



Planning and Development Department
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BOARD OF COUNTY COMMISSIONERS

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<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

25Z00061

Sunshine State Wildlife Conservation, LLC. and Bernard Egan & Company

Conditional Use Permit (CUP) for Land Alteration on Agricultural Residential (AU) and General Use (GU) zoning

Tax Account Number: 3001213, 3001181, 3020488, 3020489, part of 3001207, 3030338, and 3030339
 Parcel I.D.: 30-27-34-00-2, 30-37-27-00-501, 30-37-28-00-750 & 751, and part of 30-37-33-00-1, 30-37-28-00-501 and 30-37-33-00-251
 Location: Located on the west side of Babcock Street between Centerline Road SE to the C-54 Canal (District 5)
 Acreage: 472.56 acres of Land Alteration Area; 723.09 acres for total CUP request

Planning & Zoning Board: 6/15/2026
 Board of County Commissioners: 7/09/2026

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 & GU w/CUP for land alteration.	AU & GU with expansion of existing CUP for land alteration
Potential*	394.39 acres of alteration upon 601.28 acres	474.56 acres of alteration upon 723.09 acres
Can be Considered under the Future Land Use Map	YES RES1:2.5	YES RES 1:2.5

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

regulations.

Background and Purpose of Request

The applicant is requesting a 78.17-acre expansion, identified as Phase 3, to an existing Conditional Use Permit (CUP) for land alteration activities. The proposed expansion consists of three excavation cells with a maximum depth of 40 feet: Cell 1 (19.11 acres), Cell 2 (19.60 acres), and Cell 3 (39.46 acres). The operation is proposed for the extraction and sale of general fill and road base materials. Approval of this request would consolidate Phases 1 through 3 into a single unified land alteration CUP.

Phase 1 was approved under zoning action **19PZ00061** for a 216.89-acre alteration/pit. Phase 2 expansion was approved under zoning action **22Z00040** and added 177.5 acres of additional alteration/pit area. The site area under review totals 723.09 acres. Combination of all three phases addresses the conditions of Section 62-1936 for access, material stockpiles, and buffers using all property concurrently.

Section 62-4391 defines "land alteration" as the process of excavating, filling and reclaiming lands.

Section 62-1936 allows an application for a CUP for Land Alteration with a minimum size for land alteration at five acres. The applicant included engineered sketch plans in their CUP application showing the proposed overall site and the offsite haul route. The sketch plan shall be binding on the use of the property if the conditional use is approved.

The subject property has direct frontage on Babcock Street and extends from the south side of Centerline Road SE to the C-54 canal and TM Goodwin Road. The site will be open for business from 6:30 am to 5:00 pm. Trucking and hauling for this phase is proposed to generate between 260-400 truck trips per day. The truck removal route is identified as 75% to the north and extends for approximately six (6) miles and exits onto the Saint John's Heritage Parkway Interchange # 166 and an approximate 25% of the truck traffic is routed southbound on Babcock. The sketch plans have not been reviewed for compliance with other County departments, with the exception of Brevard County Natural Resources Management Department. Approval of this application does not vest the applicant from compliance with all applicable regulations.

Parcel History:

Prior to zoning action **19PZ00061**, the property had 9 land alteration permits (LAPs) on 5-acre sites, totaling 45 acres. Each of these existing operations was less than the 5-acre size limit requiring a CUP, with the individual permits and associated activities regulated by the Natural Resources Management (NRM) Department.

Zoning action **19PZ00061** approved by the Board of County Commissioners on August 1, 2019, approved 151.78 acres, increasing the alteration area from 45 acres to 216.89 acres. The 326.97-acre parent parcel, known later as (Phase #1).

Phase 1 is adjacent to vacant lands within Brevard County with the GU Zoning classification to the west and the Saint Sebastian River State Park Preserve to the east, which is comprised of 21,629.35 acres, and is managed by the state of Florida's Department of Environmental Protection, Division of Recreation and Parks. The purpose of Saint Sebastian River Preserve State Park is to limit the development in the area to provide a water quality buffer for the Saint Sebastian River and Indian River

Lagoon and to protect the critical habitats of imperiled species particularly the Florida Manatee. To the south of the subject property lies TM Goodwin Road adjacent to the C-54 canal and the Indian River County line.

Zoning action **22Z00040** approved by the Board of County Commissioners on November 3, 2022, increased the alteration area from 216.89 acres to 394.39 acres (increase of 177.5 acres). The Phase #2 portion added 274.3 acres to the overall site increasing the development area for Phase #1 and Phase #2 to a total of 601.28 acres. Phase 2 lies to the west of the Phase 1 area.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Unimproved	GU (Palm Bay)	Rural Single Family
South	Roadway and canal	N/A	N/A
East	Conservation	GML(P)	Public Conservation
West	Unimproved	GU	RES 1:2.5

The abutting parcels located to the north are within the city limits of Palm Bay. To the east of Babcock Street is a preserved/conservation area owned by St. Johns Water Management District. To the west are additional lands owned by the applicant. The parcel to the south is C-54 canal and T.M. Goodwin Road.

There are three (3) zoning classifications within a 0.5-mile radius of this property. Those zonings are GU, AU and GML(P). The most prevalent zoning classification is the GU classification.

GU classification is a holding category, that encompasses rural single-family residential development or unimproved lands for which there is no definite current proposal for development or land in areas lacking specific development trends on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

The AU zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character on lots of at least 2.5 acres in size, 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, beekeeping, plant nurseries, and the packing and processing of commodities raised on site. Conditional uses in AU include hog farms, zoological parks, and land alteration.

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(P) classification allows

parks or recreational land uses for governmental purposes.

Land Use

The subject property is currently designated Residential 1:2.5 (RES 1:2.5). The GU and AU zoning classifications are considered consistent with the RES 1:2.5 FLU designation.

Applicable Land Use Policies

FLUE Policy 1.10 The RES1:2.5 land use designation, which establishes the lowest density of all the residential future land use designations, permits a maximum density of up to one (1) unit per 2.5 acres, except as otherwise may be provided for within this element. Development in the RES 1:2.5 land use designation should seek to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses.

Criteria:

A. Areas adjacent to existing RES 1:2.5 land use designation; or

Staff analysis: Site area according to survey is 723.09 acres in area. Property to the east is under conservation use. Property to the west has an agricultural exemption and is noted in the Brevard County Property Appraiser's web site as being used for grazing land. At this time, the request is to expand a land alteration permit and not to be developed as a residential project.

B. Areas which serve as a transition between existing land uses or land use designations with density greater than 1:2.5 units per acre and areas with lesser density or lower intensity uses; or

Staff analysis: Parcel lies within undeveloped lands and is being utilized for fill materials.

C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 1:2.5.

Staff analysis: Undeveloped parcels to the north are located within the city limits of Palm Bay retains the GU County described as a holding zoning. Furthermore, this request is not a consideration for residential development.

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 parcel has an existing 394.39-acre land alteration permit and is currently being mined. The proposed CUP will need to comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272. The applicant says no blasting is proposed.

- 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 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 historical land use of the area can be characterized as existing agricultural uses. This site is located within a 1,481+ acre GU and AU node. The parcels to the north and west are under the City of Palm Bay's jurisdiction. The parcels to the east and south are within the St. John's Water Management's jurisdiction.

There are two (2) land use types within 0.5-mile radius of this property. RES 1:2.5 is the FLU designation within this area outside of city jurisdiction. To the east lying beyond Babcock Street and the area south of the project site are within the Public Conservation FLU designation.

There are three (3) zoning classifications within 0.5-mile radius of this property. Those zoning classifications include GU, AU, and the GML(P) designations. The predominant zoning classification is the GU classification.

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

There has been no new development within 0.5 miles.

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

There has been one zoning action within a half-mile radius around this site within the last 3 years. That action is 22Z00040 was for land alterations for this site.

There has been no new development approved within the past three years.

- 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.

Staff analysis indicates the request is located in an area of existing agricultural and mining type uses. The property is in current mining operation. The noted average daily truck trips are between 260-400 trips per day.

- 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 site does not abut any active residential development or platted residential subdivisions.

- 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.

Staff analysis indicates that the area is either unimproved or is utilized for fill operations.

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

Staff analysis indicates the subject parcel continues to be used under a land alteration permit originally permitted prior to 2019.

Administrative Policy #5 - the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered.

The proposed CUP will access the Babcock Street segment between Indian River County to Micco Road. The maximum development potential from the proposed CUP does not increase the percentage of Maximum Acceptable Volume (MAV) utilization as the project will maintain the current number of trips per day they are currently using. The concept plan identifies 260-400 average daily truck trips. The maximum development potential from the proposed CUP does increase the percentage of MAV utilization by 1.79%. The corridor is anticipated to operate at 24.29% of capacity daily. The request is not anticipated to create a deficiency in LOS.

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

Staff analysis indicates the levels of service for transportation facilities will not be compromised.

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;

There is an existing Land Alteration Permit under development at this time; the Babcock roadway has been bonded and will be continued for the remainder of this project expansion.

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;

Staff analysis indicates Babcock is a 2-lane roadway. Traffic capacity is within limits.

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

Staff analysis indicates no new roadway impacts. Existing impacts to continue with the expansion request.

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;

Staff analysis indicates no adverse change to existing roadway.

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;

Staff analysis indicates existing truck traffic will increase from 92-150 truck trips per day identified in the staff comments of the prior 22Z00040 request to 260-400 truck trips per day an increase of 158-250 trips. Babcock Street roadway has been bonded should it be necessary to repair future road damages.

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.

Staff analysis has determined that no nearby residential neighborhoods would be impacted by the increased truck traffic. Current development is supported by agricultural uses.

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 unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

An Environmental Resource Permitting document prepared by E-Reg Consulting, LLC (ERC), dated November 2025, identifies approximately 8.2 acres of wetlands on-site, as depicted in the Boundary and Wetland Location Survey prepared by Blue Goose Survey and Design in January 2026.

If wetlands are confirmed and impacts are proposed, 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 accordance with Section 62-3696.

A Floodplain Report prepared by Blue Goose Survey and Design, dated November 24, 2025, provides data regarding fill, excavation, and compensatory floodplain storage proposed in the 100-year floodplain. Staff will review the information provided for the Land Alteration permit for consistency with criteria contained in Section 62-3724, entitled Development regulations.

The Environmental Resource Permitting document indicates State and Federal listed protected species were not observed.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Babcock Street, between Indian River County to Micco Road, which has a Maximum Acceptable Volume (MAV) of 14,000 trips per day, a Level of Service (LOS) of D, and currently operates at 22.5% of capacity daily. The maximum development potential from the proposed CUP does increase the percentage of MAV utilization by 1.79%. The corridor is anticipated to operate at 24.29% of capacity daily. The request is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development is considered an industrial project, not a residential project.

The parcel is not within the Brevard County utilities service area for public water or sewer. The closest Brevard County sewer line and water line is approximately six miles northeast on Micco Road.

Special Considerations for CUP (Conditional Use Permit)

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901, as outlined on pages 6 – 8 of these comments. Section 62-1901 provides that the approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. **The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved.** The applicants' responses and staff observations, if any, are indicated below.

Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context of public health, safety and welfare. The applicant has submitted documentation in order to demonstrate consistency with the standards set forth in Section 62-1901 and Section 62-1936, Land Alteration.

This request should be evaluated in the context of **Section 62-1936** which outlines conditions for Land Alteration which states:

- (a) The minimum size for land alteration is five acres.

The applicant's request is adding 78.17 of land alteration activity to a site with existing approval for 394.39 acres of land alteration. Total alteration is 472.56 acres on a 723.09 acre parent parcel.

- (b) The approval of a conditional use permit for a land alteration shall be subject to the applicant's obtaining a land alteration permit meeting the requirements and conditions of article XIII, division 4, of this chapter, or a private lake permit meeting the requirements and conditions of article XIII, division 5, of this chapter, from the office of natural resources management.

The applicant has an active NRMD Land Alteration Permit (LAP) application under review.

- (c) A land alteration shall be set back 50 feet from all property lines, and 75 feet from any right-of-way or major arterial street as defined in article VII of this chapter. A land alteration shall be set back 250 feet from all residentially zoned properties and AU and GU zoned properties which are not owned by the applicant. A minimum side slope shall be no steeper than five feet horizontal to one foot vertical (5:1) to a mean water depth of five feet. Slopes deeper than five feet shall be no steeper than 2:1.

On May 12th, 2026, the applicant submitted drawings in compliance with required land alteration side slopes.

- (d) A conceptual site plan, binding on the property owner, shall be submitted which shows the following:

The applicant has submitted plans which comply with the following criteria; however, no blasting areas have been identified. Board should verify that blasting and explosives are not proposed or should direct the applicant to remit revised plans depicting a proposed location.

- (1) The size and location of the land alteration.

The applicant has submitted plans which shows the size and location of the land alteration.

- (2) The location of any equipment and equipment storage.

The applicant has submitted plans which shows the location of equipment and equipment storage.

- (3) The points of ingress and egress.

The applicant has submitted plans which shows the point of ingress and egress along the southeast boundary.

- (4) The extent of buffering, and other associated operational components.

The applicant has submitted plans which shows the location of buffering.

- (5) Rock crushing operations must be specified and the exact location described during application submittal.

The applicant has submitted plans which shows the location of rock crushing operations.

- (6) Identify the maximum number of truck trips per day to and from the site.

The applicant has estimated the truck volume to be between 260-400 trips per day.

- (7) A vicinity map shall be provided that reflects the removal routes that trucks and other vehicles will use to haul sites or areas external to the alteration site.

The applicant has submitted plans which reflects the removal routes that trucks and other vehicles will use to haul sites or areas external to the alteration site.

- (8) Location of areas where explosives, blasting agents, or detonators may be used in conjunction with land alteration activities.

The applicant states this operation does not intend to use explosives.

- (e) Land alteration activity must be located with direct access to collector or arterial roads except for projects within commercial and industrial zoned properties.

The SCTPO lists the nearby road segment as Rural Major Collector.

- (f) Land alteration activities shall be limited to operations between dawn to dusk and prohibited on Sundays.

The applicant states the operational hours are 6:30 AM – 5 PM.

- (g) If deemed necessary by the county manager or designee, where the intensity of the operation would have a potential to damage an existing paved public road or street, a performance bond to guarantee repair of the road or street shall be required.

As this location is under current operation, potential impacts have already been bonded; if necessary the Board may require additional bonding for the additional truck trips impacting this roadway segment.

- (h) Such conditional use may be limited to a time specific duration as set by the board of county commissioners.

Time limitations have not been set by the Board outside of the conditions stated above. Should the Board wish to limit the impacts beyond the current code limitations, such conditions would need to be determined at the public hearing.

- (i) In the event that explosive, blasting agents or detonators, as defined in section 62-4391, may be used in conjunction with land alteration activities, the notice required pursuant to subsection 62-1151(b) must disclose the intent to use such materials.

The applicant states this operation does not intend to use explosives.

Special Considerations for Conditional Use Permit

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901, as outlined on pages 6-9 of these comments. Section 62-1901 provides that the approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. The applicant's responses are indicated in bold and staff observations, if any, are provided in italics.

Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context of public health, safety and welfare. The applicant has submitted documentation in order to demonstrate consistency with the standards set forth in Section 62-1901 and Section 62-1936, Land Alterations.

General Standards of Review

Section 62-1901(c)(1)(a): The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1) the number of persons anticipated to be using, residing or working under the conditional use; (2) noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3) the increase of traffic within the vicinity caused by the proposed conditional use.

Applicant's Response: The proposed use is a land alteration over 5 acres. It is anticipated that there will not be an adverse impact on adjacent and nearby properties as the surrounding uses have similar traffic, activities, and employments numbers as the requested conditional use. The adjacent properties consist of the Brisben Mine to the north, Sunshine State Mine Phases 1 and 2 to the south, Babcock Street to the east, and undeveloped property with cattle to the west. The property to the west is under the same ownership.

Staff analysis: This site is required to meet the performance standards of Section 62-2251 through 62-2272, including the noise regulations of Section 62-2271.

Section 62-1901(c)(1)(b): The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.

Applicant's Response: Yes, the proposed use is compatible. The proposed land use is strongly compatible with the surrounding properties with regard to use, function, operation, hours of operation, type, setbacks, and amount of traffic generated. No new buildings are proposed. The existing scale house, located in Phase 1, that was previously approved by the county will be utilized to weigh trucks. The Phase 3 mining cells will replace the mining cells in Phase 1 and 2, which are nearing completion.

Staff analysis: The applicant has proposed their intent to continue to comply with code provisions as were approved for Phase 1 and for Phase 2. If the Board desires additional information, beyond these standards it should be identified at the public hearing.

Section 62-1901(c)(1)(c): The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttable presumed to have occurred if abutting property suffers a 15 percent reduction in value as a result of the proposed conditional use. A reduction of ten percent of the value of abutting property shall create a reputable presumption that a substantial diminution has occurred. The board of county commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by a MAI certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.

Applicant's Response: The property use is the same as Phases 1 and 2 that were previously approved by the county. Sunshine State Mines for Phase 1 and 2 are located to the south of Phase 3. The adjacent property to the west is in agricultural use for cattle. The property to the north is also a mine. The property to the east is Babcock is preservation property. The value of these abutting properties will not be reduced by the proposed use.

Staff analysis: The parcel is located adjacent to property under agricultural operations at this time; should this neighboring use change due to proposed residential development of the abutting sites; it may be necessary to re-evaluate the potential impacts that this site may propose.

Section 62-1901(c)(2)(a): Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1) adequate to serve the proposed use without burdening adjacent and nearby uses, and (2) built to applicable county standards, if any.

Note: Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20 percent, or ten percent if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at level of service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable county standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the board of county commissioners.

Applicant's Response: Ingress and egress from the Phase 3 mine will utilize the existing driveway that connects to Babcock Street. This driveway is presently serving Phase 1 and 2 of the mine and was previously approved by the county. All material has been excavated from Phase 1 and Phase 2 is near completion. Phase 3 will be replacing previous mining in Phase 1 and 2. No increases in traffic are anticipated. Traffic will remain the same as was approved for Phases 1 and 2.

Staff analysis: The proposed access to Babcock Street has a maintained truck volume of 92-150 trips per day. This submittal proposes a range of 260-400 truck trips per day. The proposed removal route is 75% to the north and extends for approximately six (6) miles and exits onto the Saint John's Heritage Parkway Interchange # 166 and 25% to the south on Babcock.

Section 62-1901(c)(2)(b): The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.

Applicant's Response: The property use will be compatible with adjacent uses as explained in previous questions. Any "emissions" (as identified in the above question) will be within acceptable levels and will not substantially interfere with the use of the state park nor the agricultural lands. Noise will be measured and must comply with federal requirements under MSHA, which performs inspections of the mine.

Staff analysis: The applicant has proposed their intent to continue to comply with code provisions.

Section 62-1901(c)(2)(c): Noise levels for a conditional use are governed by section 62-2271.

Applicant's Response: The proposed use will be within the permitted noise levels and will be measured on a yearly basis as required by MSHA.

Staff analysis: The "performance standards" will be reviewed as part of the site plan review process.

Section 62-1901(c)(2)(d): The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.

Applicant's Response: There is one existing dumpster on the mine and is located in Phase 1 near the scale house. This dumpster location will not change and will be utilized for Phase 3. No new dumpsters are proposed.

Staff analysis: The land alteration CUP should not cause the level of service for solid waste disposal for the property or area covered by such level of service to be exceeded.

Section 62-1901(c)(2)(e): The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.

Applicant's Response: There is no potable water or wastewater services to the mine. Water is provided for the scale house, located in Phase 1 and previously permitted by the county, from a well located near the scale house. A previously permitted septic system is provided for the bathroom in the scale house. No new wells or septic systems are proposed.

Staff analysis: The potable water and wastewater needs for the land alteration CUP are maintained as onsite well/septic.

Section 62-1901(c)(2)(f): The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.

Applicant's Response: A 75-foot setback is provided on the north and east sides of the mine adjacent to Babcock Street and Centerlane Road. The property has existing screening and

buffering to reduce any potential impacts to nearby properties. Additional vegetation will be planted as required by the Land Alteration Permit.

Staff analysis: The screening or buffering aspects have been identified on the concept plan. Should the Board determine that additional measures become necessary, the Board may wish to request the applicant submit a Binding Development Plan (BDP) to provide for those additional measures.

Section 62-1901(c)(2)(g): Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to, traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.

Applicant's Response: No new project signage or lighting is proposed. The signage was previously approved and the only lighting is on the scale house.

Staff analysis: Should the Board determine that additional measures become necessary, the Board may wish to request the applicant submit a Binding Development Plan (BDP) to provide for those additional measures.

Section 62-1901(c)(2)(h): Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.

Applicant's Response: The hours of use will be in accordance with all current county codes and ordinances. The hours of operation (mine is open for business) shall be 6:30 am to 5:00 pm.

Staff analysis: The applicant has provided the site's hours of operation and affirms that the site will comply with county standards. The prior CUP for Phase 2 identified the hours of operation as dawn to dusk with no operations on Sunday.

Section 62-1901(c)(2)(l): The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

Applicant's Response: No new structures are proposed.

Staff analysis: Height of proposed use is limited to 35 feet.

Section 62-1901(c)(2)(j): Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

Note: for existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

Applicant's Response: All parking and loading areas will be on site and no off-street parking and loading areas are anticipated. Parking has not changed from the previously approved parking by the county located in Phase 1 near the scale house.

Staff analysis: All parking and loading areas are to be performed on site.

Environmental Constraints

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

See full NRM comments at the end of this report.

For Board Consideration

The Board should consider whether the proposed CUP's large-scale land alteration activities are compatible with surrounding vacant lands with GU zoning and the adjacent Saint Sebastian River Preserve State Park GML(P) zoning classifications.

The Board may also wish to consider additional conditions beyond those cited in Sections 62-1901 and 62-1936 in order to mitigate potential offsite impacts including, but not limited to, limiting activities to a time specific duration.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 25Z00061

Applicant: Ralph Brown (Owner: Sunshine State Wildlife Conservation LLC)

Zoning Request: GU and AU with existing CUPs for land alterations to GU and AU with CUP for Land Alteration

Note: for Phase 3 expansion of existing borrow pit operation

Zoning Hearing: 06/15/2026; **BCC Hearing:** 07/09/2026

Tax ID No.(s): 3001207, 3001213, 3001181, 3020488, 3020489, part of 3030338, and part of 3030339

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

Land Use Comments:

Wetlands and Hydric Soils

The subject parcel contains mapped National Wetlands Inventory (NWI) wetlands, as well as wetlands identified by the St. Johns River Water Management District (SJRWMD), and hydric soils (EauGallie sand; and EauGallie, Winder, and Riviera depressional soils), all of which indicate that wetlands may be present on the property. An Environmental Resource Permitting document prepared by E-Reg Consulting, LLC (ERC), dated November 2025, identifies approximately 8.2 acres of wetlands on-site, as depicted in the Boundary and Wetland Location Survey prepared by Blue Goose Survey and Design in January 2026.

Project plans indicate that all wetlands within the project area will be preserved. In addition, a minimum 50-foot upland buffer and silt fencing are proposed around all wetlands to prevent adverse impacts to both on-site and off-site wetlands during construction. This information is subject to confirmation by SJRWMD.

If wetland impacts are proposed in future project plans, Section 62-3694(c)(3)b has allowances for

wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). However, Babcock Street is not an MQR at this location. MQRs are depicted and identified in a table on map 8 of the comprehensive plan conservation element. An amendment to the comprehensive plan shall be required to add a MQR to map 8 and the associated table.

Should this portion of Babcock Street be added to map 8 in the future, Section 623694(c)(3)b also provides that for a project encompassing multiple properties assembled under one site plan development order. Wetland impacts for those properties without direct frontage on the mitigation qualified roadway may be permitted only if the properties are combined so that any proposed wetland impact is contained within a property with direct frontage on the mitigation qualified roadway. The assemblage shall be deed-restricted for commercial or industrial use.

Additionally, if wetlands are confirmed and impacts are proposed, 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 accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Floodplain Protection

Portions of this property are mapped within FEMA Special Flood Hazard Area (SFHA) AE, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The property is likely within the St. Johns Riverine floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. If confirmed, the property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, **including compensatory storage and filled footprint restrictions.**

Per Section 62-3723(4), elevations of the riverine 100-year, riverine 25-year, and ten-year floodplains shall be determined utilizing the best available data, which includes FIRM maps and the Flood Insurance Study for Brevard County, Florida and Unincorporated Areas, April 3, 1989, prepared by the Federal Emergency Management Agency; and the Mean Annual, 10-Year, 25-Year and 100-Year Profiles for the Upper St. Johns River Under the Existing Conditions, prepared by Dr. Donthamesetti V. Rao, P.E., St. Johns River Water Management District (March 1985). 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."

A Floodplain Report prepared by Blue Goose Survey and Design, dated November 24, 2025, provides data regarding fill, excavation, and compensatory floodplain storage proposed in the 100-year floodplain. Staff will review the information provided for the Land Alteration permit for consistency with criteria contained in Section 62-3724, entitled Development regulations.

Indian River Lagoon Nitrogen Reduction Septic Overlay

A portion of this property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Plans submitted by the applicant do not propose a septic system; however, if a septic system is proposed in the future, it will be subject to Chapter 46, Art. II, Division 4, Section 46-88.

Protected and Specimen Trees

Protected and Specimen trees exist on the parcel, as confirmed by the tree survey provided by the applicant, dated October 30, 2025. 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.

Protected Species

Federally and/or state protected species may be present on the property. Should any protected species be identified on the site, it is the responsibility of the applicant to 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. The Environmental Resource Permitting document indicates State and Federal listed protected species were not observed.