



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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**STAFF COMMENTS
 26Z00015**

Sami & Violette Salib (Carmine Ferraro)

AU (Agricultural Residential) to BU-1 (General Retail Commercial)

Tax Account Number: 2000371, 2000352
 Parcel I.D.: 20-35-31-00-518
 20-35-31-00-504
 Location: Northeast corner of Highway 1 at Lionel Road, approximately 0.2 miles north of Gloria Avenue (District 1)
 Acreage: 7.05 acres

Planning and Zoning Board: 7/13/2026
 Board of County Commissioners: 8/06/2026

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	AU	BU-1
Potential*	1 single-family residence	FAR of 1.0 211 dwelling units***
Can be Considered under the Future Land Use Map	Yes NC**, RES 2	Yes CC

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

** Yes, classification may be considered, if permitted by Policy 2.10 of the Future Land Use (FLU) Element.

*** 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 designation from AU (Agricultural Residential) to BU-1 (General Retail Commercial) on two parcels totaling 7.05 acres. The applicant has submitted a companion Small Scale Comprehensive Plan Amendment to change the Future Land Use designation of the subject properties from NC (Neighborhood Commercial) and RES 2 (Residential, 2 units per acre) to CC (Community Commercial).

The subject parcels are currently undeveloped and are 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 properties remain in their 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 property retains its original zoning classification of AU when the Brevard County zoning code was adopted on May 22, 1958.

AU zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

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 2023, the Live Local Act was enacted and was 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 rental units that, for a period of at least 30 years, are affordable as defined in Florida Statute 420.0004. In unincorporated Brevard County, the Live Local Act effectively allows for the development of up to 30 dwelling units per acre. Under the current BU-1 zoning classification, the 13.57-acre subject property could be developed with commercial uses at a maximum Floor Area Ratio (FAR) of 1.0. Alternatively, the property may be eligible for residential development of up to 407 multifamily units as stipulated by the Live Local Act. The subject property, encompassing 7.05 acres with approval of rezoning to BU-1, allows for development options that include either commercial use with a Floor Area Ratio (FAR) of 1.00 or 211 multi-family units as stipulated by the Live Local Act.

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

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. As this recommendation is contained in a a study note that was not part of the adopted actions, this is not binding on the Board of County Commissioners.

Brevard County Utility Department notes: In the context of onsite sewage treatment and disposal systems, "Available" is defined in Section 381.0065 (2)(a), Florida Statutes and the requirements to connect to an existing onsite sewage treatment and disposal system to central sewerage system are defined in Section 381.00655 (1)(a), Florida Statutes. Brevard County has the exclusive right to furnish the sewer service per Section 110-181, Brevard County Code of Ordinances, because this is within the Brevard County Utility Services Department Service Area. The appropriate sewer and water facilities are 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 Mims Water plant capacity, as of March 2026, based on actual connections, is 42%. The current Mims Wastewater plant capacity, as of March 2026, based on actual connections, is 49%.

Should the Board find that the uses permitted in the requested zoning classification are not compatible with the area, the applicant may consider choosing to mitigate such concerns by offering to restrict certain intense uses through a Binding Development Plan (BDP).

There are no current code enforcement complaints on the property.

Surrounding Area

	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	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. Highway 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 are 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 AU zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping, plant nurseries, and the packing and processing of commodities raised on site. Conditional uses in AU include the roadside stand, hog farms, zoological parks and land alteration.

AU(L) zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character on 2 ½ acre lots for personal use, with a minimum lot width and depth of 150 feet. The minimum house size in AU(L) is 750 square feet. The AU(L) classification also permits the raising/grazing of animals, fowl and beekeeping for personal use and prohibits commercial agricultural activities.

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.

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.

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. Specifically, GML(I) zoning classification permits office and institutional uses.

Future Land Use

The proposed BU-1 zoning is not consistent with the existing RES 2 and NC FLUM designation. The applicant has submitted a Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, **26SS00005**, to request a change of FLU designation to Community Commercial (CC) FLU to allow the proposed zoning and future land use to be consistent, if approved.

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;

BU-1, General Retail Commercial zoning classification 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, with a minimum width and depth of 75 feet. The BU-1 classification does not permit warehousing or wholesaling.

The development will need to comply with buffering criteria in Section 62-4342 and in Section 62-3202(h)(10). In addition, the performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan stage.

B. Existing commercial zoning trends in the area;

BU-1 is the predominant zoning designation for properties abutting both sides of U.S. Highway 1 to the south and for properties abutting the west side of the highway north of the subject properties. The most recent commercial development was a Dollar General retail store in 2022, located approximately 75 feet south of the subject properties across Lionel Road. Other commercial uses in the area include a mini-warehouse, 10-unit motel, and a heavy equipment rental business.

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

The surrounding area north and east of the subject property is developed with single-family residences mixed with agricultural pursuits and vacant lands.

The closest commercial use is the Dollar General retail store approximately 75 feet south of the subject property.

- 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 and solid waste based on the preliminary concurrency analysis.

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

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

The subject parcels contain 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 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 properties.

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

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

This property will be required to comply with the regulations set forth in Sections 62-1482, 62-2115, and 62-4342 of the Brevard County Code. In addition, the development must comply with the performance standards contained within Sections 62-2251 through 62-2272, which will be reviewed during the site plan stage.

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 property will be required to comply with the regulations set forth in Sections 62-1483 and 62-4342 of the Brevard County Code. In addition, the performance standards contained 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, however, the corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). 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 (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;

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 retail store, Dollar General.

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 (Member Appraisal Institute) appraisal can determine if material reduction has or will occur due to the proposed request.

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 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 zoning to be approved in the area within at least 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 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.

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 properties.

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

Preliminary Concurrency

The subject properties are 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 rezoning and companion small-scale amendment 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 may wish to consider whether the proposed zoning request is consistent and compatible with the surrounding area.

Should the Board find that the uses permitted in the requested zoning classification are not compatible with the area, the applicant may consider choosing to mitigate such concerns by offering to restrict certain intense uses through a Binding Development Plan (BDP).

NATURAL RESOURCES MANAGEMENT DEPARTMENT Zoning Review & Summary Item No. 26Z00015

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

Zoning Request: AU to BU-1

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 (FW4FLESERegs@fws.gov) prior to any plan, permit submittal, or development activity, including land clearing.