



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

2725 Judge Fran Jamieson Way  
 Building A, Room 114  
 Viera, Florida 32940  
 (321)633-2070 Phone / (321)633-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS  
 26Z00008**

**Defender Homes Airway Heights, LLC**

**Rural Residential (RR-1) to Low-Density Multiple Family Residential (RU-2-6)**

Tax Account Number: 2702763  
 Parcel I.D.s: 27-36-14-01-\*33.01  
 Location: 1800 Turtle Mound Road, north side of White Road, approximately 240 feet north of Aurora Road (District 5)  
 Acreage: 14.37 acres  
 Planning & Zoning Board: 06/15/2026  
 Board of County Commissioners: 07/09/2026

**Consistency with Land Use Regulations**

- Current zoning cannot be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C).

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	RR-1	RU-2-6
<b>Potential*</b>	14 units	86 units
<b>Can be Considered under the Future Land Use Map</b>	YES RES 4	YES RES 6**

\* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. Application of these regulations may reduce development potential.

\*\* A companion application request 26SS00002 proposes to amend the Future Land Use designation from Residential 4 (RES 4) to Residential 6 (RES 6).

**Background and Purpose of Request**

The applicant is requesting to change the zoning from RR-1(Rural Residential) to RU-2-6 (Low-Density Multiple Family Residential) on 14.37 acres, so the applicant can develop a single-family subdivision with 86 lots. The subject property is currently undeveloped. According to an email received from the attorney’s office of Lacey-Rezanka on 03/13/2026, the applicant intends to develop single-family detached or single-family attached residential homes. The property is currently zoned RR-1 which would allow for single-family residences at one (1) unit to the acre but not for multi-family use.

The subject parcel is currently undeveloped and is located on the east side of Turtle Mound Rd. and the north side of White Rd., approximately 240 feet north of Aurora Rd.

RU-2-6 classification low-density multiple-family residential zoning classifications encompass lands devoted to low-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-6 is a six unit per acre multiple-family residential zoning classification. It permits multiple-family residential development or single-family residences at a density of up to six units per acre on 7,500 square foot lots. Resort dwellings are a permitted use in this zoning classification.

Alternatively, the smallest single-family zoning classification found within the area is RU-1-7. It would require a minimum 5,000 square-foot lot, having a minimum 50 feet of width, and a minimum depth of 100 feet. A minimum floor area of 700 square feet. The RU-1-7 would allow for the development of approximately 81 units, not taking into account infrastructure requirements. The RU-1-7 is a zoning classification already established within the area.

NRM comments identify several environmental and floodplain development constraints affecting the subject property. Pursuant to Section 62-3694(c)(1), residential land uses within wetlands are limited to no more than one (1) dwelling unit per five (5) acres. For subdivisions and multi-family developments exceeding five acres in size, Section 62-3694(c)(6) allows this limitation to be applied as a maximum percentage, restricting cumulative wetland impacts to no more than 1.8% of the total non-commercial and non-industrial acreage.

Additionally, a majority of the property is located within a FEMA-designated Special Flood Hazard Area (SFHA A), as identified on the FEMA Flood Insurance Rate Map. Pursuant to Section 62-3724(3)(d), compensatory storage is required for fill exceeding that necessary to establish an upland buildable area greater than one-third (1/3) acre within the isolated floodplain. Chapter 62, Article X, Division 6 further provides that "No site alteration shall adversely affect the existing surface water flow pattern," while Section 62-3723(2) requires that development within floodplain areas not adversely impact adjoining properties.

A 12.15-acre development owned by the Housing Authority of Brevard County, located within 0.5 miles of the subject property, is zoned RU-2-30. The development is considered a legal nonconforming use and recently received approval of a Conditional Use Permit (CUP) under application 25Z00022 to address the existing nonconformity.

The nearest multi-family zoning district considered consistent with the subject property's zoning classification and Future Land Use (FLU) designation is located approximately 0.7 miles east of the subject property, on the south side of Aurora Road. The site consists of an undeveloped 8.85-acre parcel with an RU-2-10 zoning classification and a RES 15 FLU designation. Additionally, within a 1.0-mile radius of the subject property, there are no townhome zoning classifications or properties developed with townhomes.

**ZONING HISTORY:**

The subject property was platted and recorded in PB 8, PG 86, dated December 31, 1926, as part of Indian River Groves and Gardens south 330 feet of lots 33, 34 & east 130 feet of south 330 feet of lot 35, all of lots 63 & 64 excluding road right-of-way.

On May 22, 1958, the Brevard County zoning code was established, with the subject property having AU (Agricultural Use) zoning classification.

On April 30, 1970, an administrative rezoning was approved by the Board of County Commissioners (BOCC), from AU to RR-1 under zoning action **Z-2624**.

On September 8, 1988, Brevard County adopted the Comprehensive Plan, which gave the Future Land Use (FLU) designation on the property of RES 4.

The site has direct access off Turtle Mound Road, a county-maintained right-of-way.

**Surrounding Area**

	<b>Existing Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Single-family residences	RR-1	RES 4
<b>South</b>	Single-family residences across White Rd.	RR-1	RES 4
<b>East</b>	Single-family residences across Turtle Mound Rd.	EU-2	RES 4
<b>West</b>	Single-family residence, Mobile home park	RR-1, TR-3	RES 4

North of the subject property are four (4) parcels, all developed with single-family residences, with three parcels at 1.0 acres and one parcel at 1.68 acres. All properties have RR-1 zoning classification and RES 4 FLU designation.

South of the subject property across White Road are two (2) parcels, both of which are developed with single-family residences; one parcel has 1.5 acres, while the second has 2.27 acres. Both properties have RR-1 zoning classification with RES 4 FLU designation.

East of the subject property across Turtle Mound Road is Fox Bay Subdivision. The subdivision is an approximate total of 17.754 acres with 46 lots. The subdivision has EU-2 zoning classification with RES 4 FLU designation. Each lot is approximately 0.15 acres to 0.33 acres in size.

West of the subject property is a 2.07-acre parcel, developed with a single-family residence and has RR-1 zoning classification with RES 4 FLU designation. In addition, there is a non-conforming mobile home park, 27.2 acres with 143 units, with TR-3 zoning classification and RES 4 FLU designation.

RR-1 classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with

residential surroundings on a minimum one-acre lot, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet. Keeping of horses and agricultural uses are accessory to a principle residence within the RR-1 zoning district.

EU-2 zoning classification encompasses lands devoted to single-family residential development of a spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. The minimum lot size is 9,000 square feet with a minimum lot width of 90 feet and depth of 100 feet. The minimum living area is 1,500 square feet.

TR-3 zoning is a mobile home park zoning classification with a minimum lot size of 10 acres for the park. Mobile home sites must be at least 4,000 square feet, with a minimum width of 40 feet.

### **Land Use**

The RR-1 zoning classification is consistent with the RES 4 Future Land Use designations provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County’s Comprehensive Plan. The proposed RU-2-6 zoning classification may be considered consistent with the requested RES 6 FLU designation.

### **Applicable Land Use Policies**

#### **Residential 6 (maximum of 6 dwelling units per acre)**

##### **Policy 1.6**

The Residential 6 land use designation affords a transition in density between more highly urbanized areas and lower intensity land uses. This land use designation permits a maximum density of up to six (6) units per acre, except as otherwise may be provided for within this element. The Residential 6 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

##### **Criteria:**

A. Areas adjacent to existing Residential 6 land use designation; or

**Properties to the east across Turtle Mound Rd. are currently designated with RES 6 FLU.**

B. Areas which serve as a transition between existing land uses or land use designations with density greater than six (6) units per acre and areas with density of less than six (6) units per acre; or

**The subject property is not considered transitional. RES 6 is located on both the north and south sides of Aurora Road. RES 6 FLU is predominantly on the south side of Aurora Road, however, the subdivision east of the subject property across Turtle Mound Rd. has RES 6 FLU along with numerous other parcels abutting the north side of Aurora Rd. RES 6 FLU can be found outside the search radius, approximately over one (1) mile until properties are in the jurisdiction of the City of Melbourne. Based on the best analysis of the area, the RES 4 FLU has been the designated FLU on the subject property since the inception of the Brevard County Comprehensive Plan in 1988. The RES 6 was established in 2010 as a result of the**

**South Mainland Small Area Study, which reduced the RES 15 to RES 6 in the area. South of the subject property across Aurora Road is predominantly RES 6 FLU.**

C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 6.

**The subject property is abutted by unincorporated properties; however, within the area, it does include areas that are incorporated in the City of Melbourne jurisdiction.**

D. Up to a 25% density bonus to permit up to 7.5 units per acre may be considered with a Planned Unit Development were deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements outlined in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

**The applicant's request is not part of a PUD application. No density bonus is requested.**

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 through 8 of the Future Land Use Element, outlined in the Administrative Policies.

**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.

**Staff analysis: Regarding the hours of operation, lighting, odor, noise levels, traffic, or site activity, must comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272. The Board may require additional conditions or limitations with respect to the requested zoning action.**

- 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.

**Staff analysis: Only a certified MAI 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.

There are three (3) FLU designations within a half-mile radius of the subject property. They include RES 4, RES 6, and RES 15. Res 4 is the predominant FLU designation in the area.

Within the area, new development has been sparse; however, predominantly in the area are single-family dwellings with a mixture of single-family mobile homes.

There are multiple zoning classifications within a half-mile radius of the subject property. They include BU-2, BU-1, TR-3, IN(L), TR-1, RU-1-13, SR, TR-1-A, RR-1, EU, RU-1-7, RRMH-1 and AU. RR-1 is the predominant zoning classification in the area.

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

There has been no new development within a half-mile radius of the subject property within the last three (3) years.

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

**Staff Analysis:** There have been two (2) zoning approvals in the past three (3) years.

- 23Z00083 changed zoning from RU-1-7 and TR-1 to BU-2 with a BDP on a 5.32-acre parcel located on the south side of Aurora Road, approx. 0.3 miles southwest of the subject property on August 8, 2024. The property is developed as an RV and boat storage, as the BDP on the property limits the uses to all BU-1 and only the BU-2 use of RV and boat storage.
- 25Z00022 was a request for a Conditional Use Permit (CUP) to mitigate a non-conforming use on a 12.15-acre parcel located on the north side of Aurora Rd. off Marywood Rd. approximately 0.5 miles southwest of the subject property. It was approved on November 6, 2025. The property currently features one office building and 25 duplexes, totaling 50 units.

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

**Staff analysis:** 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.

The subject property was platted as Indian River Groves & Gardens on December 15, 1926, and has remained undeveloped.

Traffic from the proposed development will impact the surrounding area, however, the corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The maximum development potential from the proposed FLUM amendment increases the percentage of MAV utilization by 4.28%. The corridor is anticipated to operate at 28.66% of capacity daily. Specific concurrency issues will be addressed at the time of site plan review.

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 has well-established boundaries, roads, and open spaces. The subject property is not located in a residential neighborhood or subdivision.**

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 not for commercial use. It is located in an existing single-family residential neighborhood. There are no neighborhood commercial land uses established in the surrounding 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.

**Staff analysis indicates the area is predominantly residential with a church and sparse commercial properties. There have not been commercial, industrial, or other non-residential uses approved in this area during the previous five (5) years within the County's jurisdiction.**

### **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.

**A portion of the subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils. A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal. Per Section 62-3694(c)(1), residential land uses within wetlands shall be**

limited to not more than one (1) dwelling unit per five (5) acres. For subdivisions and multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Sec. 65 3694(c)(6).

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.

A majority of this property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The eastern portion of this 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 Turtle Mound Road between Eau Gallie Boulevard and Aurora Road, which has a Maximum Acceptable Volume (MAV) of 22,400 trips per day, a Level of Service (LOS) of D, and currently operates at 24.38% of capacity daily. The maximum development potential from the proposed development increases the percentage of MAV utilization by 4.28%. The Turtle Mound Road corridor is anticipated to operate at 28.66% of capacity daily. The request is not anticipated to create a deficiency in LOS. This is based on the applicant's request to develop with single-family detached residences.

School concurrency indicates that Sabal Elementary, Lyndon B. Johnson Middle School and Eau Gallie Senior High School, all have enough capacity for the total of projected and potential students from the proposed development. This was a non-binding review; a Concurrency Determination must be performed by the School District prior to a Final Development Order and the issuance of a Concurrency Evaluation Finding of No Deficiency by the Local Government.

The subject property is within access to centralized sewer and centralized water from the City of Melbourne Utilities.

### **Environmental Constraints**

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

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Zoning Review & Summary  
Item No. 26Z00008**

**Applicant:** Kimberly Rezanka (Owner: Defender Homes Airway Heights LLC)

**Zoning Request:** RR-1 to RU-2-6

**Note:** To develop a single-family home subdivision  
**Zoning Hearing:** 04/20/2026; **BCC Hearing:** 05/07/2026  
**Tax ID No.:** 2702763

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

### **Land Use Comments:**

#### **Wetlands and Hydric Soils**

A portion of the subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (EauGallie sand; Pineda sand, 0 to 2 percent slopes; and Valkaria sand); 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.**

**Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres** unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. **For subdivisions and multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Sec. 65 3694(c)(6).** 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. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

#### **Aquifer Recharge Soils**

Valkaria sand may also function as highly permeable soils. 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.

### **Floodplain Protection**

A majority of this property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the isolated floodplain greater than one third (1/3) acre in size. 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." **The applicant is encouraged to continue communication with NRM prior to any plan or permit submittal or performing any land clearing activities.**

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

The eastern portion of this 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. **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](mailto:GTpermits@myfwc.com)) and/or U.S. Fish and Wildlife Service ([FW4FLESRegs@fws.gov](mailto:FW4FLESRegs@fws.gov)) prior to any plan, permit submittal, or development activity, including land clearing.