



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.9.

2/5/2026

Subject:

Eric D. & Pamela S. Martin Trust (Landon Scheer) requests a zoning classification change from BU-1 to BU-1 and BU-2. (25Z00051) (Tax Account 2318710) (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 change of zoning request from BU-1 (General Retail Commercial) to BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Wholesale Commercial).

Summary Explanation and Background:

The applicant is requesting a change of zoning classification from BU-1 to BU-2 on the 0.70 acre eastern portion of the 1.38-acre property to resemble the property bordering the site to the north. The western half of the property will remain BU-1 without any modifications. The applicants intends that the BU-1 portion will be developed as a personal hobby shop as permitted in that zoning classification. The applicant intends to develop the eastern portion with eight (8) recreational vehicles and eight (8) boat outdoor storage spaces. The site will also be required to meet all buffering requirements under the Chapter 62, Article VIII, Brevard County Code of Ordinances (site plans); it should be noted that the property abuts a residential zoning classification. Fencing and landscaping along the right of way frontage will also be provided.

The applicant has stated that they are strategically placing the outdoor storage to the rear of the subject property to improve the aesthetic appearance of the project, and installing motion sensor lighting (it should be noted that these statements are conceptual and nonbinding).

The applicants' proposed use falls under a permitted use with conditions under Section 62-1483. The use specifically is found in Section 62-1833.5(a), which has the condition: Storage yards must be enclosed with a six-foot wall, louvered fence, or chain-link fence.

The subject property is currently undeveloped and located on the east side of North Courtenay Parkway, a state-maintained road, approximately 300 feet north of Norwich Street.

North of the subject property is a 1.36-acre parcel developed with a single commercial building with BU-1 (western half) & BU-2 (eastern half) zoning classification and a CC FLU designation.

South of the subject property is a 1.36-acre parcel developed with a single-family residence with BU-1 zoning classification and a CC FLU designation. East of the subject property are two (2) 2.52-acre parcels, each developed with a single-family residence zoned AU with an NC FLU designation. West of the subject property is N. Courtenay Pkwy, a state-maintained roadway.

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

On January 8, 2026, the North Merritt Island Dependent Special District Board heard the request and unanimously recommended approval.

On January 12, 2026, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

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

Resolution 25Z00051

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

WHEREAS, Eric D. & Pamela S. Martin Trust (Landon Scheer) requests a zoning classification change from BU-1 (General Retail Commercial) to BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Wholesale Commercial), on property described as Tax Parcel 266, as recorded in OR Book 10324, Page 2499 of the Public Records of Brevard County, Florida. **Section 35, Township 23, Range 36.** (0.70 acres) Located on the east side of N. Courtenay Pkwy, approximately 320' north of Norwich St. (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 change of zoning classification from BU-1 to BU-1 and BU-2, 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 February 05, 2026.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida


Thad Altman, Chair

Brevard County Commission

As approved by the Board on February 05, 2026.

ATTEST:


RACHEL M. SADOFF, CLERK

(SEAL)

P&Z Board Hearing – January 12, 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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<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS
 25Z00051**

Eric D. & Pamela S. Martin Trust (Landon Scheer)

BU-1 (General Retail Commercial) to BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Wholesale Commercial)

Tax Account Number: 2318710
 Parcel I.D.: 23-36-35-00-266
 Location: East side of N. Courtenay Pkwy., approx. 320 ft. north of Norwich St. (No address assigned. In the North Merritt Island area.) (District 2)
 Acreage: 0.70 +/- acres

NMI Dependent Special District: 01/08/2026
 Planning and Zoning Board: 01/12/2026
 Board of County Commissioners: 02/05/2026

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)

	CURRENT	PROPOSED
Zoning	BU-1	BU-1 & BU-2
Potential*	FAR of 1.0 or 41 Multi-family dwelling (L.L.A.)**	FAR of 1.0 or 41 Multi-family dwelling (L.L.A.)**
Can be Considered under the Future Land Use Map	Yes CC	Yes CC

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

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

Background and Purpose of Request

The applicant is requesting a change of zoning classification from BU-1 to BU-2 on the 0.70 eastern portion of the one (1) parcel totaling a 1.38-acre property to resemble the property

bordering the site to the north. The western half of the property will remain BU-1 without any modifications. The BU-1 portion will be developed as a personal hobby shop as permitted in that zoning classification. The applicant intends to develop the eastern portion with eight (8) recreational vehicles and eight (8) boat outdoor storage spaces. The site will also have motion sensor lighting and a Type A buffer on the south and west property boundaries. Fencing and landscaping along the right of way frontage will also be provided. The applicant is strategically placing the outdoor storage to the rear of the subject property to improve the aesthetic appearance of the project.

The applicants' proposed use falls under a permitted use with conditions under Section 62-1483. The use specifically is found in Section 62-1833.5 (a), which has the condition: Storage yards must be enclosed with a six-foot wall, louvered fence, or chain-link fence.

The subject property is currently undeveloped and located on the east side of North Courtenay Parkway, a state-maintained road, approximately 300 feet north of Norwich Street.

BU-1 zoning classification is devoted to general retail shopping, offices, and personal services to serve the needs of the community. BU-1 does not permit warehousing and wholesale.

The subject property recorded as being split out to the current configuration on July 21, 1987, as recorded in ORB 2822, PG 1839.

Zoning History

On May 22, 1958, the Brevard County Zoning Code was established with the subject property having the AU (Agricultural Residential) classification.

Z-1219, December 5, 1963; Denied request to rezone from AU to IU, but approved BU-1 to a depth of 600 feet, and a Special Use permit for Plumbing Supply Warehouse and Wholesale Facility. At the time, the subject property was part of a larger parcel.

Z-1957, On August 3, 1966; Denied request to rezone from BU-1 and BU-2 to AU. At the time, the subject property was part of a larger parcel.

CC (Community Commercial) is the original FLU designation established by the 1988 Brevard County Comprehensive Plan.

As the subject property already has commercial zoning, approval of the rezoning request from BU-1 to BU-1 and BU-2 does not change the applicant's, or their successor's, ability to develop affordable housing residential units, up to 30 units per acre, under **BCC Policy-100 (Live Local Act)**.

In 2023, the Live Local Act was enacted and was revised in 2024. The act is intended to address the state's growing housing affordability crisis through significant land use, zoning, and tax benefits. Pursuant to Florida Statute 125.01055, a county must authorize multifamily and mixed-use as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development are rental units that, for a period of at least 30 years, are affordable as defined in FS [420.0004](#). In unincorporated

Brevard County, the Live Local Act effectively allows for the development of up to 30 dwelling units per acre. The subject property, encompassing 1.38 acres zoned BU-1, allows for development options that include either commercial use with a Floor Area Ratio (FAR) of 1.00, or 41 multi-family units as stipulated by the Live Local Act.

The Brevard County Utility Services Department comments state: “Please be aware that the North Indian River Lagoon Basin Management Action Plan Injunction prohibits septic tanks in this area. In the context of onsite sewage treatment and disposal systems, “Available” is defined in F.S. 381.0065 (2)(a) and the requirements to connect to an existing onsite sewage treatment and disposal system to central sewerage system are defined in F.S. 381.00655 (1)(a). Brevard County has the exclusive right to furnish the sewer service per Section 110-181 BCCO because this is within the Brevard County Utility Services Department Service Area. Please note that a Brevard County force main is roughly 115 feet from Tax ID 2318710 on N Courtenay Parkway.”

A portion of the subject property contains mapped aquifer recharge soils and Type 3 Aquifer Recharge areas, which are subject to impervious area restrictions. A wetland delineation may be required prior to any land clearing activities, site plan design, or building permit submittal.

Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along “Mitigation Qualified Roadways” (MQRs). N. Courtenay Parkway is a MQR at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require no net loss mitigation in Brevard County in accordance with Section 62-3696.

At this time, there are no active code enforcement issues associated with the subject property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Commercial – 1 Retail Unit	BU-1 & BU-2	CC
South	Single-Family Residence	BU-1	CC
East	2 Single-Family Residences	AU	NC
West	N. Courtenay Pkwy.	ROW/BU-1, RR-1	N/A

North of the subject property is a 1.36-acre parcel developed with a single commercial building with BU-1 (western half) & BU-2 (eastern half) zoning classification and a CC FLU designation.

South of the subject property is a 1.36-acre parcel developed with a single-family residence with BU-1 zoning classification and a CC FLU designation.

East of the subject property are two (2) 2.52-acre parcels, each developed with a single-family residence zoned AU with an NC FLU designation.

West of the subject property is N. Courtenay Pkwy, a state-maintained roadway.

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

The BU-2 classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

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

Future Land Use

The BU-1 and BU-2 zoning classifications can be considered consistent with the CC Future Land Use designations provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan of the Future Land Use (FLU) Element.

Applicable Land Use Policies

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

FLUE Policy 2.7 - The zoning process regulates the types and intensities of uses for a parcel of land. Criteria which aid in assessing zoning compatibility, shall include consideration of the following standards:

Criteria:

- A. Permitted/prohibited uses;

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

The BU-2 classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

- B. Existing commercial zoning trends in the area;

BU-1 is the predominant commercial zoning classification within 0.5 miles of the subject property, with small increments of BU-1-A and BU-2 also in the area.

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

Staff analysis has determined that the surrounding areas of the subject property are developed with a mixed use of single-family residences, a mobile home park, vacant lands, and commercial developments. Abutting the North Courtenay Parkway corridor are primarily commercial properties. Where the property abuts a residential zoning classification, the maximum height threshold of any building or structure shall be 35 feet. Where a side lot line abuts a residential zone, such side setback shall be a minimum of 15 feet. Where a side lot line abuts a non-residential zone, such side setback shall be 5 feet.

The subject property is undeveloped but proposed as the western BU-1 portion will be developed as a personal hobby shop with south side facing bay doors and the eastern BU-2 portion will be developed with eight (8) recreational vehicles and eight (8) boat outdoor storage spaces. The site will also have motion sensor lighting and a Type A landscape buffer on the south and west property boundaries. Fencing and landscaping along the right of way frontage will also be provided. The applicant is strategically placing the outdoor storage to the rear of the subject property to improve the aesthetic appearance of the project and is in keeping with the recommendations of the 2005 North Courtenay Parkway Corridor Study.

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

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

Connection to centralized water and sewer is available in this area between Brevard County Utilities and the City of Cocoa.

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

The subject parcel contains mapped hydric soils, an indicator that wetlands may be present on the property. A wetland delineation may be required before any land clearing activities, site plan design, or building permit submittal. Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). North Courtenay Parkway is a designated MQR at this location. The mapped topographic elevations show that the property falls within Type 3 Aquifer Recharge areas, which are subject to impervious area restrictions. This property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Protected and Specimen trees may exist on the parcel.

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

No other issues were identified that may emerge that would be addressed through performance-based zoning criteria.

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

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

Criteria:

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

A concept plan was reviewed proposing a personal hobby shop on the front (west) portion of the BU-1 zoning and RV and Boat parking on the rear (east) half of the subject property. This property will need to comply with the regulations of Section 62-1482 and 62-1483 of the Brevard County Code. In addition, the performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan stage should the zoning change be approved.

Traffic is not anticipated to impact the surrounding area as the proposed rezoning will not increase current LOS levels from the property. The corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The maximum development potential from the proposed request increases the percentage of MAV utilization by 0.01%. Specific concurrency issues related to any future development will be addressed at the time of site plan review.

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

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

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

1. historical land use patterns;

Within the 0.5-mile radius of the subject property, there are several FLU designations: RES 1, RES 1:2.5, RES 2, RES 4, NC, and CC. NC, CC and RES 2 are the predominant FLU designations on the east side of N. Courtenay Pkwy. NC, CC and RES 4 are the predominant FLU designations on the west side of N. Courtenay Pkwy.

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

Within the 0.5-mile radius of the subject property, there are several zoning classifications: AU, RR-1, RU-1-13, RU-1-7, RU-2-4, RU-2-30, EU-2, SR, TR-3, BU-1-A, BU-1, BU-2, GML, GML(H), GML(I), and IN(L) with the predominant residential zoning classification being EU-2 and BU-1 being the predominant commercial zoning classification.

The existing pattern is a mixture of single-family residential dwellings, a mobile home park, and commercial uses along N. Courtenay Pkwy commercial corridor. There are a few undeveloped properties blended in.

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

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

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

One development (Brevard County Fire Rescue Station 40) has been approved within the last three years and is under construction via building permit 25BC01798. There have been two zoning actions approved within one-half mile in the past three years:

- **22Z00033: On 10/12/2022, approved rezoning from AU to RU-1-13 with a BDP on 1.41 acres.**
- **23Z00030: On 07/13/2023, approved rezoning from AU to GML(I) on 2.86 acres. (Brevard County Fire Rescue Station 40)**

- 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 of a preliminary traffic concurrency indicates the proposed use will not materially and adversely impact the established residential neighborhoods by introducing types or intensity of traffic, parking, or trip generation. This is not an introduction of commercial activity within the identified boundaries of a 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.

The area is established with commercial development and residential neighborhoods. There are clearly established boundaries, such as roads and open spaces.

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

The request does involve a community commercial use in an existing commercial corridor.

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

This proposal is not for residential uses.

FLUE Administrative Policy 7

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

Wetlands may be present on the property. A wetland delineation will be required before any land clearing activities, site plan design, or building permit submittal. Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along “Mitigation Qualified Roadways” (MQRs). North Courtenay Parkway is a designated MQR at this location.

The property falls within Type 3 Aquifer Recharge areas, which are subject to impervious area restrictions.

The property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay.

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

Preliminary Concurrency

The closest concurrency management segment to the subject property is North Courtenay Parkway (SR 3), between Hall Road and N. Tropical Trail, which has a Maximum Acceptable Volume (MAV) of 39,170 trips per day, a Level of Service (LOS) of D, and currently operates at 46.92% of capacity daily. The maximum development potential from the proposed rezoning does not affect the percentage of MAV utilization. The corridor is anticipated to operate at the current level of 46.93% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues related to any future development will be addressed at the time of site plan review. This is only a preliminary review and is subject to change.

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

The subject property is serviced by the City of Cocoa for centralized water and Merritt Island sewer.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues

- Hydric Soils
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

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

For Board Consideration

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

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 25Z00051

Applicant: Landon Scheer (Owners: Eric D. and Pamela S. Martins Trust)

Zoning Request: BU-1 to BU-2

Note: Rezone eastern half of property to BU-2; western half to stay BU-1

Advisory Board: 01/08/2026; **Zoning Hearing:** 01/12/2026; **BCC Hearing:** 02/5/2026

Tax ID No.: 2318710

- 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
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

Land Use Comments:

Hydric Soils

A portion of the subject parcel contains mapped hydric soils (Basinger sand); indicators that wetlands may be present on the property. **A wetland delineation may be required prior to any land clearing activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). N. Courtenay Parkway is a MQR at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require no net loss mitigation in Brevard County in accordance with Section 62-3696.

Aquifer Recharge Soils

This property contains Basinger sand, that may also function as a highly permeable soil. Additionally, the mapped topographic elevations show that the property falls within a Type 3 Aquifer Recharge area, which is subject to impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Indian River Lagoon Nitrogen Reduction Septic Overlay

The 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.

Protected and Specimen Trees

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

Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. The property is located within an area of mapped Florida Scrub Jay occupancy. Additionally, there is potential for existence of Gopher Tortoises on site. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.

NORTH ISLAND ADVENTURES
MERRITT ISLAND, FL

PREPARED FOR:
ERIC & PAMELA MARTIN

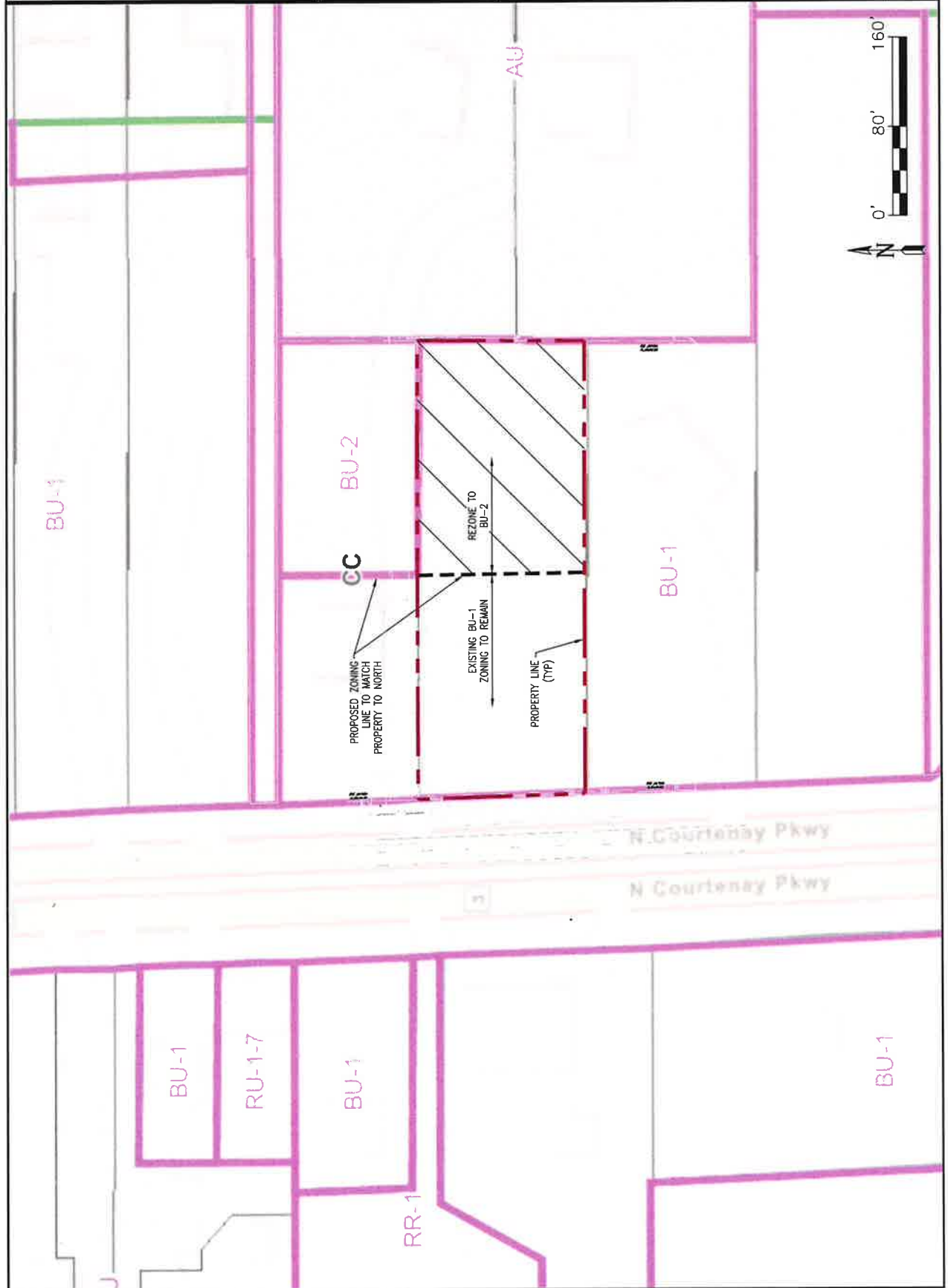
REV#	DATE	REVISION

ISSUE DATE: 10/30/2025

REZONING EXHIBIT

LANDON D. SCHEER, PE
PE # 95948

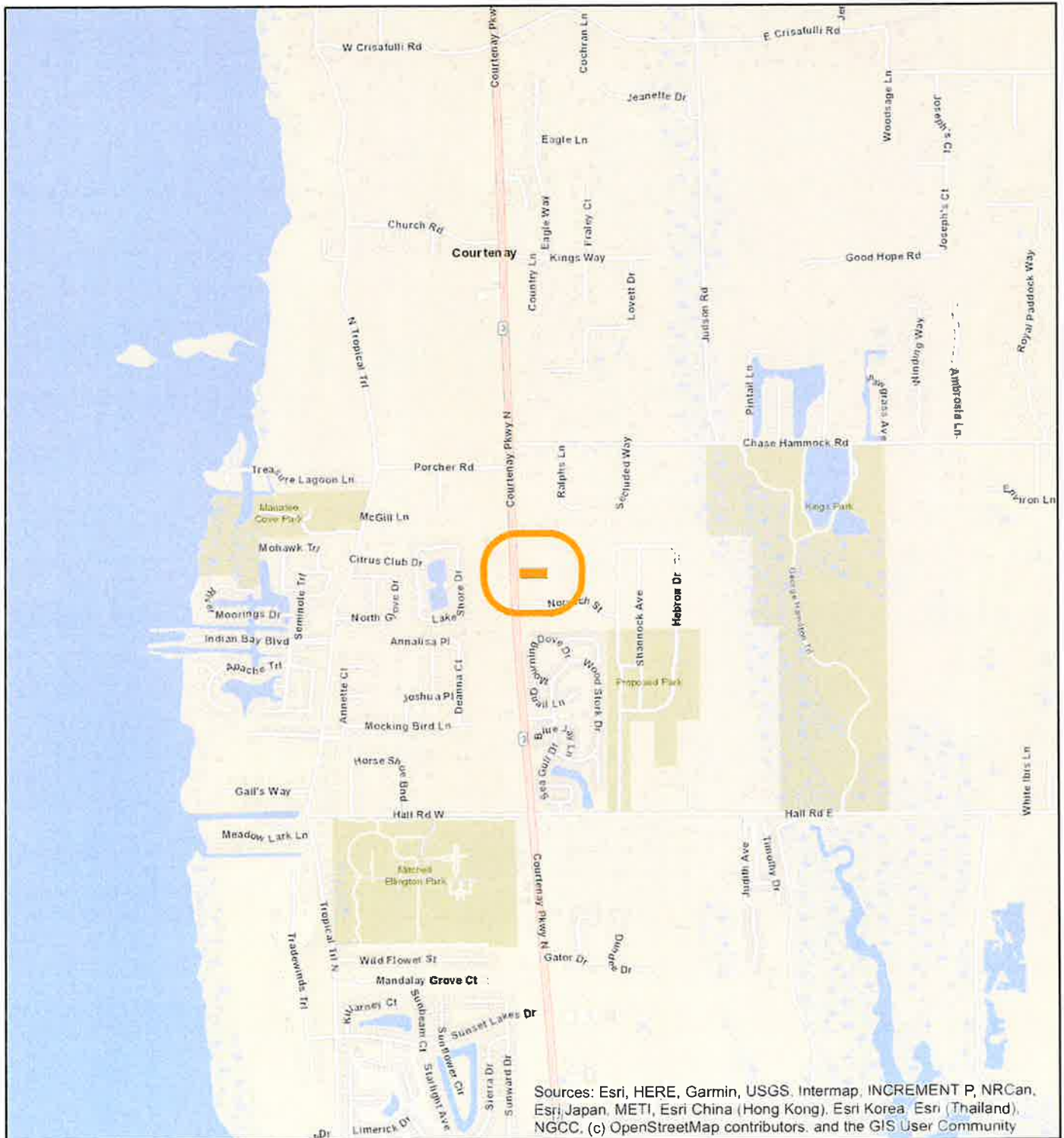
REZ-1
SHEET NUMBER



LOCATION MAP

ERIC D & PAMELA S MARTIN TRUST

25Z00051



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

Buffer Distance: 500 feet

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

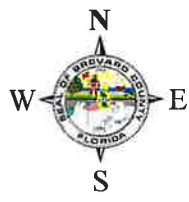
Produced by BoCC - GIS Date: 11/3/2025

- Buffer
- Subject Property

ZONING MAP

ERIC D & PAMELA S MARTIN TRUST

25Z00051



1:4,800 or 1 inch = 400 feet

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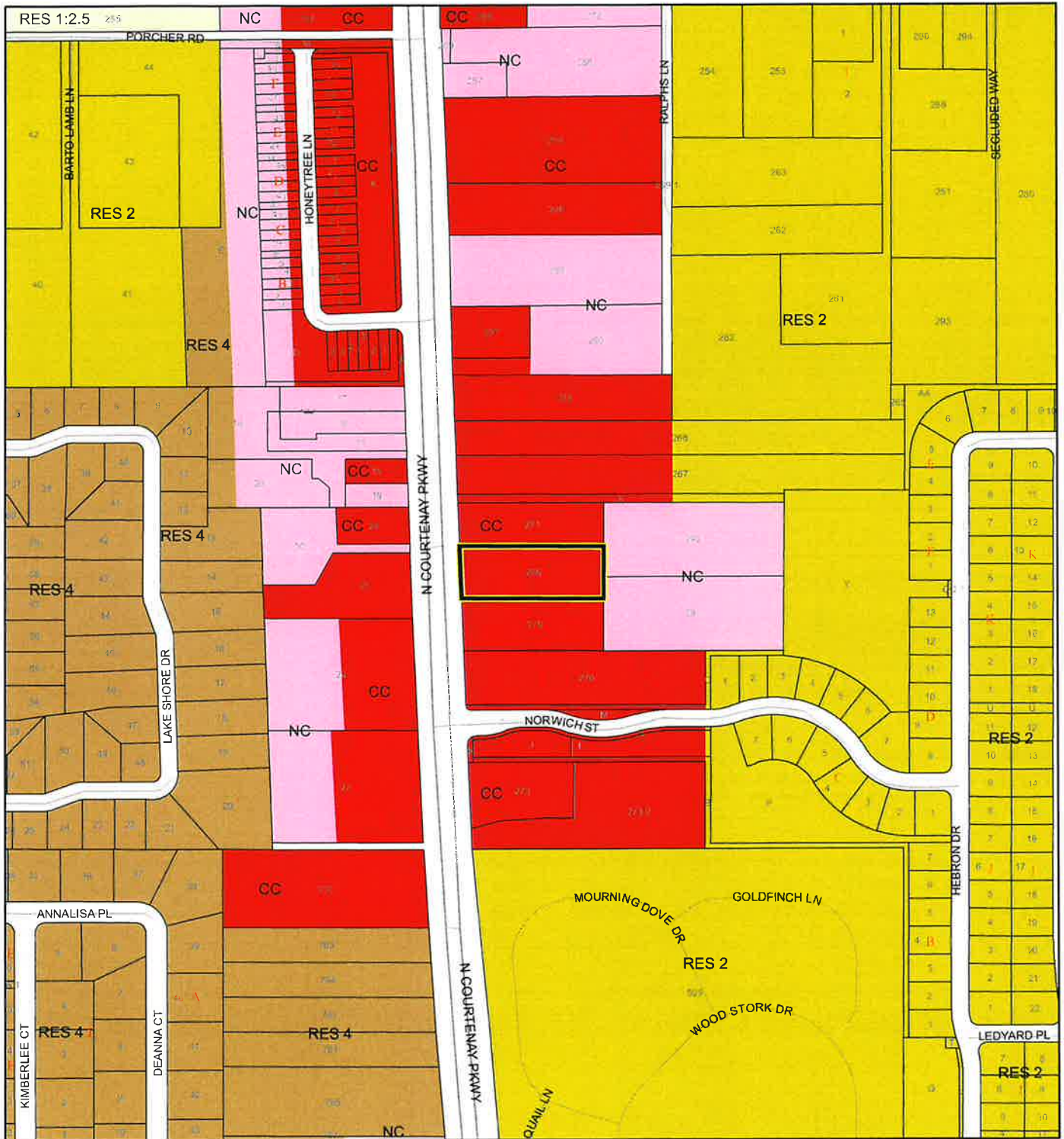
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- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

ERIC D & PAMELA S MARTIN TRUST

25Z00051



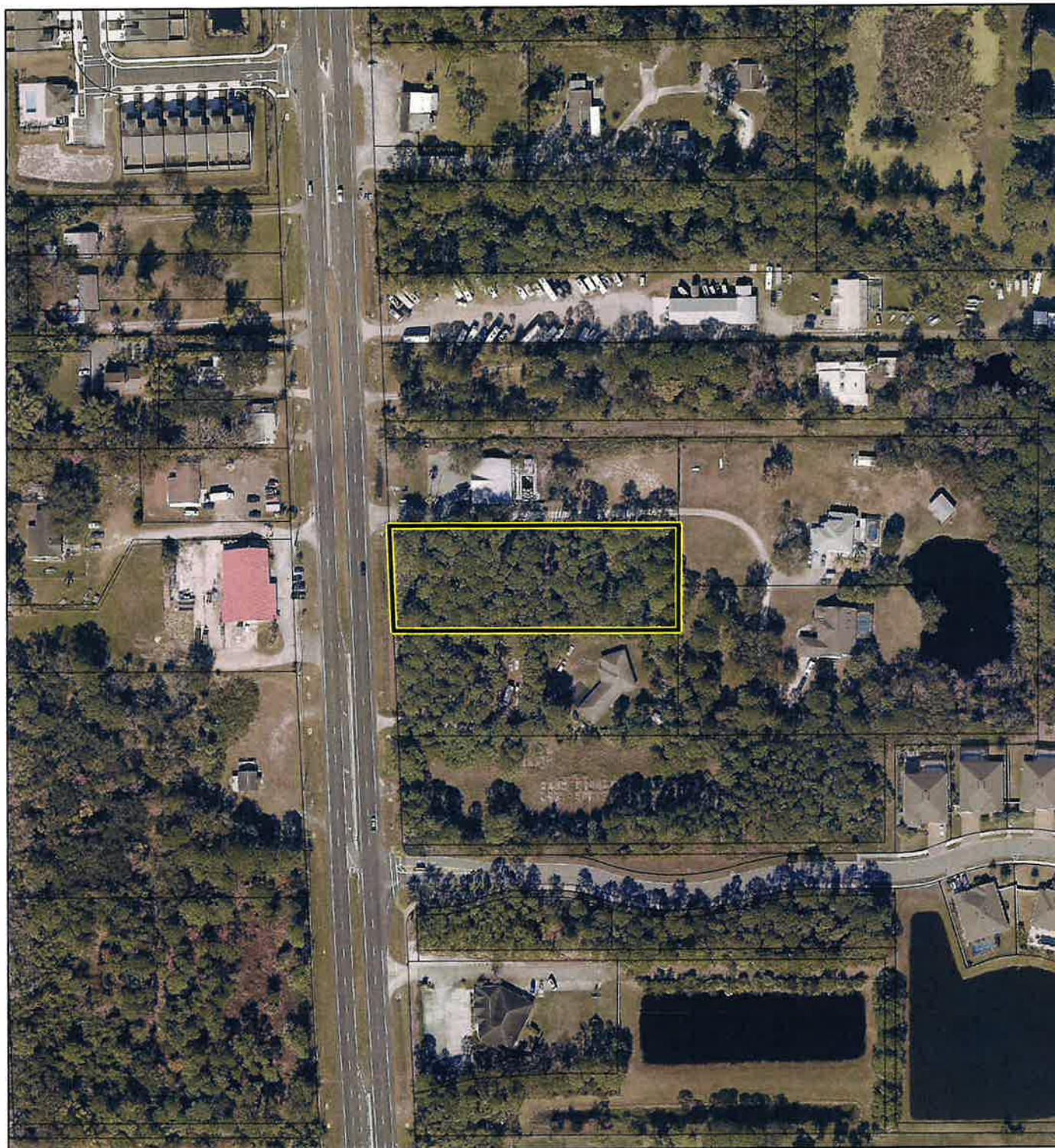
1:4,800 or 1 inch = 400 feet

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— Subject Property
--- Parcels

AERIAL MAP
ERIC D & PAMELA S MARTIN TRUST
25Z00051





1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2025

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 Subject Property
 Parcels

NWI WETLANDS MAP

ERIC D & PAMELA S MARTIN TRUST

25Z00051



1:4,800 or 1 inch = 400 feet

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National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

ERIC D & PAMELA S MARTIN TRUST
25Z00051



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/3/2025

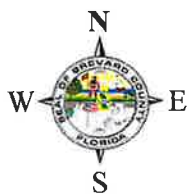
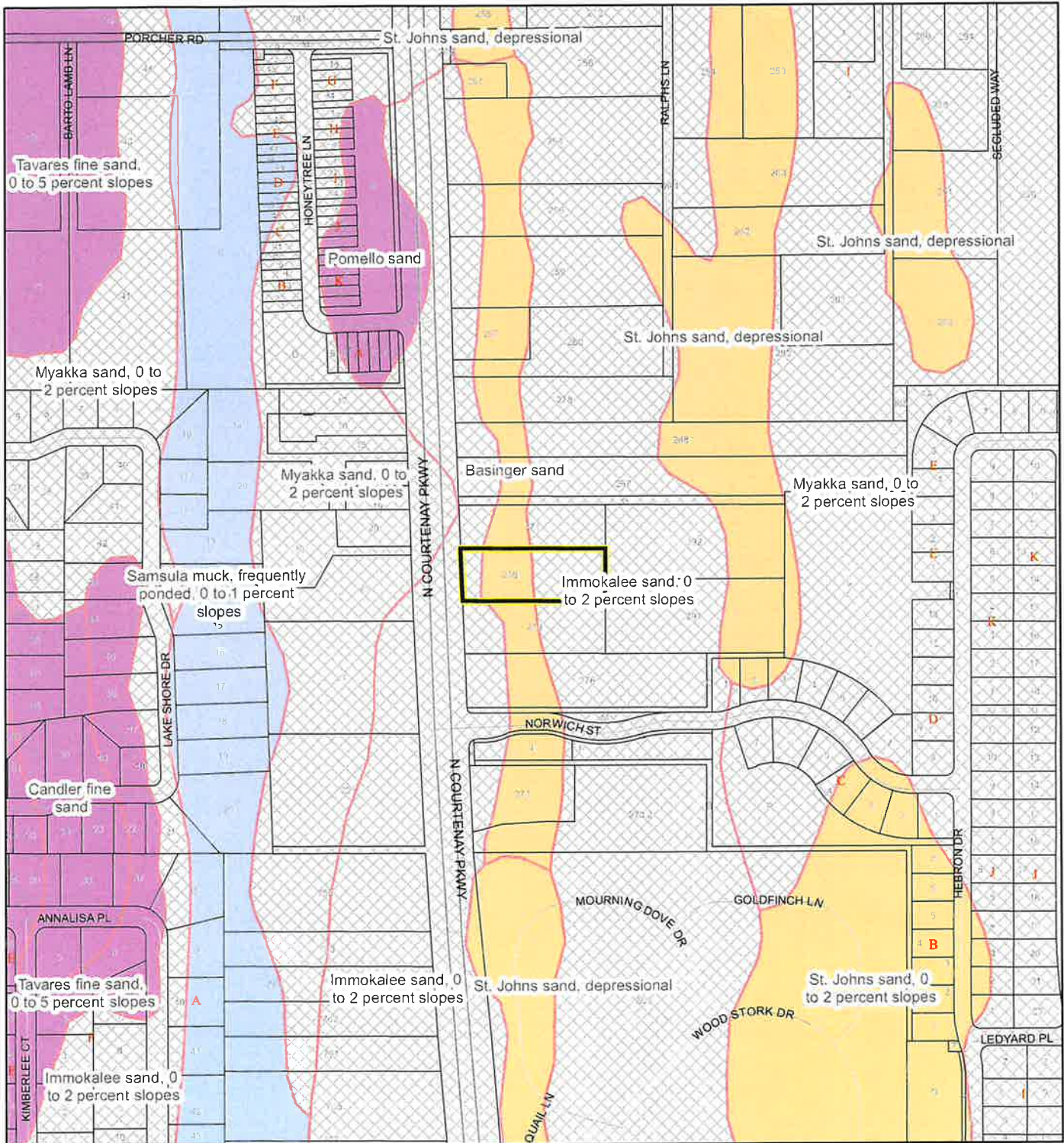
- SJRWMD FLUCCS WETLANDS**
- Wetland Hardwood Forests - Series 6100
 - Wetland Coniferous Forest - Series 6200
 - Wetland Forested Mixed - Series 6300
 - Vegetated Non-Forested Wetlands - Series 6400
 - Non-Vegetated Wetland - Series 6500

Subject Property

Parcels

USDA SCSSS SOILS MAP

ERIC D & PAMELA S MARTIN TRUST
25Z00051



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/3/2025

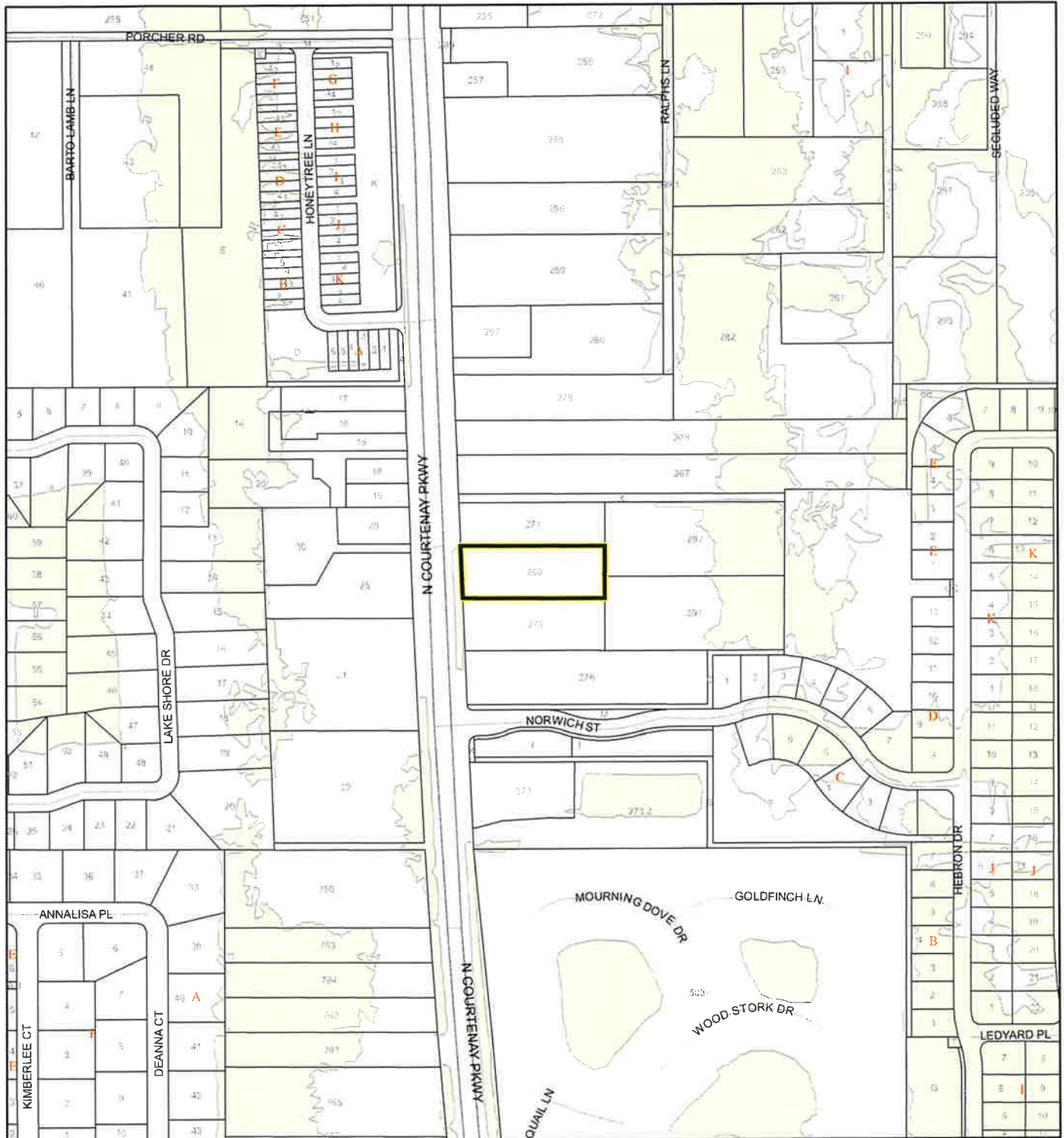
USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None
- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

ERIC D & PAMELA S MARTIN TRUST

25Z00051



1:4,800 or 1 inch = 400 feet

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FEMA Flood Zones

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

COASTAL HIGH HAZARD AREA MAP

ERIC D & PAMELA S MARTIN TRUST

25Z00051



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

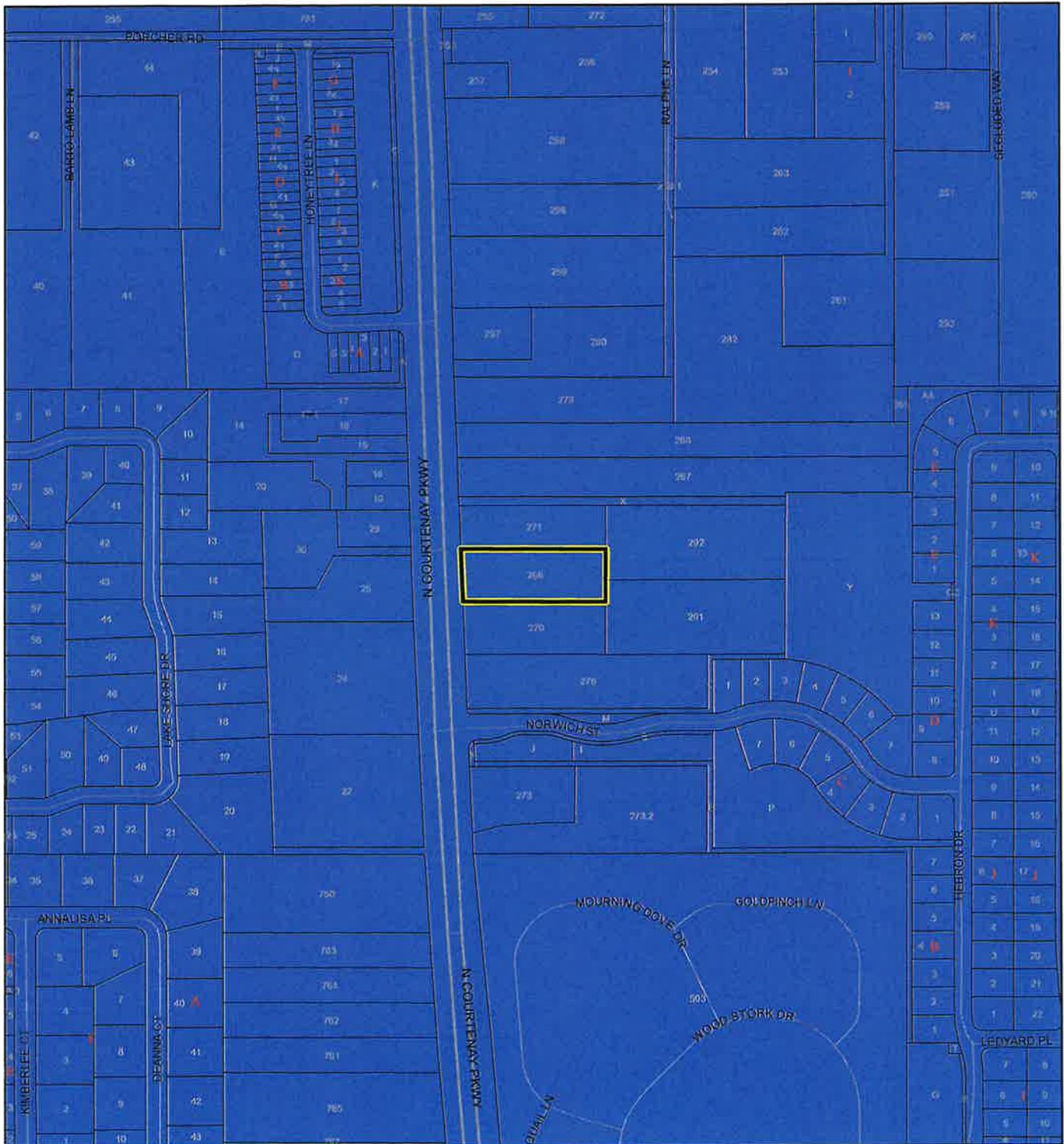
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

ERIC D & PAMELA S MARTIN TRUST

25Z00051



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

Septic Overlay

 40 Meters

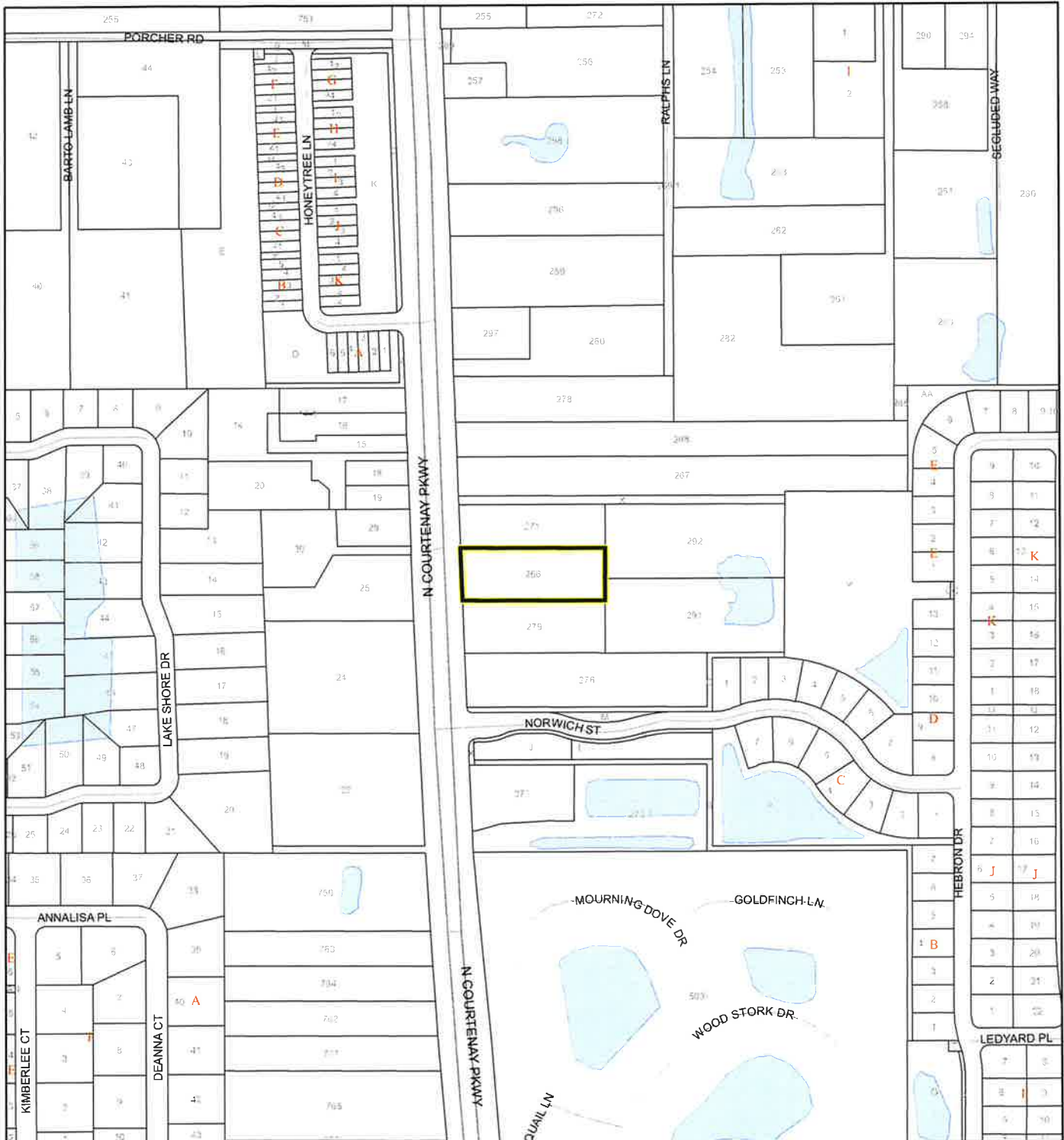
 60 Meters

 All Distances

EAGLE NESTS MAP

ERIC D & PAMELA S MARTIN TRUST

25Z00051



1:4,800 or 1 inch = 400 feet

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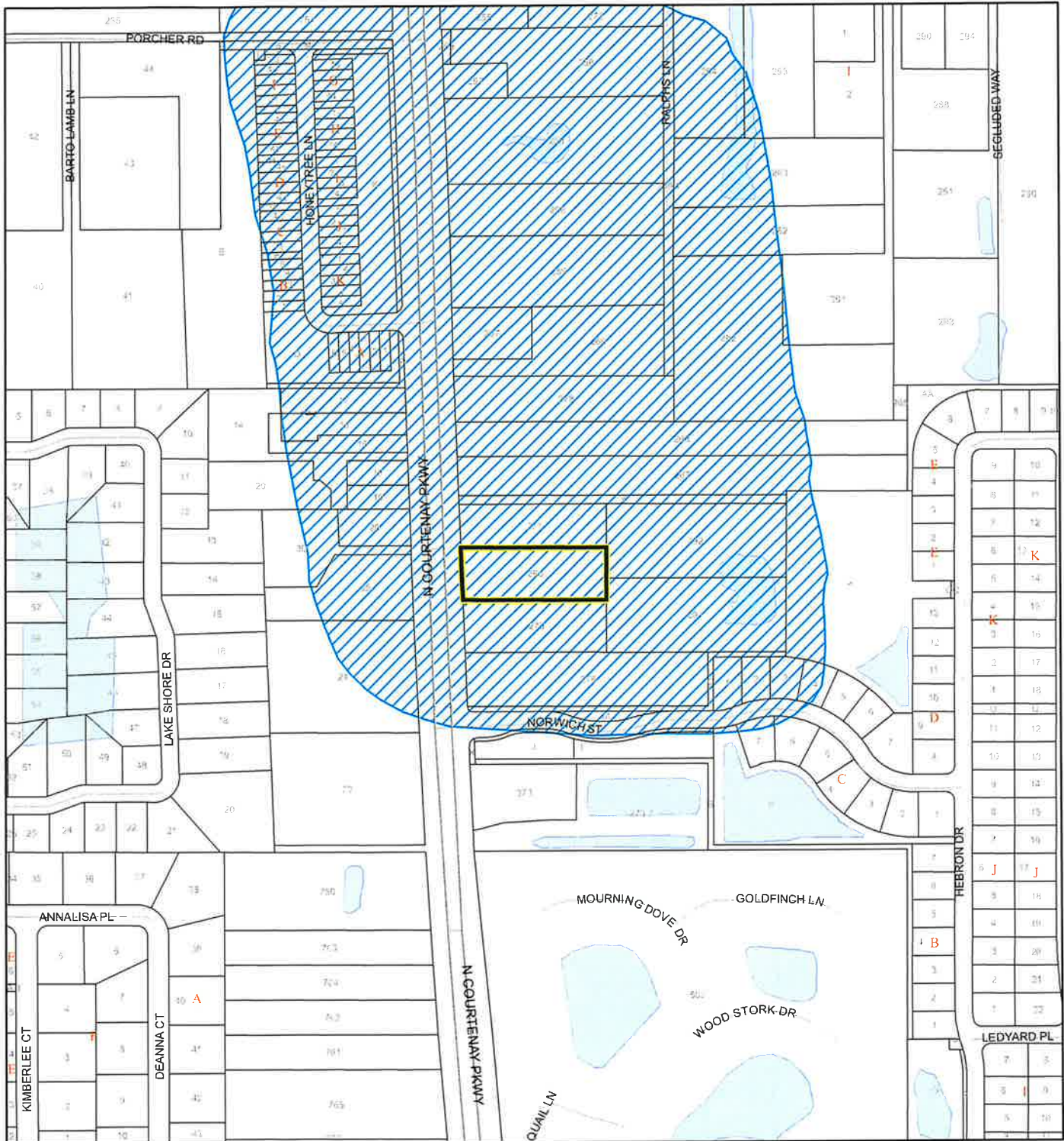
Produced by BoCC - GIS Date: 11/3/2025

-  Subject Property
-  Parcels
-  Eagle Nests FWS

SCRUB JAY OCCUPANCY MAP

ERIC D & PAMELA S MARTIN TRUST




25Z00051



1:4,800 or 1 inch = 400 feet

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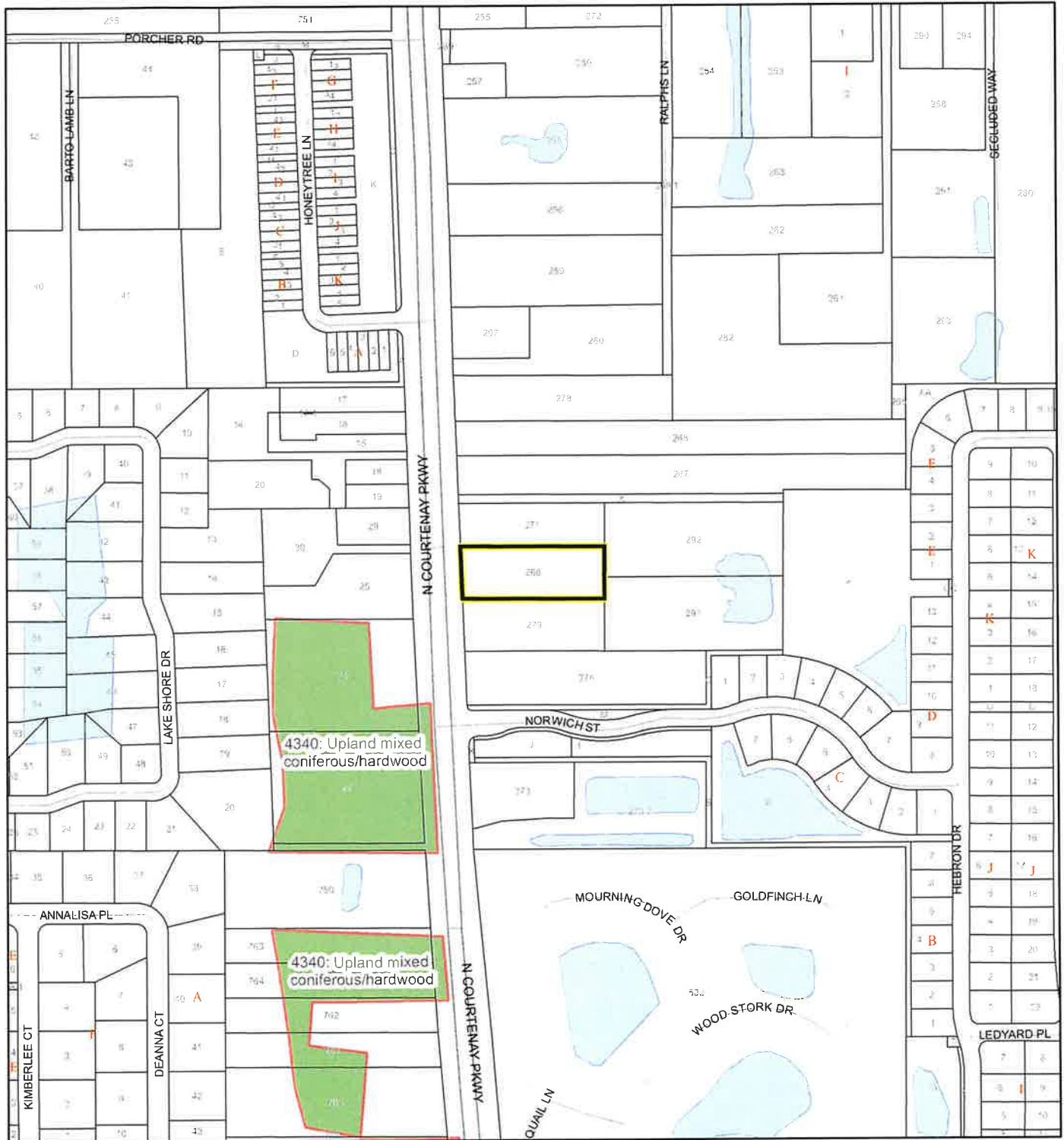
Produced by BoCC - GIS Date: 11/3/2025

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

ERIC D & PAMELA S MARTIN TRUST

25Z00051



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS Upland Forests

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

Subject Property

Parcels

North Merritt Island Dependent Special District Board

The North Merritt Island Dependent Special District Board met on Thursday, January 08, 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 6:00 p.m.

Board members present were Mary Hillberg, Chris Cook, Jim Carbonneau, Gina Lindhorst, and John Speck.

Staff members present were Trina Gilliam, Planning and Zoning Manager; Derrick Hughey, Planner; and Jordan Sagosz, Operations Support Specialist.

EXCERPT OF COMPLETE MINUTES

Item H.2. Erick D. & Pamela S. Martin Trust (Landon Scheer) request a zoning classification change from all BU-1 to BU-1 and BU-2. (25Z00051) (Tax Account 2318710) (District 2)

Derrick Hughey read the application into the record.

Landon Sheer spoke to the application. The principal use of the property is the building shown on the survey. The owner is a Merritt Island resident, and it is a personal hobby shop. It is his retirement project, mancave for himself, and not open to the public. He is going to store his toys and woodworking material, and whatever he wants to put in his building. We are asking to rezone the eastern half of the property to match the property to the north. The owner wants to add 8 RV and 8 boat parking spaces to offset his month-to-month development costs. The RV and boat storage is strategically placed to the rear, east side of the property to protect the aesthetics of the property on Courtenay Parkway. We will be providing type "A" landscape buffers to the south and east of the property, and screening per county code. Stormwater will be provided on the site. It will hold the 25-year, 100-year storm event. There is a perimeter stormwater system. The owner will have motion sensor lighting on the property so it stays dark at night unless there's someone on the property that's not supposed to be there at night, then the lights will flash on. The property is gated. It's a very low traffic generator. The proposed building is an allowable use with the zoning.

Mr. Carbonneau inquired if the parking is ancillary for income. And a hobby shop.

Mr. Sheer stated it's his retirement project. He has an RV he will park in his building, maybe an ATV. He has woodworking tools. It is going to be a glorified mancave for himself.

Mr. Carbonneau inquired if it's just woodworking and no fiberglass.

Mr. Scheer responded woodworking and whatever his hobbies are. No commercial or retail, or public coming in and out.

Ms. Lindhorst asked what type "A" buffers and plantings are.

Mr. Scheer responded they are typical buffers that are required by the county for any type of development along residential property. 20' wide buffer that requires 6' tall plantings and an opaque screen, which would be fence.

Mr. Carbonneau inquired if the property would be fenced.

Mr. Sheer responded yes, all the way around.

Mr. Speck inquired about a flag lot to the east.

Mr. Sheer responded yes, he spoke with them, and they liked it.

Mr. Carbonneau stated it's heavily wooded property and we're going to lose a lot of good trees.

Mr. Scheer responded they are going to preserve as many as they can. Unfortunately, the site is very low so the area where you see the stormwater system around the outside, that's the area that's going to remain low, so that's our best bet of saving trees in those areas. We carefully placed it around the outside to keep as many trees around the perimeter as we can.

Ms. Lindhorst asked if you're going to retain all the water that enters here, what will happen to it? It looks like you're hardening all the ground.

Mr. Scheer responded the dashed lines around the perimeter of the site, that's the stormwater pond. Adjacent to FDOT we must model 100-year storm event, and show that we meet pre-, post-, and the 100-year storm event. The site is 1.4 acres, but only 0.6 acres flows offsite. So, our offsite discharge must be the same as the 0.6 acres that flow off site. Pretty much everything is going to stay onsite. We show it staging up for the rainfall event and then it will percolate into the ground. If it does hit the treatment volume elevation at that time then it would start overflowing to the right-of-way, but that would be not until the 100-year event.

Ms. Lindhorst stated it's going to be dark, but you're planning on RV storage or will people be staying in it or

Mr. Scheer responded it's just for people to park their RVs and boats. Storage.

Ms. Lindhorst inquired if they'd want you to have lights on for security.

Mr. Scheer responded the owner doesn't want to have it, so he's the one that gets the say. There is RV and boat storage in the area, and there is BU-2 in the area, so it's not atypical for the surrounding area.

Mr. Cook stated he doesn't have a problem with it, the neighbors are fine with it, but I'm looking at the worst-case scenario. They could sell this property tomorrow like they always usually do, and you're sitting there with BU-2 right next to those peoples' houses. I think when someone wants to put a strip club or a heavy metal shop or an auto shop right next to their house they might suddenly have a problem with that and there's nothing they can do. I would want to put the BU-2 portion in the front with the little hobby shop in the back.

Mr. Scheer stated it is BU-1 right now, so someone could come in and put a gas station there. There are intense commercial uses allowed in BU-1.

Mr. Cook commented on the scrub jay overlay. I'm not a big environmentalist but they're running out of places to go. You must fill out a TIM?

Mr. Scheer responded the environmentalists must do their endangered species survey.

Ms. Gilliam stated when Mr. Scheer came in and spoke with us about this project we discussed the zoning and the BU-2 being in the front or the back. As he stated they're matching what's already existing. BU-1 in the front, BU-2 in the back, to the north. The concern we had was we want to keep the area looking as nice as we possibly can. That's why the hobby shop in the front, a nice little constructed building that will present nice. Landscaping around that, parking in the back and storage in the back. We felt that would be more appropriate and aesthetically pleasing to the area.

Mr. Cook stated they could put an opaque fence up, not chain-link.

Mr. Scheer responded we can do opaque on the north, east and south. But the county coed doesn't allow opaque adjacent to the right-of-way.

Ms. Gilliam stated it must be set back a certain distance.

Ms. Lindhorst asked about the toxic chemicals, oils, etc. seeping out.

Mr. Scheer responded it's just for parking. He's not going to have a washing station. It's just parking.

Motion by Jim Carbonneau, seconded by Gina Lindhorst to recommend approval of the request. The motion passed unanimously.

The meeting adjourned at 7:52 p.m.

DRAFT

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, January 12, 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); Ruth Amato (D1); Ron Bartcher (D2); Robert Wise (D2); Erika Orriss (D3); Eric Michajlowicz (D3); Debbie Thomas (D4); Neal Johnson (D4); Robert Brothers (D5); Ana Saunders (D5); and Melissa Jackson (D5).

Staff members present were Trina Gilliam, Planning and Zoning Manager; Paul Body, Planner; George Ritchie, Planner; Derrick Hughey, Planner; Alex Esseesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

EXCERPT OF COMPLETE MINUTES

H.9. Eric D. & Pamela S. Martin Trust (Landon Scheer) requests a zoning classification change from BU-1 to BU-1 and BU-2. (25Z00051) (Tax Account 2318710) (District 2)

Paul Body read the item into the record.

Landon Scheer this project went to the Merritt Island Board, and it was approved unanimously. There are two components to this project. Main use of the building is a personal hobby shop by the owner. It's his retirement project. It's going to be essentially his man cave. And then the second portion of this project is we are asking to rezone to BU-2. He wants to provide RV and boat parking spaces on the eastern half of the project. We're matching the zoning line of the property just to the north of us. The western half is zoned BU1, and the eastern half is also BU2. So, we are just matching the zoning to the property to the north of us consistent with the area. There is RV and boat parking in the corridor. We're not asking for anything that hasn't been done in the area. We will be required to provide a type "A" buffer on the east and the south side, as well as a type "B" buffer along Courtenay Parkway. The owner is going to do motion sensor dimmable lighting. The idea is most of the time lights are low to keep the lighting in the area adjacent to the properties to the east and south of us down. Should someone be on the property that's not supposed to be there after hours, the lights flip on so the camera can catch them, but then they return to the dimmable lighting. A gated in fence from the right-of-way. The main structure isn't going to be utilized by the public. There's no retail or sales or any use out of the main structure. Extremely low traffic generator, so not really concerned for traffic to bring additional trips into the area, but the owner is hoping to rezone the eastern half to BU2 for the eight RV and boat parking spaces to ultimately offset development costs for his structure.

NO PUBLIC COMMENT

Mr. Johnson asked do you know how many spaces he's going to have.

Mr. Scheer responded there's going to be eight RV and eight boat.

Mr. Johnson continued with any electric, any utilities going to be provided or just dry storage. And covered or not covered.

Mr. Scheer responded just dry storage and not covered.

Mr. Minneboo asked you're just matching the parcel to the north, and you about it.



Natural Resources Management Department

2725 Judge Fran Jamieson Way
Building A, Room 219
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

Addendum 25Z00051 Eric D. and Pamela S. Martins Trust

This addendum provides additional comments regarding development criteria for properties located on North Merritt Island, north of Hall Road. This information was inadvertently omitted in comments provided by Natural Resources Management (NRM). Revised NRM comments are provided below.

Floodplain Protection in North Merritt Island

This property is located on North Merritt Island (NMI), north of Hall Road. While this property is not located within a mapped Federal Emergency Management Agency (FEMA) Special Flood Hazard Area, the parcel is subject to the development criteria in Section 62-3724(4), 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 contact NRM prior to any plan or permit submittal or prior to performing any land clearing activities.**

Main Line: (321) 633-2016

Website: Brevardfl.gov/NaturalResources

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 25Z00051

Applicant: Landon Scheer (Owners: Eric D. and Pamela S. Martins Trust)

Zoning Request: BU-1 to BU-2

Note: Rezone eastern half of property to BU-2; western half to stay BU-1

Advisory Board: 01/08/2026; **Zoning Hearing:** 01/12/2026; **BCC Hearing:** 02/5/2026

Tax ID No.: 2318710

- 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:

- Floodplain Protection in North Merritt Island
- Hydric Soils
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

Land Use Comments:

Floodplain Protection in North Merritt Island

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Hydric Soils

A portion of the subject parcel contains mapped hydric soils (Basinger sand); indicators that wetlands may be present on the property. **A wetland delineation may be required prior to any land clearing activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). N. Courtenay Parkway is a MQR at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require no net loss mitigation in Brevard County in accordance with Section 62-3696.

Aquifer Recharge Soils

This property contains Basinger sand, that may also function as a highly permeable soil. Additionally, the mapped topographic elevations show that the property falls within a Type 3 Aquifer Recharge area, which is subject to impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Indian River Lagoon Nitrogen Reduction Septic Overlay

The 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.

Protected and Specimen Trees

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

Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. The property is located within an area of mapped Florida Scrub Jay occupancy. Additionally, there is potential for existence of Gopher Tortoises on site. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.

Mr. Scheer responded yes. We share a property line.

Motion to recommend approval of Item H.9. by Ron Bartcher, seconded by Erika Orriss. Motion passed unanimously.

Meeting adjourned at 6:28 p.m.

DRAFT