

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 26S.07 (26SS00007)*  
**Township 23, Range 36, Section 23**

---

**Property Information**

**Owner / Applicant: Jeanne A. Benson & Arthur W. Burger Jr. Trust (John Campbell)**

**Adopted Future Land Use Map Designation: Neighborhood Commercial (NC)**

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

**Acreage: 2.11 acres**

**Tax Account # 2316445**

**Site Location: North Side of North Courtenay Pkwy, 180 feet east of Pine Island Road**

**Commission District: 2**

**Current Zoning: Agricultural Residential (AU)**

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

**Background & Purpose**

The applicant is requesting a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial) to facilitate a rezoning from AU (Agricultural Residential) to BU-2 (General Retail Commercial) on 2.11 acres with the intention of developing a Contractor's office and a Land Surveyor's office.

The subject property is located within the North Merritt Island Dependent Special District Board and has access to N. Courtenay Pkwy., State Road-3, a State-maintained roadway. The subject parcel is currently developed with a 3,144 sq. ft. single-family residence and a 1,054 sq. ft. guest house and is located on the north side of North Courtenay Pkwy, 180 feet east of Pine Island Road.

The applicant has a companion rezoning application, **26Z00022**, to change the AU zoning classification to BU-2 zoning classification.

Natural Resource notes: this property contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils; indicators that wetlands may be present on the property. A portion 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. 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 entire property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Protected and Specimen trees may exist on the parcel.

The property's current configuration has remained the same since the subject property was subdivided into this 2.11-acre size configuration on July 1, 1974, per Official Records Book 1461, page 349.

The subject property retains the original NC FLU designation established in 1988 by the Brevard County Comprehensive Plan.

The proposed CC FLU designation is established in the area surrounding the subject property and is located 25 feet west of the subject parcel on the north side of N. Courtenay Pkwy. The requested CC FLU designation embodies activities which are intended to serve several neighborhoods, sub-regional and regional areas, and provide an array of retail, personal, and professional uses.

NC development activities are intended to be low impact in nature and serve the needs of the immediate residential area. Intrusion of these land uses into surrounding residential areas shall be limited. Existing BU-1-A uses, which were established as of the adoption date of this provision, shall be considered consistent with this policy.

This property is outside of the Brevard County Water Service Area. 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. The appropriate sewer facility is operating at a level equal to or less than 85% of the existing plant capacity as determined by the service provider or appropriate authority. Please note that concurrency for the project can only be confirmed with a detailed review of the plans. The current Sykes Wastewater plant capacity as of March 2026 based on actual connections is 53%.

There are no current code enforcement complaints on the property.

**Surrounding Land Use Analysis**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Vacant Land	AU	NC & RES 1
<b>South</b>	S. Courtenay Pkwy.	ROW,	N/A

<b>East</b>	Vacant Land	AU	RES 1
<b>West</b>	Vacant Land	AU	NC

North & west of the subject property is a vacant 5.17-acre Flag Lot parcel with AU (Agricultural Residential) zoning classification and NC and RES 1 FLU designation.

South of the subject property across N. Courtenay Pkwy. is a vacant 34.14-acre parcel with AU (Agricultural Residential) zoning classification and RES 1 FLU designation.

East of the subject property is a vacant 5-acre parcel with AU (Agricultural Residential) zoning classification and RES 1 FLU designation.

25 feet to the West of the subject property, is a 3.1-acre parcel developed with commercial related amenities with BU-2 zoning classification and CC FLU designation.

The Residential 1 (RES 1) Future land use designation permits low density residential development with a maximum density of up to one (1) dwelling unit per acre, except as otherwise may be provided for within the Future Land Use Element.

Neighborhood Commercial (NC) development activities are intended to have low impact in nature and serve the needs of the immediate residential area. Intrusion of these land uses into surrounding residential areas shall be limited.

Community Commercial (CC) development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses.

**Future Land Use**

The proposed BU-2 zoning classification cannot be considered consistent with the existing RES 2 or NC. A companion rezoning application, **26Z00022**, request for BU-2 zoning classification can be considered consistent with the requested CC Future Land Use designation.

**Comprehensive Plan Policies/Comprehensive Plan Analysis**

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

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

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

**Criteria:**

- A. Overall accessibility to the site;

**The subject parcel has direct access to North Courtenay Pkwy, State Road-3.**

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

**There is no interconnectivity as the proposal does not include connecting with abutting parcels. The closest commercial (CC) FLU designated property is located 25 feet to the west of the subject parcel along the north side of North Courtenay Parkway.**

- C. Existing commercial development trend in the area;

**The closest commercial (CC) FLU designated property is located 25 feet to the west of the subject parcel along the north side of North Courtenay Parkway. There are no other commercial zoning classifications within 0.5 miles of the subject property.**

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

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

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

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

**The parcel is within the City of Cocoa public potable water service and septic service.**

**The parcel is located in the Brevard County Sewer Service Area. The closest Brevard County sewer line is located approximately 3,000 feet to the west at the intersection of North Tropical Trail and N. Courtenay Parkway.**

- F. Spacing from other commercial activities:

**The closest property with commercial activities is located 25 feet to the west of the subject parcel along the north side of North Courtenay Parkway.**

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

**A market study was neither provided nor required.**

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

**The subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Basinger sand; Copeland-Bradenton-Wabasso complex, limestone substratum; and Pompano sand, 0 to 2 percent slopes); indicators that wetlands may be present on the property.**

**A portion 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.**

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

**Protected and Specimen trees may exist on the parcel.**

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

- I. Integration of open space; and

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

- J. Impacts upon strip commercial development.

**This request is not an extension of strip commercial development.**

## **Locational and Development Criteria for Community Commercial Uses**

### **FLUE Policy 2.8**

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

**Criteria:**

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

**The proposed amendment encompasses 2.11 acres but is not part of a Community Commercial cluster.**

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

**The subject site does not exceed 40 acres.**

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

**The closest Community Commercial cluster is located approximately 3,060 feet west of the subject parcel at the intersection of N. Courtenay Pkwy. and North Tropical Trail. There are fourteen (14) CC properties, totaling eighteen (18) acres, along the west side of North Courtenay Parkway ending at West Crisafulli Road.**

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

**The subject property is less than 10 acres and will not exceed 150,000 sq. ft.**

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

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

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

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

**FLUE Administrative Policy 3**

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

**Criteria:**

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

**The proposed rezoning will need to comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272.**

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

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

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

- 1. historical land use patterns;

**The surrounding area has historically developed as a low-density residential area consisting primarily of vacant land and single-family residential parcels ranging from 0.18 acres to 45.34 acres in size. Nonresidential development is limited, consisting of a commercial zoned property and an institutional use west of the subject property, with vacant industrially zoned properties located along the North Courtenay Parkway corridor to the east.**

**There are five (5) FLU designations (RES 1, RES 2\_DIR, NC, CC and PUB) within a 0.5-mile radius of the subject property. RES 1 is the prominent FLU in this area.**

**There are twelve (12) zoning classifications (GU, AU, RR-1, SR, RRMH-1, TR-1, TR-2, TR-3, BU-2, IN(L), IU and GML(I) within a 0.5-mile radius of the subject property. TR-1 is the prominent zoning classification in this area**

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

**There are four pending zoning actions within 3/4 miles west and south of the subject property:**

- **26Z00007 - On January 30, 2026, an application was submitted to rezone 28.37 acres from GML (I) and TR-1 to RVP for the development of a recreational vehicle park. The request also includes a companion Small-Scale Comprehensive Plan Amendment (SSCPA) application, 26SS00001, to change the Future Land Use designation from PUB, RES 1, and RES 2-DIR to CC. This parcel is located approximately 0.2 miles north of the subject property. Scheduled for the July 9, 2026, BoCC meeting. Within a half-mile.**

- **26Z00006 On January 30, 2026, an application was submitted to remove a Binding Development Plan (BDP) on 1.71 acres zoned BU-2. Removal of the BDP would eliminate the existing restriction limiting the property to BU-1 permitted uses and would allow all uses permitted within the BU-2 zoning classification, including the proposed outdoor boat and RV storage use depicted in site plan application 25SP00048. This parcel is located approximately 0.3 miles south of the subject property. Scheduled for the July 9, 2026, BoCC meeting.**

- **26Z00017 - On April 6, 2026, an application was submitted to rezone 2.0 acres from AU to RR-1 for the development of one single-family residence. This parcel is located approximately 0.1 miles southeast of the subject property. Item scheduled to be heard on the same date as this request.**

- **26Z00024, an application requesting to change from BU-1 to BU-2 zoning on 2.43 acres to utilize a metal building for the development of a self-storage mini-warehouse. There has been no development within 0.5 miles approved within the past three years.**

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

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

- D. Whether the proposed use(s) would result in a material violation of relevant policies,

in any elements of the Comprehensive Plan.

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

#### **FLUE Administrative Policy 4**

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

##### **Criteria:**

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

**The requested rezoning from AU to BU-2 zoning classification is not anticipated to materially or adversely affect the surrounding developments. This request is not anticipated to have a measurable impact on the area in terms of trip generation, or parking.**

- 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 property is located in an existing residential area, along with commercially zoned properties along the corridor.**

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 is for commercial use. It is located in an existing single-family residential area, with commercially zoned properties along the corridor. There is a Community Commercial land uses established in this area 25 feet to the west.**

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 area contains low-density single-family residential use. There has not been commercial, industrial, and other non-residential uses approved in this area during the previous five (5) years.**

### **FLUE Administrative Policy 7**

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

**Natural Resources has noted this property contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils; indicators that wetlands may be present on the property.**

**A portion 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.**

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

**Protected and Specimen trees may exist on the parcel.**

**Please review all comments from the Natural Resources Management Department found at the end of this report.**

### **Preliminary Concurrency**

The subject property is located within the concurrency management segment on N. Courtenay Pkwy. (State Road 3) between N. Tropical Trail and 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 most intense commercial use would be a fast-food restaurant with a drive-thru at an average, 5,060 square foot building. It would be anticipated to increase the percentage of MAV utilization by 2, 267 trips. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 4.95%, and the corridor would be anticipated to operate at 31.24% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

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

The parcel is within the City of Cocoa public potable water service and septic service. The parcel is located in the Brevard County Sewer Service Area. The closest Brevard

County sewer line is located approximately 3,000 feet to the west at the intersection of North Tropical Trail and N. Courtenay Pkwy.

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

## **Environmental Constraints**

### **Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Wetlands and Hydric Soils
- Coastal High Hazard Area
- Floodplain Protection in North Merritt Island
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees

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

### **For Board Consideration**

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Zoning Review & Summary  
Item No. 26SS00007**

**Applicant:** John Campbell (Owner: Arthur Berger, Jr., Trustee)

**Zoning Request:** AU to BU-2

**Note:** for commercial zoning

**NMI Advisory:** 07/09/2026; **Zoning Hearing:** 07/13/2026; **BCC Hearing:** 08/06/2026

**Tax ID No.:** 2316445

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

**Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Wetlands and Hydric Soils
- Coastal High Hazard Area
- Floodplain Protection in North Merritt Island
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees

**Land Use Comments:**

**Wetlands and Hydric Soils**

The entirety of the subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Basinger sand; Copeland-Bradenton-Wabasso complex, limestone substratum; and Pompano sand, 0 to 2 percent slopes); indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along “Mitigation Qualified Roadways” (MQRs). However, N. Courtenay Parkway is not a MQR at this location. MQRs are depicted and identified in a table on map 8 of the comprehensive plan conservation element. An amendment to the comprehensive plan shall be required to add a mitigation qualified roadway to map 8 and the associated table.

Additionally, if wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

### **Coastal High Hazard Area**

A portion 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 contact NRM prior to any plan or permit submittal or prior to 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.

### **Protected and Specimen Trees**

Protected and Specimen trees may 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.**