



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
 26Z00024**

ABRS, LLC. (Landon Scheer)

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

Tax Account Number: 3033535
 Parcel I.D.: 23-36-22-00-39
 Location: West side of North Courtenay Parkway, approximately 488 feet south of North Tropical Trail. (No address assigned) (District 2)
 Acreage: 2.43 +/- acres

NMI Dependent Special District: 07/09/2026
 Planning and Zoning Board: 07/13/2026
 Board of County Commissioners: 08/06/2026

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-2
Potential*	FAR of 1.0 or 72 multi-family dwelling**	FAR of 1.0 or 72 multi-family dwelling**
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 a 2.43-acre property to utilize a metal building for the development of a self-storage mini-warehouse facility.

Self-storage mini-warehouses are permitted with conditions under the BU-1 zoning classification. However, the conditions listed in Section 62-1837.5 of the Brevard County Code prohibit construction of metal buildings for this use within BU-1 zoning. This prohibition does not apply within the BU-2 zoning classification, and therefore, the applicant is requesting a rezoning.

The request is associated with Site Plan number 26SP00014. On March 4, 2026, staff issued an LDD-99 determination indicating the project is subject to Section 62-1837.5, which includes the metal building prohibition. April 2, 2026, site plans comments also note Section 1837.5 requirements. During the April 9, 2026, Development Review Meeting (DRM), the applicant's engineer stated he would notify the owner. The site plan depicts a 10,000-square-foot building on the 2.43-acre site, with 1.38 acres remaining pervious. The proposed development is projected to add 18 average weekday trips to this segment of North Courtenay Parkway. The planned building area requires five parking spaces plus one ADA-accessible space. The site plan also shows interior-facing bay doors, a 25-foot front setback, and a 15-foot landscape buffer.

The subject property is currently undeveloped and located on the west side of North Courtenay Parkway, a state-maintained road, approximately 488 feet south of North Tropical Trail. The property is recorded as being split out to the current configuration on October 2, 2023, as recorded in ORB 9899, PG 1126.

Zoning History

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

As the subject property exists today, two zoning actions resulted in the BU-1 zoning.

- In 1966, the southern portion of the property was part of a request to rezone a larger parcel from AU to IU (Industrial Use) under **Z-2015**. On November 10, 1966, the rezoning was denied as requested and approved for BU-1, subject to limited egress and setbacks as noted per plan agreement. The referenced plan agreement has not been located, but a note related to a 50' setback was included on the mylar map.
- On July 6, 1978, a rezoning from AU to BU-1 was approved under **Z-4561** for the northern portion of the property. At the time, the subject property was part of a larger parcel.

The subject property was within the boundary of the North Courtenay Parkway Corridor Study which was approved by the Board of County Commissioners on November 1, 2005. Any development of this site will need to comply with Section 62-3316(h)(4). - On-premises signs. 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.

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-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).

The Live Local Act was enacted in 2023 and 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 designated as affordable under the State of Florida affordability guidelines. 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 2.43 acres zoned BU-1, allows for development options that include either commercial use with a Floor Area Ratio (FAR) of 1.00, or 72 multi-family units as stipulated by the Live Local Act.

The subject property is within the septic moratorium area. Any proposed development requiring a septic permit could be affected by this moratorium. For further information regarding the septic moratorium, the property owner would need to reach out to the Department of Environmental Health, which issues septic permits.

The subject property is within access to centralized sanitary sewer from Brevard County Utility Services Merritt Island Sewer and centralized water from the City of Cocoa.

A portion of the subject property contains mapped hydric soils; an indicator that wetlands may be present on the property. Approximately 0.43 acres of wetlands are depicted on the survey dated February 16, 2026. A state-approved 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). North Courtenay Parkway is an 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.

There are no active code enforcement issues associated with the subject property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
--	--------------------------	---------------	------------------------

North	Fire Station & Vacant Land	GML(I) & BU-1	PUB & CC
South	Convenience Store with Gas Station	BU-1	CC
East	ROW, Church & Vacant Land	ROW, IN(L) & BU-1	ROW, NC & CC
West	Single-Family Residences	RR-1	RES 1

North of the subject property is a 0.8-acre parcel developed as Merritt Island Volunteer Fire Department with GML(I) zoning and Public Facilities (PUB) FLU designation. Also, to the north there is a vacant, 2.05-acre parcel with BU-1 zoning and CC FLU. In 2024, a site plan for a Dollar General was approved for this site, and construction began. However, the subsequent building permits have expired.

South of the subject property is a 0.85-acre parcel developed with a convenience store and gas station with BU-1 zoning classification and a CC FLU designation.

East of the subject property, across the North Courtenay Parkway right-of-way, is a 1.15-acre property developed with a church in IN(L) zoning and Neighborhood Commercial (NC) FLU. Also, to the east, there is a vacant 1.19-acre property with BU-1 zoning and CC FLU designation.

West of the subject property are two single-family residences on 1.53-acre and 1.43-acre properties, zoned RR-1 (Rural Residential) with Residential 1 unit per acre (RES 1) FLU.

The purpose of the GML government managed lands zoning classification is to recognize the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations (NGOs) providing economic, environmental and/or quality of life benefits to the county, electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission, and related entities. The GML(I) zoning classification permits office and institutional uses.

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.

IN(L), Institutional (Light) zoning is intended to promote low-impact private, nonprofit, or religious institutional uses to serve the needs of the public for facilities of an educational, religious, health or cultural nature.

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 principal residence within the RR-1 zoning district.

Future Land Use

The subject property is currently designated Community Commercial (CC) Future Land Use as provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County’s Comprehensive Plan.

The current BU-1 zoning classification is consistent with the CC FLUM designation. The applicants’ request for BU-2 zoning can be considered consistent with the existing CC FLUM.

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 2.2 - 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;

The current BU-1 zoning 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 applicants’ desired use, self-storage mini-warehouse, is permitted with conditions in BU-1.

The applicant would like to utilize a metal building due to their durability, ability to accommodate phased construction, long-term maintenance needs, and affordability. Metal buildings are permitted in BU-1 zoning, subject to design standards outlined in Brevard County Code Section 62-2115. However, Section 62-1837.5 specifically prohibits metal buildings for self-storage mini-warehouses within BU-1 zoning.

The requested BU-2 classification permits retail, wholesale and warehousing commercial land uses on 7,500 square foot lots at a minimum. 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.

Mini-warehouses are permitted with conditions in BU-2 zoning, but no additional conditions are provided within Subdivision II. – Permitted Uses with Conditions. Section 62-2115, Metal Buildings, states that metal buildings are not prohibited in BU-2 or any industrial zoning classification.

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. BU-2 also permits the use of outdoor storage.

B. Existing commercial zoning trends in the area;

Commercial zoning in the area is concentrated along the North Courtenay Parkway corridor. There is a mix of BU-1 and BU-2 south of the subject property. As North Courtenay Parkway curves to the northeast, commercial zoning gives way to more rural residential and agricultural classifications. BU-1 is the predominant commercial zoning classification within 0.5 miles of the subject property.

There has been one zoning action involving commercial zoning within 0.5 miles of the subject property in the past three years:

- **23Z00032 - Approximately 0.3 miles south of the subject property, on the west side of North Courtenay Parkway, the Board of County Commissioners denied a request on July 13, 2023, to rezone 2.98 acres from BU-1 to BU-2 for a proposed lumber company. The denial was based on not introducing the potential more intense uses of BU-2, such as large vehicles, dry cleaning plants, possible warehousing, storage yards, or a major automobile repair.**

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

The area surrounding the subject property is developed with a mix of single-family residential development of spacious character, a mobile home park, agricultural and vacant lands, and commercial development. Abutting the North Courtenay Parkway corridor are primarily commercial properties. The subject property is part of an approximately 19.5-acre community commercial cluster along the corridor.

In the proposed BU-2 zoning, where the subject property abuts a residential zoning classification, the maximum height threshold of any building or structure shall be 35 feet.

The concept plan provided shows preserved vegetation, a 25' wetland buffer and stormwater retention along the western property line, separating the mini-warehouse development from neighboring homes. Section 62-3202(h)(10) requires site plans within BU-1 or BU-2 zoning designations to provide a 6' concrete, masonry or solid wall adjacent to residentially zoned property. This requirement will be addressed during site plan review.

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.

The subject property is within access to centralized sanitary sewer from Brevard County Utility Services Merritt Island Sewer and centralized water from the City of Cocoa.

Specific concurrency issues will be addressed at the time of site plan review.

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

A portion of the subject property contains mapped hydric soils ; an indicator that wetlands may be present on the property. Approximately 0.43 acres of wetlands are depicted on the survey dated February 16, 2026. A state-approved 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). North Courtenay Parkway is an 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.

The mapped topographic elevations show that the property falls within a Type 3 Aquifer Recharge area, which is subject to impervious area restrictions.

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

Protected and Specimen trees may exist on the parcel. The site is located within a mapped Florida Scrub Jay habitat/occupancy area, and there is potential for existence of Gopher Tortoises on site.

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

Any issues that may emerge would be addressed through performance standards within Sections 62-2251 through 62-2272 during the site plan review.

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;

This request is related to a proposed site plan to develop a self-storage mini-warehouse. A concept plan has been provided showing dense preserved vegetation, a 25' wetland buffer, and stormwater retention along the western boundary, separating the mini-warehouse from neighboring homes. Access is proposed through a shared driveway on the property to the north, where a proposed Dollar General began construction. The subsequent building permits for that project have expired.

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 4.58%. Specific concurrency issues related to any future development will be addressed during the site plan review.

If the rezoning is approved, the property will need to comply with the performance standards within Sections 62-2251 through 62-2272 during the 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;

Overall, the area does not exhibit a uniform character but instead reflects a blend of residential, institutional, and limited non-residential uses influenced by its proximity to major roadways. Land use patterns in the area include a mix of single-family residential development of spacious character, a mobile home park, agricultural and vacant lands, and commercial developments, contributing to a more diverse land use pattern. The proposed use would be located within an

approximately 19.5-acre community commercial cluster along the North Courtenay Parkway corridor.

There are eight (8) FLU designations within a 0.5-mile radius of the subject property: Residential 1:2.5 (RES 1:2.5), Residential 1 (RES 1), Residential 2 (RES 2), Residential 2-Directive (RES 2-DIR), Community Commercial (CC), Neighborhood Commercial (NC), Public Facilities (PUB), and Public Conservation (PUB-CON). The predominant FLU designation in the area is RES 1. The predominant commercial FLU in the area is CC. There have been no FLU amendments within 0.5 miles of the subject property in the past three years.

There are eleven (11) zoning classifications within a 0.5-mile radius of the subject property: General Use (GU), Agricultural Residential (AU), Rural Residential (RR-1), Suburban Residential (SR), Rural Residential Mobile Home (RRMH-1), Single-Family Mobile Home (TR-1), Single-Family Mobile Home (TR-2), General Retail Commercial (BU-1), Retail, Warehousing and Wholesale Commercial (BU-2), Institutional Use (Light) (IN(L)), and Government Managed Lands (GML). There has been one zoning action, a denied request to rezone from BU-1 to BU-2, within 0.5 miles of the subject property within the past three years.

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

No new development has occurred within 0.5 miles of the subject property in the past three years.

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

In 2024, a site plan for a Dollar General was approved at the corner of North Tropical Trail and North Courtenay Parkway. The site has CC FLU and BU-1 zoning. It appears that construction began, but the subsequent building permits have now expired. Based on the concept plan provided, the Dollar General site is intended to provide shared access to North Courtenay Parkway for the subject property.

There are three pending zoning actions within 0.5 miles of the subject property:

- 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.

- 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.

- **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.

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.

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 involves 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 area is presumed to be mixed with residential and commercial uses along with vacant land. Commercial uses are primarily found along the North Courtenay Parkway corridor. The subject property is part of a 19.5-acre community commercial cluster.

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.

A portion of the subject property contains mapped hydric soils ; an indicator that wetlands may be present on the property. Approximately 0.43 acres of wetlands are depicted on the survey dated February 16, 2026. A state-approved 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). North Courtenay Parkway is an 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.

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.

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

Protected and Specimen trees may exist on the parcel. The site is located within a mapped Florida Scrub Jay habitat/occupancy area, and there is potential for existence of Gopher Tortoises on site.

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 North 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 47.28% of capacity daily. The proposed rezoning increases the percentage on MAV utilization by 4.58%. The corridor is then anticipated to operate at 51.86% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. 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 commercial development and not intended for residential uses.

The subject property is outside of the Brevard County Water Service Area, and within access to centralized water from the City of Cocoa.

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. A Brevard County force main abuts the property. 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%.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Floodplain Protection in North Merritt Island
- 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.

The Board may wish to consider whether a Binding Development Plan (BDP) is appropriate to limit the BU-2 zoning classification to an indoor storage facility, prohibit outdoor storage, and establish any additional conditions necessary to ensure compatibility with surrounding properties.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 26Z00024

Applicant: Landon Sheer (Owner: ABRS LLC)

Zoning Request: BU-1 to BU-2

Note: development of a self-storage mini-warehouse facility

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

Tax ID No.: 3033535

- 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 in North Merritt Island
- 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 hydric soils (Copeland-Bradenton-Wabasso complex, limestone substratum); an indicator that wetlands may be present on the property. Approximately 0.43 acres of wetlands are depicted on the survey dated February 16, 2026. **A state-approved 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). North Courtenay Parkway is an 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.

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.**

Aquifer Recharge Soils

This property contains Pomello sand, classified as an aquifer recharge soil. 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 in North Merritt Island

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

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

Indian River Lagoon Nitrogen Reduction Septic Overlay

The subject 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

Federally and/or state protected species may be present on the property. Specifically, the site is located within a mapped FL scrub jay habitat/occupancy area, and there is potential for existence of Gopher Tortoises on site. 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.