



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

25Z00054

Merritt Bidco SPV, LLC

AU (Agricultural Residential) w/ Binding Site Plan (BSP) to RU-2-15 (Medium-Density Multiple-Family Residential) & RU-2-30 (High-Density-Multiple-Family Residential) w/ removal of BSP

Tax Account Number: 2412106
Parcel I.D.: 24-36-14-00-259
Location: Eastside of N. Courtenay Pkwy., approximately 400 ft. south of Via De La Reina (District 2)
Acreage: 11.24 acres

MIRA Board: 12/11/2025
Planning & Zoning Board: 01/12/2026
Board of County Commissioners: 02/05/2026

Consistency with Land Use Regulations

- Current zoning is consistent under the Future Land Use Designation, Section 62-1255.
- The proposed zoning and Future Land Use Designation is consistent per Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS).

	CURRENT	PROPOSED
Zoning	AU	RU-2-30 & RU-2-15
Potential*	5 Single-family residences	222 Multiple-family residential units
Can be Considered under the Future Land Use Map	YES NC, RES 15	YES NC, RES 15

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

Background and Purpose of Request

The applicant is requesting to rezone the subject property from AU (Agricultural Residential) with a Binding Site Plan (BSP) to RU-2-15 (Medium-Density Multiple-Family Residential) with the removal of the BSP on an 11.24-acre parcel for the development of 222 units.

The BSP on the property also includes the developed medical center property abutting the subject property. The BSP includes an access point on the north side of the medical center

property, accessing N. Courtenay Pkwy. The second access point in the BSP is on the south side of the medical center property on Pioneer Rd. In addition, the BSP has a 50-foot-wide vegetative buffer along the northeast corner of the subject property, then south along the property line down to Pioneer Rd. The BDP stipulates that the vegetative buffer shall include ten (10) live oak trees, forty-three (43) slash pine trees, one-hundred eighty-one (181) Surinam cherry trees, and eighty (80) wax myrtle trees.

The applicant is requesting 222 multi-family units calculated below:

- Approximately 7.64 acres at 15 units to the acre equals 114 units.
- Approximately 3.6 acres is NC with a density bonus to RES 30 which equals 108 units.
- The density bonus is based on FLU Policy 2.10, which states: Residential development is permissible in these commercial land use designations at a density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street.

Development on the site may be impacted by the following:

- Within approximately 660 feet of the site, there is a mapped eagle nest (#BE124).
- Relating to Natural Resources, Brevard County Code Sec. 65 3694(c)(6): 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. **This means that residential development is allowed 1.8% max impacts (with mitigation for impacts).**
- Relating to traffic concurrency, Brevard County Code Section 62-602(F)(6) states: For site plans and subdivisions, the vesting provisions shall apply in the following circumstances: (a)(1): Road Capacity: The affected roads are operating or committed at a level equal to or less than 85 percent of the acceptable level of service. **Currently, the roadway is operating at 88% capacity, per the most recent Space Coast TPO traffic counts.**
- Also relating to traffic concurrency, Brevard County Code Section 62-602(F)(6)(b) states: The threshold capacity restrictions described in subsection (f)(6)a. of this section, a site plan or subdivision shall be allotted no more than 25 percent of the remaining capacity of a facility. Project size shall be determined utilizing the most restrictive of the facilities named in subsection (f)(6)a. of this section. No more than one phase shall be approved for development until 50 percent of the residential lots or units or commercial projects approved for that phase have been sold or developed. **The proposed development would utilize more than the allowable 25% of the remaining capacity.**
- Based on staff analysis, the above impacts could lead to a finding of concurrency deficiency at site plan as it is anticipated that the development will increase the roadway utilization by 6% bringing the roadway to 93.57% daily use, reduce operating times of construction, reduce the maximum density of the property, and phase development based on concurrency to ensure no reduction in the traffic level of service. A finding of deficiency may be the effect of preventing future development approval on the site and the surrounding area.

The information above regarding concurrency is preliminary, as outlined in Section 62-602(b)-“Preliminary evaluation prior to zoning action. For review of zoning applications, a preliminary concurrency evaluation shall be completed as part of the zoning review process to illustrate the relationship between the proposal and the availability of services and facilities for the planning and zoning board, the School Board of Brevard County, and the board of county commissioners. This review will be based on the information described in the zoning application. The results of this preliminary review are for the use of the county in its review of the zoning application and a school area impact analysis application.” (See also Sec. 62-604(e),” For review of zoning applications, the preliminary concurrency evaluation shall be used for general information purposes only as part of the zoning review. Subsequent to the approval of a zoning application, a formal concurrency evaluation prior to site plan, subdivision plat or building permit approval shall be required.”) Binding concurrency analysis will occur at the Subdivision/Site Plan stage of development.

Brevard County Utility Service Comments state: 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. Please note that a Brevard County gravity main runs through this parcel. The existing Brevard County utilities that cross the property serve 2400 and 2404 N Courtenay. If parcel is developed, the Brevard County infrastructure must remain accessible. Brevard County Utilities Services Department will require a completed easement for the Brevard County sewer infrastructure on the parcel. The developer will be responsible for any improvements to the lift station needed if capacity is not sufficient for planned development.

The subject property’s current configuration was recorded in DB RR, PG 282, which was before the establishment of the Brevard County Zoning Code in 1958.

The AU zoning is the original classification established on the subject property in 1958.

The subject property retains the original two (2) FLU designations, Neighborhood Commercial (NC) and Residential 15 (RES 15), established by the 1988 Brevard County Comprehensive Plan.

The current 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 AU classification also permits the raising/grazing of animals, fowl, and beekeeping.

The proposed RU-2-15 classification medium-density multiple-family residential zoning classifications encompass lands devoted to medium-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-15 permits multiple-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square foot lots.

The proposed RU-2-30 high-density multiple-family residential zoning classification encompasses lands devoted to multiple-family residential development, together with such accessory uses as may be necessary or are normally compatible with residential surroundings, permits high density multi-family residential development of up to 30 unit per acre. Multiple-family residential structures may be constructed on a minimum lot size of 10,000 square feet, with at least 100' of lot width and 100' of lot depth. Single-family residences are also permitted on minimum lot sizes of 7,500 square feet with at least 75' of lot width and 75' of lot depth.

The subject parcel is located on the east side of N. Courtenay Pkwy., approximately 400 ft. south of Via De La Reina, a county-maintained road.

As of November 25, 2025, there are no current active code enforcement actions on the subject property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Vacant land, single-family residence	BU-1, RU-1-11	CC, NC, RES 6
South	Medical facility, assisted living facility	AU, BU-1	NC, CC
East	Single-family residence	RU-1-11	RES 6
West	N. Courtenay Pkwy., Professional office building	BU-1	CC

North of the subject parcel is one parcel, owned by Brevard County, 0.68 acres, BU-1 zoning with CC FLU designation and RU-1-11 zoning with NC FLU designation. In addition, there are four (4) parcels, approximately 0.19-0.25 acres each, developed with single-family detached dwellings in a platted subdivision, Villa de Palmas with RU-1-11 zoning and RES 6 FLU designation.

South of the subject parcel is one parcel, 4.46 acres, developed with a medical facility which is owned by the applicant for this rezoning, which has AU zoning with NC FLU designation. Another parcel, across Pioneer Road, 6.62 acres, developed with an assisted living facility that has BU-1 zoning with CC FLU designation.

East of the subject property are nine (9) parcels, approximately 0.18-0.26 acres each, developed with single-family detached dwellings in Raintree by the Lake, a platted subdivision, which has RU-1-11 zoning with RES 6 FLU designation.

West of the subject property is N. Courtenay Pkwy., a State-maintained roadway. A property improved with a professional office building and zoned BU-1 with a CC FLU is located directly west of the subject property across N. Courtenay Parkway.

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.

RU-1-11 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 minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture

BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

Future Land Use

The subject property's AU zoning classification is consistent with the NC and RES 15 Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. The applicant's request for RU-2-15 zoning classification can be considered consistent under the existing Future Land Use.

FLUE Policy 1.2- Public Facilities and Service Requirements

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

Criteria:

- A. Adequate roadways, solid waste disposal, drainage and recreation facilities to serve the needs of associated development shall be available concurrent with development in all residential land use designations.

The proposed development is anticipated to create a deficiency in LOS, other than a potential traffic concurrency issue due to the roadway being at 88% MAV utilization currently.

The proposed development will be required to connect to Brevard County sewer system.

- B. Fire and police protection and emergency medical services to serve the needs of associated development shall be available concurrent with development in all residential land use designations in accordance with policies set forth in the 'Service Delivery, Concurrency and Growth' section of this Future Land Use Element.

No issues are anticipated with regards to fire and emergency medical services.

C. In the Residential 30, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.

The proposed development will connect to Brevard County sewer via a force main that runs along N. Courtenay Pkwy. There is also a gravity main that runs through the subject property. Brevard County Utilities will provide the sewer service to the property.

The proposed development is within the service area for City of Cocoa Utilities to provide the potable water service.

D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.

The density of the proposed is a maximum of thirty (30) and fifteen (15) units per acre and will require a connection to a centralized sewer system.

FLUE Policy 2.10- Residential Development in Neighborhood Commercial and Community Commercial Land Use Designations

Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map. Residential development is permissible in these commercial land use designations at density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street. Increases in density beyond this allowance may be considered through a public hearing. In the CHHA, however, residential development is strictly limited to the density of the closest residentially designated area on the FLUM that is on the same side of the street. Such residential development, as described above, shall be allowed to utilize the following characteristics:

Criteria:

- A. Residential uses within Neighborhood Commercial and Community Commercial designations shall be encouraged to utilize neo-traditional neighborhood development techniques, such as narrower road rights-of-way, mid-block pedestrian pass-throughs, alleys, smaller lot sizes, on-street parking, reduced lot line setbacks and public transit facilities.

The owner proposes to develop a vacant, undeveloped parcel with medium and high-density multi-family residential units. The development is proposed to have

walkable areas for pedestrian accessibility to the on-site amenities. A Space Coast Area Transit (SCAT) bus stop is located directly adjacent to the proposed development across N. Courtenay Parkway.

- B. Residential density bonuses as set forth in Policy 11.2 may be considered in addition to the bonus stated in the above policy within Neighborhood Commercial and Community Commercial designations as an incentive for redevelopment and regentrification if the proposed development will address serious incompatibility with existing land uses, is adequately buffered from other uses, is located along major transportation corridors, and meets the concurrency requirements of this Comprehensive Plan.

The property is located adjacent to N. Courtenay Pkwy., classified as an urban principal arterial road by the SCTPO.

As the property is placed under contiguous ownership and is to be developed with internal connectivity, it can be considered to be on the same side of the road.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

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.

The corridor currently operates at 88% capacity, and the proposed development is anticipated to increase the traffic to a level of 93.57% of daily capacity. Specific concurrency issues will be addressed at the time of site plan review. This is only a preliminary review and is subject to change.

Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 and will be reviewed at the site plan review 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 (Master Appraiser Institute) appraisal can determine if a 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;

The proposed use is not consistent with the existing pattern of surrounding development, which is characterized as single-family residential to the east, a medical facility to the west, and an assisted living facility to the south. The proposed development could be considered a transition from the high intensity uses along N. Courtenay Pkwy. and the low intensity uses to the east which is the platted single-family residential subdivision.

There are five (5) FLU designations: Community Commercial (CC), Neighborhood Commercial (NC), Residential 15 (RES 15), Residential 6 (RES 6) and Residential 4 (RES 4) within a 0.5-mile radius of the subject property. RES 6 is the prominent FLU in the surrounding area on the east side of N. Courtenay Pkwy.

There are eleven (11) zoning classifications within a 0.5-mile radius of the subject property: RU-2-15, IN(L), BU-1, RU-1-11, RU-1-7, BU-2, EA, AU, RU-2-10, PUD, and BU-1-A zoning classifications. RU-1-11 is the predominant zoning on the east side of N. Courtenay Pkwy.

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

There have been three new developments within 0.5 miles of the subject property within the last three years. Three (3) developments have been on commercial properties with a bank, a car wash, and an assisted living facility.

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

There has not been any approved development within this area in the preceding three (3) years that has yet to be constructed. However, there was one zoning action:

- **25AA00030: Administrative approval on 06/23/2025 for one premise consumption of beer and wine, 2COP, for unit #31.**

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

The Board may consider whether the proposed development results in a material violation based on Administrative Policy 5.

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.

Based on preliminary concurrency with the proposed development, MAV utilization is shown to increase by 6.01%. The corridor is anticipated to operate at 93.57% of capacity daily. This has the potential to cause traffic impacts that could adversely impact the established residential areas, agricultural lands, and a residential subdivision 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 subject property is in a highly developed area with a mixture of commercial and residential properties. There are a couple of subdivisions in the area as well. There are clearly established boundaries such as roads, canals, lakes, open spaces, or similar features.

- 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 surrounding is considered a mixed area with residential and commercial uses. The proposed use would not preclude the existence of the existing residential neighborhood.

- 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. However, there are commercial uses within the area of the subject property, along with large lot undeveloped properties.

Administrative Policy #5 - Transportation facilities either serving the site or impacted by the use(s)

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following criteria:

Criteria:

- A. Whether adopted levels of service will be compromised;

Current traffic counts provided by SCTPO for this section of N. Courtenay Pkwy. from Pioneer Rd. to S. Ramps (S.R.528), indicates the roadway is operating at 87.56% capacity. Approval of the rezoning request for 222 units has the potential to increase roadway MAV utilization by 6.01%. The corridor is anticipated to operate at 93.57% of capacity daily.

- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;

Has not been evaluated at this time.

- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;

Has not been evaluated at this time.

- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;

Has not been evaluated at this time.

- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;

The proposed development has the potential to cause traffic capacity issues that potentially could impact design capabilities or a de facto change in functional classification.

- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;

The proposed development has the potential to produce 2,308 trips daily. The physical deterioration of the surrounding roadway has not been evaluated at this time.

- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

This development has the potential to cause traffic impacts that could adversely impact the safety or welfare of residents in the existing surrounding residential neighborhoods.

Analysis of 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 parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils. 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 entire property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Approximately within 660 feet of the site there is a mapped eagle nest (#BE124).

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 N. Courtenay Pkwy. (S.R. 3) between Pioneer Road and S. Ramps (S.R. 528), which has a Maximum Acceptable Volume (MAV) of 38,430 trips per day, a Level of Service (LOS) of D, and currently operates at 87.56% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 6.01%. The corridor is anticipated to operate at 93.57% of capacity daily.

There is the potential to have concurrency issues related to traffic at the site plan stage due to Brevard County Code Section 62-602:

- (F)(6) states for site plans and subdivisions, the vesting provisions shall apply in the following circumstances: (a)(1): Road Capacity: The affected roads are operating or committed at a level equal to or less than 85 percent of the acceptable level of service.
- (F)(6)(b) Maximum capacity allotment: The threshold capacity restrictions described in subsection (f)(6)a. of this section, a site plan or subdivision shall be allotted no more than

25 percent of the remaining capacity of a facility. Project size shall be determined utilizing the most restrictive of the facilities named in subsection (f)(6)a. of this section. No more than one phase shall be approved for development until 50 percent of the residential lots or units or commercial projects approved for that phase have been sold or developed.

Staff analysis has determined that a reduction of the proposed development, for example, to 130 multi-family units, would increase the MAV utilization by 3.01%. The corridor would be anticipated to operate at 90.57% of capacity daily. Reduction of units may be a consideration by the Board, and such a reduction would meet the requirement that restricts utilization of no more than 25% of the remaining roadway capacity.

School concurrency information provided from the Brevard County School Board has determined that Lewis Carroll Elementary School, Thomas Jefferson Middle School and Merritt Island Senior High School are projected to have capacity for the projected and potential students from the development.

Potable water is provided by the City of Cocoa Utilities. Centralized sewer will be provided by Brevard County Utilities.

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

For Board Consideration

The Board should consider whether the proposed request is consistent and compatible with the surrounding area.

The Board may consider the impact of increased traffic to the surrounding area and whether measures (such as a BDP) would be appropriate and sufficient to mitigate potential traffic LOS impacts to the area.

The section of N. Courtenay Pkwy. from Pioneer Rd. to Southern Ramps of S.R. 528 has a current MAV utilization at 87.56% capacity, with a potential utilization increasing to 93.57% with the proposed development. Brevard County Code Section 62-602 (F)(6)(b), regarding maximum capacity allotment states: The threshold capacity restrictions described in subsection (f)(6)a of this section, a site plan or subdivision shall be allotted no more than 25 percent of the remaining capacity of a facility. Project size shall be determined utilizing the most restrictive of the facilities named in subsection (f)(6)a of this section. No more than one phase shall be approved for development until 50 percent of the residential lots or units or commercial projects approved for that phase have been sold or developed.

The Board should also evaluate the application based on Administrative Policy 5: In

addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the factors in Administrative Policy 5 which are based on staff preliminary concurrency evaluation.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 25Z00054

Applicant: Kimberly Rezanka (Owner: Merritt Bidco SPV LLC)

Zoning Request: AU to RU-2-15 with removal of BDP

Note: to develop 222 mf units (in MIRA)

Zoning Hearing: 01/12/2026; **BCC Hearing:** 02/05/2026

Tax ID No.: 2412106

- 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 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
- 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 (Myakka sand, depressional; and Anclote 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.**

Indian River Lagoon Nitrogen Reduction Septic Overlay

The entire 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, there is a mapped eagle nest (#BE124) within 660 feet of the site. The applicant should obtain any necessary permits or clearance letters from the U.S. Fish and Wildlife Service at 352-406-6780 prior to any plan, permit submittal, or development activity, including land clearing.