



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

26Z00021

Sandman Outdoor Storage (Donald & Stacy Clark)

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

Tax Account Number: 2000350
Parcel I.D.: 20-35-31-00-503
Location: 3850 Highway 1; West side of Highway 1, approximately 264 feet south of McCullough Road (District 1)
Acreage: 1.48 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	BU-1	BU-2
Potential*	1 single-family residence	FAR of 1.0 44 dwelling units**
Can be Considered under the Future Land Use Map	Yes CC	Yes CC

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

** Development potential at 30 units per acre pursuant to F.S. 125.01055 (Live Local Act).

Background and Purpose of Request

The applicant is requesting a change of zoning classification from BU-1 (General Retail Commercial) on 1.48 acres to BU-2 (General Retail, Warehousing and Wholesale Commercial) to allow for the development of an outdoor RV/ boat storage business. At the time of application, the applicant did not supply a concept plan.

The subject parcel is located adjacent to the west side of U.S. Highway 1, a state-maintained roadway ,approximately 264 feet south of McCullough Road.

It should be noted that the applicant also owns property abutting to the south, approved under **17PZ00118**, to rezone the property to BU-2 with a Binding Development Plan (BDP). The applicant intended to add a storage yard for outdoor figurines and to manufacture such items. The BDP limited the use of the property to the BU-2 use of manufacturing and outdoor storage of concrete yard ornamental figurines and statues, while retaining, without limitation, all rights, provisions, and activities allowed under the BU-1 zoning classification.

Natural Resource Department staff notes that a small portion of this property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, as identified by the Federal Emergency Management Agency. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage. Protected and Specimen trees likely exist on the parcel.

There is an active Natural Resources Code Enforcement case (**20CE-02010**) for unpermitted land clearing activities on the property in 2020. The case is pending.

The property's current configuration has remained the same since the best available data from BCPAO shows a property deed from October 30, 1951.

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. Metal buildings shall be permitted in this zoning classification subject to the restrictions presented in Section 62-2115.

The BU-2 classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

Commercial and Industrial properties developing adjacent to residential uses are required to provide a 6-foot masonry or solid wall per Sec. 62-3202(h)(10).

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 1.48-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 44.4 multifamily units as stipulated by the Live Local Act.

ZONING HISTORY:

On May 22, 1958, the Brevard County zoning code was established, with the subject property having AU (Agricultural Use) zoning classification.

On June 1, 1972, the property had an approved rezoning under **Z-2982**, from AU to BU-1.

The FLU designation CC is the original from the adoption of the Brevard County Comprehensive Plan on September 8, 1988.

The subject property is located within the 2007 Mims Small Area Study, situated approximately 0.1 miles northwest 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. Please be advised that this is from a study note that was not part of the adopted actions.

Brevard County Utilities has made the following notes: 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 a 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. 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%.

The Board may wish to consider mitigating the potential high-intensity uses that are available in the requested BU-2 zoning classification by a Binding Development Plan (BDP).

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
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North	Undeveloped	AU	NC
South	Motor Inn	BU-2	CC
East	Highway 1	N/A, AU	N/A, NC
West	Undeveloped	AU	NC, RES1:2.5

North of the subject property is one (1) 0.91-acre parcel, undeveloped with AU zoning classification and NC FLU.

South of the subject property is one (1) 2.98-acre parcel, developed with a motor inn (Sandman Motel), BU-2 zoning classification and CC FLU.

East of the subject property is Highway 1, a four lane, state-maintained roadway. Two (2) properties across Highway 1 from the subject property are zoned AU with a NC FLU. One property is developed with a single-family home. The other property is vacant and is the subject of zoning action **26Z00015** and Small Scale Comprehensive Plan Amendment **26SS00005** with a request to change the zoning from AU to BU-1, with a FLU change from NC to CC.

West of the subject property is one (1) 11.15-acre parcel, undeveloped, has AU zoning classification and NC FLU plus RES1:2.5 FLU.

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.

The BU-2 classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

Future Land Use

The BU-1 zoning classification can be considered consistent with the CC Future Land Use designations provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. The proposed BU-2 zoning is consistent with the existing CC FLUM designation.

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-2 Retail, Warehousing and Wholesale Commercial zoning classification encompasses lands devoted to general retail and wholesale business, contracting and heavy repair services and warehousing activities. Retail items of substantial size or which of necessity must remain outside of a building may be permitted to be displayed outside the building. Storage yards must be enclosed with a six-foot wall, louvered fence, or chain-link fence.

The development will need to comply with buffering criteria in Section 62-4342. The purpose of the landscape buffers is to provide visual and physical screening and buffering between potentially incompatible uses and to reduce the effects of glare, noise and incompatible activities, to include commercial, institutional, public, and industrial uses when they abut existing residential uses.

B. Existing commercial zoning trends in the area;

The closest commercial zoning classification is the abutting southern property, which is zoned BU-2 with a BDP and is developed as a motor inn. Zoning action 17PZ-00118 restricts the use to manufacturing and outdoor storage of concrete yard ornamental figurines and statues, and all BU-1 uses. There is a property approximately 500 feet southeast of the subject property which represents the most recent commercial development in the area, having been developed in 2022 with a Dollar General store. Another property within the area has a BU-2 zoning classification with a Binding Development Plan, and is located approximately 800 feet southeast of the subject property and is improved with a commercial business, Mims U.S. 1 Mini Storage. The BDP Z-10374 requires a 6-foot opaque fence along the east property line of Old Dixie Hwy. and along the south property line of Gloria Ave. for a distance of 75 feet. Other commercial uses in the area include two (2) warehousing and manufacturing, and a heavy equipment rental business.

Recently, there was a property that was approved to rezone from AU to BU-1 on 3.49 acres in September 2025, which is proposed for flex warehouse use.

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

The surrounding area is characterized primarily by single-family residential development on lots generally one acre or greater in size, with commercial concentrated along the U.S. Highway 1 corridor. The subject property fronts U.S. Highway 1 and is located near existing commercial development. The proposed outdoor RV and boat storage use differs from the predominant residential character of the surrounding area, resulting in a distinct visual character. The Board may consider whether the proposed use is compatible with adjacent residential properties and whether additional screening is necessary to mitigate potential impacts. Commercial and Industrial properties developing adjacent to residential uses are required to provide a 6-foot masonry or solid wall per Sec. 62-3202(h)(10).

The closest similar commercial use within the BU-2 zoning designation is approximately 800 feet southeast of the subject property across Highway 1 and is developed with a mini storage business.

- 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.

Connection to centralized water and sewer are available with services provided by Brevard County Utilities.

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

A small portion of this property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage.

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.

There is an active Code Enforcement case (20CE-02010) for unpermitted land clearing activities on the property in 2020. The case is pending.

- 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 62-1483 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 review process should the zoning change be approved.

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 during the site plan review process, 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). The maximum development potential from the proposed FLUM amendment increases the percentage of MAV utilization by 0.10%. The corridor is anticipated to operate at 28.28% of capacity daily. 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 five (5) FLU designations: RES 1, RES 1:2.5, RES 4, NC, and CC. RES 1 is the predominant FLU designation in the area.

The existing pattern is a mixture of residential single-family dwellings, undeveloped land, and commercial concentrated along the U.S. Highway 1 corridor.

There has been one FLUM amendment within one-half mile of the subject property in the past three years:

- **25SS00006: On 09/04/2025, approved to change the Future Land Use designation from NC and RES2 to CC on 3.49 acres.**

There are several zoning classifications: AU, GU, RR-1, RVP, TR-1, BU-1, and BU-2 within the 0.5-mile radius of the subject property, with the predominant zoning classification being AU.

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 500 feet southeast of the subject property across Highway 1 and is developed as a retail store, Dollar General.

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

It appears no changes in actual development have occurred in the immediate area within the last three years. However, there have been two zoning actions:

- **24Z00003: On 5/2/3024, approved rezoning from RR-1 to AU(L) on 3.33 acres.**
- **25Z000019: On 09/04/2025, approved 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 subject property is not located within the boundaries of an established residential neighborhood. The proposed outdoor RV and boat storage use would

not introduce a type of commercial activity that is not already present in the area, including mini-storage, lodging, and retail development.

The maximum development potential associated with the proposed rezoning is projected to increase Maximum Allowable Volume (MAV) utilization by approximately 0.10%, with the affected roadway segment operating at 28.28% of capacity.

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 a mixture of predominantly large-lot single-family properties with undeveloped land. There are a few developed and undeveloped commercial properties in the area. Commercial properties are found exclusively abutting the Highway 1 corridor in this section of Mims. 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 third commercial zoning to be approved in the area within at least the past five years. Directly across U.S. Highway 1, approximately 150 feet is a property requesting to rezone under application 26Z00015 and has a companion request for an FLU change under application 26SS00005.

FLUE Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any (a) substantial drainage problem on surrounding properties; or (b) significant, adverse and unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

A small portion of this property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel is subject to the development criteria in

Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage.

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.

There is an active Code Enforcement case (20CE-02010) for unpermitted land clearing activities on the property in 2020. The case is pending.

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 U.S.1, between Lionel Rd. and Burkholm Rd., 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 increases the percentage of MAV utilization by 0.10%. The corridor is anticipated to operate at 28.28% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be addressed at the time of site plan review. This is only a preliminary review and is subject to change.

No school concurrency information has been provided as the proposed project is 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:

- Floodplain Protection
- Protected and Specimen Trees
- Potential Code Enforcement

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 application is not compatible with the surrounding area, the applicant may consider offering to mitigate incompatibilities through a mechanism such as a binding development plan, including additional buffering and/or limiting certain permitted uses.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 26Z00021**

Applicant: Donald and Stacy Clark (Owners: Donald and Stacy Clark)

Zoning Request: BU-1 to BU-2

Note: to open boat and RV business

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

Tax ID No.: 2000350

- 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:

- Floodplain Protection
- Protected and Specimen Trees
- Potential Code Enforcement

Land Use Comments:

Floodplain Protection

A small portion of this property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, as identified by the Federal Emergency Management Agency, and as

shown on the FEMA Flood Map. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties." **The applicant is encouraged to continue communication with NRM prior to any plan or permit submittal or performing any land clearing activities.**

Protected and Specimen Trees

Protected and Specimen trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements and buffer requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

Code Enforcement

There is an active Code Enforcement case (20CE-02010) for unpermitted land clearing activities on the property in 2020. The case is pending. Additionally, information available to NRM indicates that unpermitted land alteration activities likely occurred on this parcel in 2025-2026. The confirmation of unpermitted land alteration and clearing activities may result in additional code enforcement action.