

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

Small Scale Plan Amendment 26S.06 (26SS00006)
Township 20, Range 34, Section 15

Property Information

Owner / Applicant: BT Rodes, LLC - Padgett Properties Trust (Kelly Delmonico)

Adopted Future Land Use Map Designation: Residential 6 (RES 6)

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

Acreage: 2.91 acres

Tax Account # 2800696, 2800697

**Site Location: East side of S. John Rodes Blvd., approximately 750 feet north of W.
New Haven Ave. (U.S. Hwy 192)**

Commission District: 5

Current Zoning: BU-1-A (Restricted Neighborhood Retail Commercial), AU (Agricultural Residential)

**Requested Zoning: BU-2 (Retail, Warehousing, and Wholesale Commercial)
(26Z00020)**

Background & Purpose

The applicant requests a Small-Scale Comprehensive Plan Amendment (SSCPA) to change the Future Land Use Map (FLUM) from Residential 6 (RES 6) to Community Commercial (CC) on two adjacent parcels totaling 2.91 acres to facilitate a rezoning from BU-1-A (Restricted Neighborhood Retail Commercial), and AU (Agricultural Residential) to BU-2 (Retail, Warehousing, and Wholesale Commercial) for the future development and expansion of an established general contractor's office that requires indoor and outdoor storage of construction materials and commercial vehicles.

The 0.98-acre north parcel is developed with a contractor's office and a communication tower and was rezoned from the original zoning designation of AU (Agricultural Residential) as established with the adoption of the Brevard County Zoning Code on May 22, 1958, to BU-1-A with zoning action Z-6447 in August of 1983. The request was for BU-1 zoning, but the Board of County Commissioners further restricted the entitlements

by only allowing the zoning change to BU-1-A. The southern 1.98-acre parcel retains the original AU zoning designation and is developed with a single-family residence.

The current BU-1-A zoning classification for the parcel to the north does provide for general contractor's administrative offices, but prohibits outside storage of materials or products. The current AU zoning on the parcel to the south and a FLUM designation of RES 6 on both properties does not provide for the proposed use of a general contractor's office that requires indoor and outdoor storage of construction materials and commercial vehicles. The applicant has submitted a companion rezoning application, **26Z00020**, requesting a change of zoning from BU-1-A (Restricted Neighborhood Retail Commercial) and AU (Agricultural Residential) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The applicant has indicated a willingness to enter into a Binding Development Plan agreement to limit BU-2 uses and provide required privacy screening for adjacent properties.

A significant portion of the south parcel contains mapped wetlands and hydric soil. A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.

The existing Future Land Use designation of RES 6 was established with the adoption of the Comprehensive Plan Amendment 2010-1 on August 26, 2010 by the Board of County Commissioners.

The northern parcel was put in its current configuration when it was split from the property to the north on February 10, 1983, and recorded in OR Book 2410, Page 2366. The property received a variance **V-1425** on July 18, 1984, to permit a wooden stockade fence in lieu of the required 6-foot solid masonry wall on the north and east property lines in the BU-1-A zoning classification as required in the Brevard County Code applicable at the time.

The property to the south, developed with a single-family residence, retains its original configuration as recorded in Deed Book 388, Page 5.

The subject properties are located on S. John Rodes Blvd., a county-maintained roadway, approximately 750 feet north of W. New Haven Ave. (U.S Hwy 192) at the intersection of Pummelo St. Both parcels are served by the City of Melbourne water. While the north parcel is connected to sanitary sewer service the south parcel utilizes a septic system. The applicant has indicated that future contractor office development on the southern parcel would eliminate the septic and connect to the City of Melbourne sewer service.

Surrounding Land Use Analysis

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

North	Single-family residence	AU	RES 6
South	Single-family residence	AU	NC (Neighborhood Commercial)
East	Single-family residential	RR-1, RU-1-9	RES 6
West	Single-family residence, ROW, Multi-family residential, Vacant	R-3 (West Melbourne), AU, RA-2-10	City of West Melbourne UD-RES, NC, RES 15

The property to the north of the subject properties is a 0.98-acre parcel, zoned AU with RES 6 FLU designation, and developed with a single-family residence built in 1965.

South of the subject properties is a 0.99-acre parcel, zoned AU with NC FLU designation, and developed with a single-family residence built in 1953.

Six residential properties abut the subject properties to the east, all developed with single-family residences. Five of the six properties are zoned RU-1-9, and the northernmost property is zoned RR-1 (Rural Residential).

West of the subject properties across the S. John Rodes Blvd. right-of-way are three parcels within Brevard County jurisdiction and one parcel within the jurisdiction of the City of West Melbourne. The northernmost parcel within Brevard County jurisdiction is 6.8 acres, developed with a single-family residence and zoned AU with RES 15 FLU designation. The second parcel is a vacant 2.9-acre lot and zoned AU with NC FLU, and the southern 0.39-acre parcel is zoned RA-2-10 with NC FLU designation and is vacant. The parcel within the City of West Melbourne is developed with a 316-unit multi-family apartment complex with R-3 multi-family zoning and UD-RES FLU (18 units per acre).

The Residential 6 (RES 6) land use designation affords a transition in density between higher 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 the FLU element of the Comprehensive Plan.

The Residential 15 (RES 15) land use designation affords the second-highest density allowance, permitting a maximum density of up to fifteen (15) units per acre, except as otherwise may be provided for within this element.

The 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 the FLU element of the Comprehensive Plan shall be considered consistent with this policy.

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

Future Land Use

The zoning classifications of the subject properties of AU and BU-1-A are consistent with the RES 6 Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County’s Comprehensive Plan. The proposed BU-2 zoning classification is not consistent under the current FLUM designation, but would be consistent under the proposed Community Commercial (CC) FLUM designation.

Comprehensive Plan Policies/Comprehensive Plan Analysis

FLUE Administrative Policy 3

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

Criteria:

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

The applicant is proposing an expansion of the general contractor’s office currently occupying the north parcel to the residential parcel to the south. The request for a Community Commercial FLU and BU-2 zoning designations will allow outdoor storage of equipment and materials that are currently not permitted under the existing RES 6 FLU and BU-1-A and AU zoning. This property will need to comply with the regulations of Section 62-1483 and 62-4342 of the Brevard County Code. In addition, the performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan stage.

- 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;

There are six (6) FLUM designations within a half-mile radius of the subject property. They include Residential 4 (RES 4), Residential 6 (RES 6), Residential 15 (RES 15), Neighborhood Commercial (NC), Community Commercial (CC), and Recreational (REC). The predominant FLU designation in the area is RES 6. The subject property and existing residential uses are located along S. John Rodes Blvd.

The character of the surrounding area is low-density, single-family residential, with the residential lots ranging in size from 0.34 acres to 6.8 acres. There are ten (10) different Brevard County zoning designations within a half-mile radius of the subject property. Those designations include TR-1 (Single-Family Mobile Home), TU-2 (Transient Tourist Commercial), BU-1-A (Restricted Neighborhood Retail Commercial), BU-1 (General Retail Commercial), BU-2 (Retail, Warehousing, and Wholesale Commercial), AU (Agricultural Residential), RR-1 (Rural Residential), RU-1-9 (Single-Family Residential), RU-1-7 (Single-Family Residential), and RA-2-10 (Single-Family Attached Residential). There is a multi-family residential development that was constructed in 2022, located directly across S. John Rodes Blvd. from the subject properties within the City of West Melbourne jurisdiction.

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

A parcel located on the north side of W. New Haven Ave., that is within a half mile of the subject property, was reclassified from TU-2 to BU-1 through zoning action 23Z00071 on December 7, 2023, for the redevelopment of a vacant convenience store for use as a drug and sundry store.

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

There has been no development approved within the last three years but not yet constructed.

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

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

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 (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 character of the surrounding area is low-intensity single-family residential, with the residential lots ranging in size from .34 acres to 6.8 acres. The applicant has stated this is an expansion of the current operations. At this time, there is no commercial activity proposed that is not already present within the identified boundaries of the neighborhood.

A preliminary concurrency analysis does not indicate that the proposed request would materially or adversely impact the surrounding area. Traffic from the proposed use will impact the surrounding area, the nearby corridor is anticipated to operate within the Maximum Acceptable Volume (MAV) at 41.22% of capacity daily.

- B. In determining whether an established residential neighborhood exists, the following factors must be present:
1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

The property is located within an established residential neighborhood bounded by roads, canals, 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 and is for an expansion of an established use of the contractor's administrative office, to include the new use of outdoor storage of materials and vehicles. The subject properties are located in an existing residential neighborhood with commercial development approximately 200 feet to the south.

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

The surrounding area presents multiple commercial, industrial, or other non-residential uses occurring in the vicinity, primarily to the south along the W. New Haven Ave. corridor.

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.

An Environmental Assessment Report was provided, indicating that there are no wetlands on the north parcel. A wetland delineation may be required on the south parcel prior to any land clearing activities, site plan design, or building permit submittal.

Please refer to the complete report provided by the Natural Resource Management Department.

Preliminary Concurrency

Site-specific traffic count values are unavailable at this time. The subject property is located along the concurrency management segment on S. John Rodes Blvd., an Urban Minor Arterial roadway, between W. New Haven Ave. and Sheridan Rd. The segment has a Maximum Acceptable Volume (MAV) of 21,700 trips per day, a Level of Service (LOS) of D, and currently operates at 40.60% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.62%. The corridor is anticipated to operate at 41.22% 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. The concurrency analysis was based on the proposed expansion of the existing contractor's office.

No school concurrency information has been provided as the proposed development is non-residential in nature.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Protected and Specimen Trees

Please refer to the complete report 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.

The Board may wish to consider whether, absent an agreement to adhere to more stringent buffering requirements than typically required under the BU-2 zoning classification, the more intense uses permitted under the requested classification would have a negative impact on the surrounding area including, but not limited to, unsightly commercial vehicle storage.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 26Z00020

Applicant: Kelly Delmonico (Owners: Padgett Properties Trust and BT Rodes LLC)

Zoning Request: BU-1-A and AU to BU-2

Note: to establish BU-2 to allow for the expansion of an established business (Building Management Systems, Inc.)

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

Tax ID No.(s): 2800696 & 2800697

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Protected and Specimen Trees

Land Use Comments:

Hydric Soils

The entire subject site contains mapped hydric soils (EauGallie sand); indicators that wetlands may be present on the property. An Environmental Assessment report was provided indicating that there are no wetlands on parcel no. 2800697. This information is subject to confirmation at the time of permitting. **A wetland delineation at parcel no. 2800696 may be required prior to any land clearing activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). S. John Rodes Boulevard 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.

Protected and Specimen Trees

Protected and Specimen Trees may exist on the parcel. Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), encourages the protection of Specimen Trees. 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.**