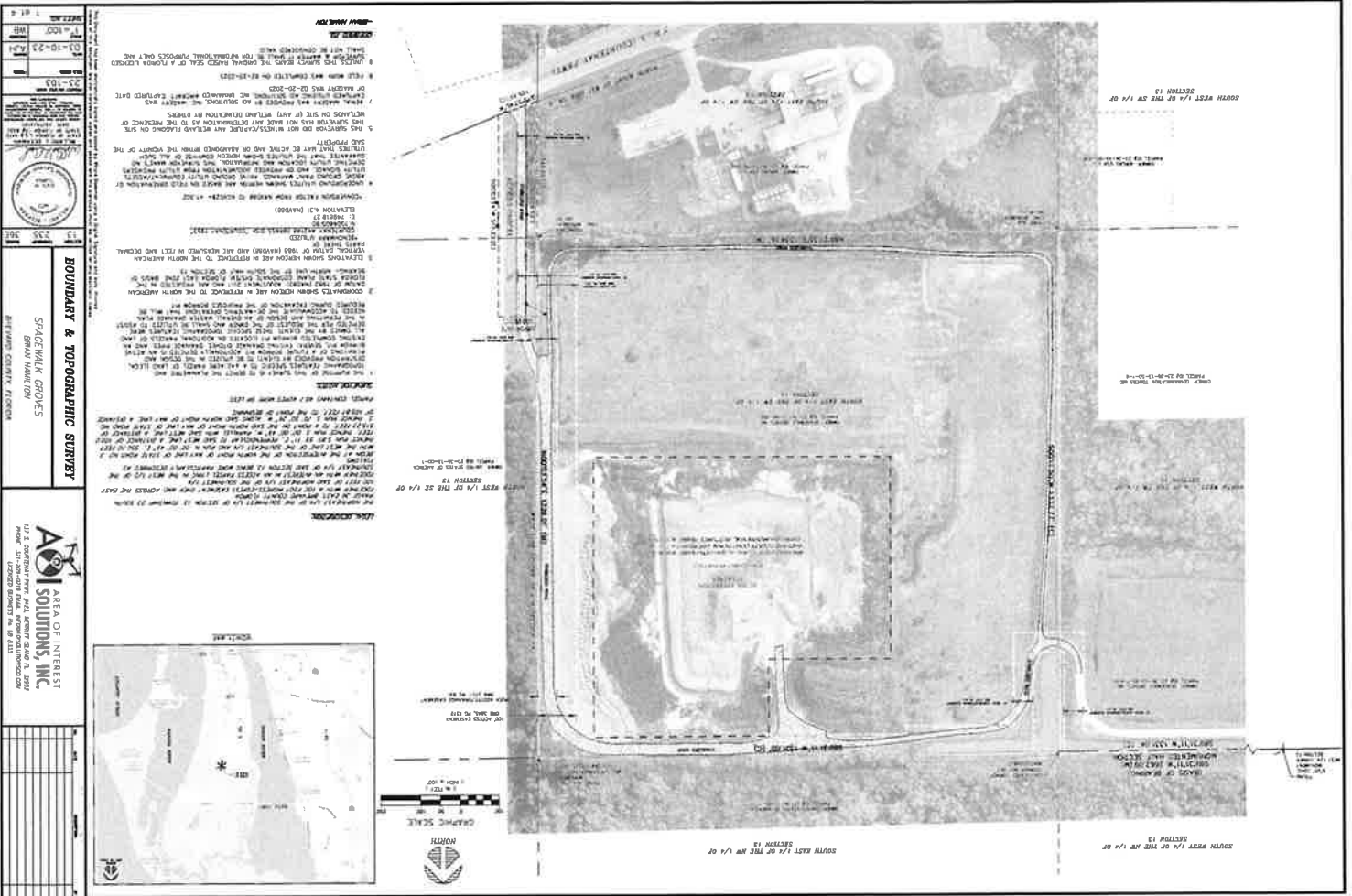




















**BREVARD COUNTY**  
BOARD OF COUNTY COMMISSIONERS

**INTER-OFFICE  
MEMORANDUM**

March 5, 1999

To : Debbie Coles  
Office of Natural Resources

From : Bruce Moia, P.E.  
County Development Engineer

Re : **Land Alteration Permit Application**  
**Spacewalk Grove Corporation**  
**S. 13, T. 23 S., R. 36 E**

Based on my review of the submitted plans, it appears that they comply with the codes and engineering standards of Brevard County. Therefore, the plans are approved as submitted.

Please be aware that work within the S.R. 3 right-of-way is not under the jurisdiction of the county. This approval does not relieve the applicant from obtaining any permits that may be required by other local, state or federal agencies.

Please verify that all applicable bonds are secured. If you have any questions, please contact me at x2065.

cc : Stan Johnston, P.E.  
Steve Peffer

\\memos\Spacewalk Grove.doc

## North Merritt Island Dependent Special District Board

The North Merritt Island Dependent Special District Board met on Thursday, February 12, 2026, at 6:00 p.m., at the Merritt Island Service Complex, 2575 N. Courtenay Pkwy., Second Floor, Merritt Island, Florida.

The meeting was called to order at 6:19 p.m.

Board members present: Mary Hillberg, Chris Cook, Gina Lindhorst, and John Speck.

Staff members present: Trina Gilliam, Planning and Zoning Manager; Derrick Hughey, Planner; Darcie McGee, Environmental Policy & Resilience Admin; Jane Hart, Environmental Specialist; and Alice Randall, Operations Support Specialist.

### Approval of January 08, 2026, NMI Minutes

Motion by Gina Lindhorst, seconded by John Speck, to approve the NMI Dependent Special District Board minutes of January 08, 2026. The motion passed unanimously

### Item H.1. Spacewalk Groves, Inc. (Kim Rezanka) requests a CUP for Land Alteration of 37.5 acres within a parent tract in PIP zoning classification. (25Z00057) (Tax Account 2315318) (District 2)

Trina Gilliam read the application into the record.

Kim Rezanka spoke to the application. She explained this is an existing borrow pit for sand and most of it is used at the Space Center. It has been in operation for more than 25 years. Asking to go from 10 acres to approximately 37.5 acres. The conditional use permit required is for land alterations and this is just for the conditional use permit. We must have 5 acres minimum, which we do. We must have a land alteration permit; there is one there currently. We are now looking for a new one. That is reviewed by Natural Resources, and the Natural Resources Director issues the land alteration permit. We have a conceptual site plan. There have been questions raised about traffic and transportation, the trucks. There is a dedicated medium in front of access to the site, under agreement with FDOT. There is a further agreement that Spacewalk will put in 150' of asphalt in the median. Right now, there are asphalt millings. It's an FDOT maintained road. In 1999 when the land alteration permits and conditional use permit first came up the county development engineer issued this letter saying State Road 3 right-of-way is under the jurisdiction of the county, but it is being used for this process. I have a letter from Phillips about Spacewalk Groves and how this is important to their operation for Blue Origin. Blue Origin is looking forward to this expansion because they need more of the materials. The 4-page land alteration permit shows where the existing site is, where the remainder is to be dug, and has the access road around the side. There are more details on pages 2, 3 and 4. Again, these are for the land alteration permit. Based upon the staff report and our application there's no material violations of any relevant policies of the comprehensive plan. This land alteration permit, if granted, when completed there would be a private retention system, a private lake. The traffic capacity is within limits. No new roadway impacts, existing impacts to continue with expansion request. There are no wetlands on this site. Operational hours are 6:00 a.m. to 4:00 p.m. Monday through Saturday. The applicant will not be using any explosives. This is a conditional use permit so if there are conditions you wish to be stated that no explosives will be used, you can put that in the conditional use approval request. We are unaware of agricultural operations nearby. The vacant land to the west is also owned by Spacewalk and not being used for agriculture.

Chris Cook asked why the CUP wasn't issued for the whole plot of land.

Ms. Rezanka stated a lot of times they start with 5-acre tracts and then they move on from there, but I don't know....

Brian Hamilton stated they wanted to limit it to what was proposed at that time under that CUP. At that time, we only had a plan for that size borrow area.

Mr. Cook inquired about the picture in the packet on page 37, it shows 3 lakes, and another picture shows no lakes. The picture in the addendum shows 2 lakes. Are you pumping out the water, are you filling.....

Mr. Hamilton responded with we're active now, yes. We started another borrow area with Magruder-Smith Farms. We idled this one so we could come back later and start over again. We had to come back with a St. John's Water Management permit, a consumptive use permit and then we could start back with Spacewalk Groves. We're flipping back and forth. We finished the Magruder-Smith Farms one, then came back with the new consumptive use permit to start excavating this one again. The consumptive use permit is an extension of the Magruder-Smith Farms joint permit. It was approved in 2007 for St. John's Water Management and then we excavate a borrow pit on the Magruder-Smith Farms parcel. We then came back and started this one, using that as part of our consumptive use permit. A lot of the water goes over there.

Mr. Cook stated the water goes to another borrow pit.

Mr. Hamilton responded yes.

Mary Hillberg asked where that was.

Mr. Hamilton responded that it's on the Magruder-Smith Farms property, to the west.

Ms. Hillberg inquired is Magruder-Smith Farms is attached to our.....

Mr. Hamilton responded we have no off-site. Magruder-Smith Farms are almost 200 acres, and we hold our water on site per our consumptive use permit. It's been in effect, and we've been using it since 2007.

John Speck inquired "Do you haul the water?" Or you pump it out.

Mr. Hamilton responded there's an existing 30' wide canal that joins Spacewalk Grove with that. No offsite discharge.

Mr. Cook asked how deep do you go?

Mr. Hamilton said we're allowed to go 35' depending on the materials. 35' from ground elevation.

Mr. Speck asked how long they plan to continue digging in this pit.

Mr. Hamilton said there's a lot of variables. About 10 – 12 years. Phillip Heavy Civil has been the prime site developer for Blue Origin since 2016.

Ms. Hillberg stated this is a coastal high hazard area included in that area. Is it not?

Mr. Hamilton responded yes.

Ms. Hillberg stated it's also a floodplain in that area. Estuarian floodplain.

Mr. Hamilton said this is all upland. It's a 100-acre floodplain

Ms. Hillberg stated it's identified on the FEMA floodplain map. Special flood hazard area for this area.

Jane Hart responded in the floodplain code for the North Merritt Island area; new regulations were passed in 2019 requiring more stringent review of projects in the area. Compensatory storage is required. The engineer of record must certify that the development will not increase flood stages, not increase duration of peak flood stages within the area. They must provide reports to support that certification, including full engineering data and analysis in compliance with good engineering practices. Hydraulic and hydrologic modeling and analysis demonstrating there is no impact.

Ms. Hillberg stated the historic waterflow on North Merritt Island goes from south to north.

Darcie McGee stated it depends where you are. The county has a lot of structures.....

Ms. Hillberg continued essentially it does a little west to get to the pooling basin but essentially goes from south to north. When we're flooding, right now all the ditches and drainage areas are full, and we haven't had rain. The groundwater has come up. We need to move it northward. How will this impact that? Is there a system for lagoon basin management for that?

Ms. McGee responded we have a North Merritt Island flood model, aka Bach's model, which they'll have to use. Everything was ground truth out there, so it accounts for all that activity, and they'll have to use that modeling. It's cumulative. If a subdivision comes in they do it. The next person that comes in it builds on that model.

Ms. Hillberg asked where the model is now.

Ms. McGee responded that the model is north of the barge canal. Bach thought there was pumping going on over there and said that if there is going to be pumping into the system there could be a condition about not pumping water offsite until the system recovers from the other...

Ms. Rezanka asked if that would be in the land alteration permit.

Ms. McGee responded yes. We don't have the flood modeling yet, so we don't really know yet.

Jack Smith stated our CUP permit with St. John's there is a stipulation that we're not going to pump. We're stopping pumping 5 days before a large storm. All pumping stops and the water will be drawn down. We become a repository for additional stormwater. It's going to help the situation because we'll be able to accept water during large storms. We pump into the ditches surrounding the pit and the ditches flow to the lake on Magruder Farms and into those wetlands where it's stored.

Mr. Speck stated the water then flows back into the borrow pit, essentially.

Mr. Smith it would. If the tailwater rises outside it will flow back. A lot of the water is being recirculated.

Ms. McGee stated this is stuff that Jane will be reviewing as part of the land alteration permit.

Multiple conversations – unintelligible, unable to record.

Ms. Hillberg stated there's concern because on North Merritt Island the water keeps on moving.... ditches haven't gone down. They're up to the top. I want to make sure the water is still going where it's supposed to go, and we don't end up with a backup.

Ms. McGee responded they'll have to show that through their modeling.

Ms. Hillberg asked how that would be measured.

Ms. McGee responded there's a whole flood model that was done by the stormwater department that models all the different structures, pumps, ditches and everything else out there was ground truthed, so they know everywhere the water goes now.

Ms. Hillberg stated the things she has at home.....

Ms. McGee responded you're not going to see that in this application.

Ms. Hillberg continued with it always ends up going from south to north.

Ms. McGee stated they will not be able to increase the peak flood stage, so they can't cause the water to come higher, and they can't cause the water to flow faster.

Ms. Hillberg asked how that is measured.

Ms. McGee responded through the model....

Mr. Smith stated he spoke with Bach this morning and we're going to work out what he needs. I gave him our stormwater calculations that were approved by St. John's. We showed where the water leaves our site in the northwest corner, that was our compliance point. His model would affect the tailwater elevation at that point. We used a tailwater elevation to show that we are reducing the peak discharge for all storms. And we're creating additional floodplain storage on our site.

Ms. McGee stated the model looks offsite. It's not just a matter of his exit point from his property, but what's happening further down the road.

Ms. Hillberg stated that's our concern.

Mr. Smith responded, for example if we used 1.0 as a tailwater elevation for our calculations, he might have 1.0 during this storm, but 1.5, 1.8 or 2.0 in another storm and we'll have to account for that in our storms. I believe that's going to be the difference.

Mr. Speck stated your modeling; engineering will be done before you go to the County Commissioners. The whole package must be put together.

Mr. Smith responded no. There's zero impervious going down. We're expanding an existing lake. We're creating additional volume. It's connected through an outfall to the floodplain, so flood water will back up into the lake.

Mr. Speck stated he didn't see a problem right now, because it looks like you're pumping into Magruder and then if you must stop pumping it will just flow back into the pit. So, it's a reservoir. It's a good place for the water to go.

Mr. Smith continued with "I'll just have to work with the model."

Mr. Speck stated it seems logical that that engineering would be done before you go before the commissioners.

Gina Lindhorst inquired what the materials are used for.

Mr. Smith responded it's used for fill for development and structures for Blue Origin.

Mr. Speck said that Blue Origin is not done building.

NO PUBLIC COMMENT

Motion by John Speck, seconded by Chris Cook to recommend approval of the request, with no use of explosives. The motion passed unanimously.

### **Elections**

Motion by Chris Cook, seconded by Gina Lindhorst to appoint John Speck Vice-Chair of the North Merritt Island Dependent Special District Board. The motion passed unanimously.

The meeting adjourned at 7:02 p.m.

DRAFT

## PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, February 16, 2026, 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); Jerrad Atkins (D1); John Hopengarten (D1); Ron Bartcher (D2); Robert Wise (D2); Erika Orriss (D3); Debbie Thomas (D4); Ana Saunders (D5); and Melissa Jackson (D5).

Staff members present were Trina Gilliam, Planning and Zoning Manager; Billy Prasad, Planning and Development Director; Paul Body, Planner; Jane Hart, Natural Resources Management; Alex Esseeesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

### EXCERPT OF COMPLETE MINUTES

#### **H.1. Spacewalk Groves, Inc. (Kim Rezanka) requests a CUP (Conditional Use Permit) for Land Alteration of 37.5 acres within a parent tract in PIP (Planned Industrial Park) zoning classification. (25Z00057) (Tax Account 2315318) (District 2)**

Paul Body read item H.1. into the record.

Kim Rezanka spoke to the application. The request is for a conditional use permit. There's one on the property that's zoned PIP since 1989 for land alteration. It's just a borrow pit, taking out sand and dirt and selling it to large operations such as Blue Origin for their building construction. That's what he's been doing since 1989. Now he wishes to enlarge it from 10 acres to 37 acres. At the same time, we're asking for a new land alteration permit, which is a whole separate process through natural resources. The engineer of record has been working on that. In this area of Merritt Island, there's enhanced compensatory storage requirements since 2018. So, they are working through that process. We do the conditional use permit first. If it is approved the land alteration permit must be approved before the conditional use is effective. This is a conditional use; it's in the proper zoning. Going through the staff report, there's no adverse change to the existing roadways. It is trucks coming out on State Road 3 and heading north. The median there is going to be improved by Spacewalk Groves. They're going to put 150 foot of asphalt instead of asphalt millings. Traffic capacity is fine. There are no adverse impacts to concurrency. There's no material violation of relevant policies that have been identified. There are no wetlands on this property. We're creating a big hole and there's a ditch that goes all the way around this site that the water runs into, but it's an all contained system for runoff here and it will not have any impact on any other properties. It does not go to Pine Island at all. It does not impact that drainage at all. The hours of operation are Monday through Saturday 6:00 to 4:00. That's a private storm water park. The staff report says there's an Ag use near this property. There is not. That property related to the west is also owned by Spacewalk Groves. It's just a vacant piece of land. It's not used for any agricultural use. We went to the North Merritt Island Dependent Special District Board Thursday night, and they voted unanimously to recommend approval. What I have in front of you are two pages of the four-page land alteration permit. It shows the existing site. It shows the roadway that goes around it. The second page shows some of the elevations on the back side. This was submitted to the North Merritt Island Dependent Special District Board also along with a letter of support from Blue Origin's contractor. There was also a letter from Bruce Moia from 1989 who was in the engineering department back then and he indicated that this road is an FDOT road so there's really no control by Brevard County. Mr. Hamilton is here if you have any questions about his operation or the engineer of record if you have any questions about the land alteration permit, which again is just for information; natural resources controls that permit.

NO PUBLIC COMMENT

Henry Minneboo inquired if the road on the north side is part of the description.

Ms. Rezanka responded that the road that goes to State Road 3 is a dedicated easement through government lands.

Mr. Minneboo asked if it's just a standard easement.

Ms. Rezanka responded it is. It's what they've used since 1989.

Mr. Minneboo asked if natural resources got involved in this before they came to the board today.

Ms. Rezanka responded that Jack Smith's been working with natural resources for eight months to a year; he's been working with the land alteration permit for a while.

Mr. Minneboo asked if that is normal.

Ms. Rezanka responded yes, it's under section 62-1936 of the county code.

Mr. Minneboo stated we don't ask you to design a subdivision before it comes here either.

Ms. Rezanka responded yes, it is unusual. This is different because with land alteration, we must have the permit as part of the CUP. The process is a CUP and then engineering. It's been going hand in hand; they've been working on it for a while.

John Hopengarten asked staff if there are any restrictions on excavation on Merritt Island.

Jane Hart responded that for a borrow pit in North Merritt Island any development or land alteration north of Hall Road would be in the area that's part of our new code from 2019 that would have to meet more stringent floodplain criteria. They are required to provide compensatory storage; and we received a letter from them about their floodplain cut and fill and that shows their engineer has certified that they will not need to provide compensatory storage. They will also need to go through the North Merritt Island flood model to prove that they are holding all their water. When they run the model, their engineer is going to need to certify that the activity on site will not increase the duration of peak flood stages within the area or increase flood stages. Such certification shall be accompanied by a report supporting the certification and the report should include all full engineering data and analysis and compliance with good engineering practices and all applicable standards criteria and regulatory requirements including hydraulic and hydrologic modeling and analysis demonstrating that there is no impact. We would need to receive that before we issue a permit.

Mr. Hopengarten asked, "do you happen to know what the level of the water table is in that area?"

Ms. Hart responded I believe the 1.0 is the seasonal high-water level.

Mr. Hopengarten asked if that was 1 foot below surface level.

Jack Smith responded the ground surfaces range from about two to three feet above sea level, generally in that area where the excavation is going to be.

Mr. Hopengarten asked where the water table was.

Mr. Smith responded about 1.0 zero, the seasonal high.

Mr. Hopengarten stated we'd put you one foot or one and 1/2 ft above sea level.

Mr. Smith responded two and a half to three. One and a half to say three, and 2 and 1/2 ft above seasonal high, not sea level.

Mr. Hopengarten asked how they are removing water during excavation for your dewatering process.

Mr. Smith responded that it's covered under the CUP with the water management district. It is pumped into a ditch that surrounds the excavation, and it goes to the existing lake to the west that isn't on the property, that is controlled by the applicant.

Mr. Hopengarten then asked if that drains.

Mr. Smith responded that it is self-contained most of the time. It might be connected during flood stages but it's self-contained under normal conditions and 5 days before a major storm pumping is ceased and the pit itself will be drawn down and will act as a sink to accept any flood stage water.

Mr. Hopengarten then stated, "so you're saying you shut the pumps down before a storm."

Mr. Smith responded yes.

Mr. Hopengarten asked, "do you do any recharge into the aquifer?"

Mr. Smith responded that the purpose of the ditch is to recharge back into the ground. So, a lot of the water circulates back into the pit. Normal percolation.

Mr. Hopengarten asked how much soil would be taken out if this were granted.

Mr. Smith responded I don't have the numbers in front of me, but 1.2 million yards.

Mr. Hopengarten stated he was trying to figure out how many trucks they were going to be bringing. You're getting out on 3, you're not going just north of your site to get to Blue Origin. You're going out on to Highway 3.

Mr. Smith responded the driveway is on federal land. It'll be similar traffic to what has been existing previously.

Mr. Hopengarten stated that it says that you're going to go south, not just north.

Mr. Smith responded I think we estimated 80% north and 20% south.

Mr. Hopengarten asked who they're selling to, to the south.

Mr. Smith responded we don't know yet. We want that as an alternative.

Mr. Hopengarten asked if their major purchaser will be Blue Origin.

Mr. Smith responded as far as he knows, yes.

Mr. Hopengarten stated Blue Origin is going to raise their site for construction. Where is the runoff going to go?

Mr. Smith responded he has no idea what their plans are.

Mr. Hopengarten continued with "you're just going to sell them dirt and so anybody that's neighboring their property is going to maybe suffer because of a higher elevation. They're making it high and dry."

Mr. Smith responded, "I can't comment on that."

Mr. Wadsworth stated that this might have to go to the owner, but this is already existing borrow pit and he just wants to expand. And the watering is a recharge trench around the entire site. Or just around the lake and then you also have the berm around the perimeter of the property. I'm very familiar with compensating storage because of Miss Darcy back there. She educated me. So, we're just enlarging this. We're keeping all the water on site. Anything extra is going to go next door which you control that lake also.

Ms. Rezanka responded with yes sir.

Motion to recommend approval of Item H.1. by Henry Minneboo, seconded by Debbie Thomas. Motion passed unanimously.

Meeting adjourned at 3:31 p.m.

DRAFT