

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Small Scale Plan Amendment 26S.05 (26SS00005)
Township 20, Range 35, Section 31*

Property Information

Owner / Applicant: Sami & Violette Salib (Carmine Ferraro)

Adopted Future Land Use Map Designation: Neighborhood Commercial (NC) and Residential 2 (RES 2)

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

Acreage: 7.05 acres

Tax Account # 2000371, 2000352

Site Location: Northeast corner of Highway 1 at Lionel Road, approximately 0.2 miles north of Gloria Avenue

Commission District: 1

Current Zoning: Agricultural Residential (AU)

Requested Zoning: BU-1 (General Retail Commercial)

Background & Purpose

The applicant is requesting a change in Future Land Use (FLU) designation from NC (Neighborhood Commercial) and RES 2 (Residential, 2 units per acre) to CC (Community Commercial) on two parcels totaling 7.05 acres. The FLU amendment is intended to facilitate a companion rezoning request from AU (Agricultural Residential) to BU-1 (General Retail Commercial), under rezoning application 26Z00015, to allow for future commercial development and/or sale of the subject property.

The subject property is currently undeveloped and located on the east side of U.S. Highway 1 at the northeast corner of Lionel Road, approximately 0.2 miles north of Gloria Avenue. The applicant states that the owners intend to join both properties and develop the entire site as a commercial development consistent with the existing commercial development at this intersection.

The subject property remains in its original configuration. The western property was established with a recorded deed in OR Book 229, Page 336 on August 25, 1959, and the eastern property was established with a recorded deed in OR Book 882, Page 92 on June 18, 1966.

The subject parcels retain the two original FLU designations of RES 2 and NC that were established in 1988 by the Brevard County Comprehensive Plan.

The proposed CC FLU designation is established in the area to the north and south of the subject properties and is primarily located along the U.S. Highway 1 corridor. The requested 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.

The current RES 2 land use designation on the east property permits lower density residential development with a maximum density of up to two (2) units per acre, except as otherwise provided for within the FLU element.

The current 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.

The subject property contains mapped National Wetlands Inventory (NWI) wetlands. This property contains aquifer recharge soils. The mapped topographic elevations show that the property falls within a Type 2 and/or Type 3 Aquifer Recharge areas, areas that are 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.

Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). U.S. Highway 1 is an MQR at this location, Lionel Road is not. If wetlands are confirmed, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts.

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

There are no current code enforcement complaints on the property.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Single-family residences	AU, RR-1	NC, RES 2
South	Retail store (Dollar General), school	BU-1, GML(I)	CC, RES 2
East	Residential related amenities	AU(L)	RES 2
West	U.S. Highway 1, Motel	ROW, BU-1, BU-2	ROW, CC

Four parcels abutting the subject properties to the north. The westernmost parcel is 0.76 acres developed with a single-family residence and designated with NC FLU with AU zoning. The three adjoining parcels to the east are each 1.05 acres, developed with single-family residences, and designated RES 2 FLU with RR-1 zoning.

There are two parcels located south of the subject properties across Lionel Road. The property located on the southeast corner of Lionel Road and U.S. Hwy. 1 is 1.48 acres, developed with a retail store (Dollar General), with BU-1 zoning classification and CC FLU. The second parcel is 15 acres, developed by the Brevard County School Board as Pinewood Elementary School, zoned GML(I) (Government Managed Lands) with RES 2 FLU.

East of the subject properties is a 3.33-acre parcel, developed with residential related amenities (built in 2025), AU(L) zoning classification, and RES 2 FLU.

West of the subject properties is U.S. Highway 1, a four lane, state-maintained roadway. A 10-unit motel on property zoned BU-2 with a CC (Community Commercial) FLU is located directly across U.S. Highway 1 from the subject properties.

The Residential 2 (RES 2) land use designation permits lower density residential development with a maximum density of up to two (2) units per acre, except as otherwise provided for within this element.

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.

Neighborhood Commercial (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.

Future Land Use

The proposed BU-1 zoning request, under companion application 26Z00015, cannot be considered consistent with the existing RES 2 or NC FLU designations. The BU-1 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 U.S. Highway 1.

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

The CC FLU designation exists on both sides of U.S. Highway 1 to the south of the subject properties and north along the west side of U.S. Highway 1. The applicant's request would extend the CC FLU designation approximately 500 feet north along the east side of the highway and would increase the depth of the CC FLU designation by an additional 200 feet compared to any commercially designated FLU property located within one-half mile north or south of the subject properties.

The proposed request may be considered an intrusion into the residential area, as the request exceeds the depth of the current commercial FLU designations within the area.

- C. Existing commercial development trend in the area;

CC is the predominant FLU commercial designation for properties within a half-mile of the subject property. The most recent commercial development was a Dollar General retail store in 2022, located approximately 75 feet south of the subject property across Lionel Road. Other commercial uses in the

area include a mini-warehouse, 10-unit motel, and a heavy equipment rental business.

NC is the predominant FLU on the east side of U.S. Highway 1 north 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 level of service (LOS).

The subject properties are not within a centralized water and sewer service. The owners of the subject property will need to provide their own water and sewer service.

- F. Spacing from other commercial activities:

A Dollar General retail store is on the lot approximately 75 feet south of the subject properties across Lionel Road. A mini-warehouse business is located approximately 350 feet south of the subject properties. There are no commercial activities on the east side of U.S. Highway 1 north of the subject properties.

- 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 applicant shall adhere to all policies and objectives provided in the Conservation Element of the Comprehensive Plan.

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

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

- I. Integration of open space; and

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

- J. Impacts upon strip commercial development.

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

Locational and Development Criteria for Community Commercial Uses

FLUE Policy 2.8

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

Criteria:

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

South of Lionel Road is a 5.6-acre cluster of CC. Another approximate 5.9-acre CC cluster is located between Gloria Av and Joel Ave. Across Highway 1 is an approximate 5.6-acre CC cluster. An additional approximately 7.05 acres of CC will be added to this intersection and the surrounding area. This is not a principal arterial/principal arterial intersection. This intersection of US 1 is noted by the Space Coast Transportation Planning Organization as an Urban Principal Arterial roadway/Local Roadway.

- 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 proposal is an extension of an existing CC clusters at this intersection, less than 2 miles apart from each other.

- 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.

If approved, the subject property would be part of a Community Cluster and will not exceed the maximum square footage permitted.

- 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;

This property will need to comply with the regulations of Section 62-1483 and 62-4342 of Brevard County Code. In addition, the performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan stage should the zoning change be approved.

Traffic from the proposed development will impact the surrounding area . Specific concurrency issues will be addressed at the time of site plan review.

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

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

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

Within the 0.5-mile radius of the subject property, there are three (3) FLU designations: RES 2, NC, and CC. CC is the predominant FLU designation within half-mile of the subject property. However, NC is the predominant FLU designation north of the subject property on the same side of the road.

The existing land use pattern is a mixture of commercial uses and residential dwellings on lots of spacious character, with residential development remaining the predominant land use. Commercial development along the U.S. Highway 1 corridor has occurred gradually over several decades since 1958, when the motor inn was constructed. Since then, three (3) flex warehouse and light industrial buildings, a mini-warehouse facility, a small office building, a Dollar General store, and an elementary school have been developed.

The subject property is located at the northeast corner of U.S. Highway 1 and Lionel Road. Directly across Lionel Road to the south is a Dollar General store, with an elementary school located immediately east of the Dollar General.

The proposed FLU amendment and companion rezoning would extend commercial entitlements approximately 200 feet farther east than the existing commercial use at the Dollar General site. Although the elementary school extends farther east than the Dollar General, the school is institutional in nature and does not establish the same commercial development pattern as retail and service-commercial uses. The area east of the subject property remains characterized primarily by low-density residential development on spacious lots. As a result, the request may be viewed as an expansion of commercial zoning and potential commercial intensity into an area that has historically exhibited a predominantly residential development pattern.

The Board may also consider that the request is not associated with a specific development proposal and would establish commercial entitlements on approximately 7.05 acres. While any future development

would remain subject to applicable development standards, access management requirements, environmental constraints, concurrency review, and site plan approval, the requested CC FLU designation and BU-1 zoning classification could accommodate a range of commercial uses of varying intensity. Given the property's location at the intersection of U.S. Highway 1 and Lionel Road, and the presence of school-related traffic activity along Lionel Road during peak arrival and dismissal periods, the intensity, access configuration, and traffic generation of future commercial development may be relevant considerations.

There has been one FLUM amendment within one-half mile of the subject property in the past three years. On September 4, 2025, 25SS00006 was approved to change the Future Land Use designation from NC and RES2 to CC on 3.49 acres, close to a half-mile north on the opposite side of the road. This was accompanied by a request to change the zoning from AU to BU-1 to develop the site with a flex-warehouse with several units.

There are several zoning classifications within the 0.5-mile radius of the subject property, including AU, AU(L), RR-1, SR, RU-1-9, RU-1-11, BU-1, BU-2 and GML(I).

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

One new development has occurred within 0.5 miles of the subject property within the last three years. It is located approximately 75 feet south of the subject property and is developed as a Dollar General retail store.

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

There have been two rezonings approved within 0.5 miles of the subject properties within the past three years that have not been constructed. 24Z00003 approved a rezoning from RR-1 to AU(L) on 3.33 acres on May 2, 2024. On September 4, 2025, 25Z000019 approved a rezoning from AU to BU-1 on 3.49 acres.

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

Only a certified MAI 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 proposed Community Commercial FLU and BU-1 zoning has the potential to materially and adversely impact the surrounding area, as no specific future use has been identified by the property owners.

- B. In determining whether an established residential neighborhood exists, the following factors must be present:

1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

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

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

The area surrounding the subject property is characterized as a rural residential area rather than a residential neighborhood. The proposed use would not preclude the continued existence of the surrounding residential area.

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

This area is presumed to be predominantly residential. The proposed zoning would be the second commercial rezoning to be approved in the area within the past five years.

FLUE Administrative Policy 7

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

The subject property contains mapped National Wetlands Inventory (NWI) wetlands. This property contains aquifer recharge soils. The mapped topographic elevations show that the property falls within a Type 2 and/or Type 3 Aquifer Recharge areas, areas that are 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.

Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along “Mitigation Qualified Roadways” (MQRs). U.S. Highway 1 is an MQR at this location, Lionel Road is not. If wetlands are confirmed, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts.

Protected and Specimen trees exist on the parcels. The applicant shall perform a tree survey prior to any site plan design.

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

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

Preliminary Concurrency

The subject property is located within the concurrency management segment on U.S. Highway 1 between Lionel Road and Burkholm Road, which has a Maximum Acceptable Volume (MAV) of 38,430 trips per day, a Level of Service (LOS) of D, and currently operates at 28.18% of capacity daily. The maximum development potential from the proposed rezoning would increase the percentage of MAV utilization by 4.53% if the potential buyer were to develop a convenience store with gas pumps. With approval of the small-scale amendment and companion rezoning request, the most intense possible in the area would be a shopping plaza at 150,000 square feet with a maximum FAR of 1.00. This use would potentially generate 17,781 trips daily increasing the MAV utilization by 46.27% and would be anticipated to operate at 74.45% daily. Specific concurrency issues 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 within access for centralized water and sewer services provided by Brevard County Utilities.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands
- Aquifer Recharge Soils
- 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 should consider if the request is consistent and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 26SS00005

Applicant: Carmine Ferraro (Owner: Sami and Violette Salib)

Zoning Request: NC & RES 2 to CC

Note: for commercial development or sale

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

Tax ID No.: 2000371 & 2000352

- 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
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

Land Use Comments:

Wetlands

A portion of the subject parcel contains mapped National Wetlands Inventory (NWI); an indicator 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). Highway 1 is an MQR at this location, Lionel Road is not. 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 Pomello sand and Candler fine sand, classified as aquifer recharge soils. The mapped topographic elevations show that the property falls within a Type 2 and/or Type 3 Aquifer Recharge areas, which are 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.

Protected and Specimen Trees

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

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

Protected Species

Federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. If applicable, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (GTpermits@myfwc.com) and/or U.S. Fish and Wildlife Service (FW4FLESRegs@fws.gov) prior to any plan, permit submittal, or development activity, including land clearing.