



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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**STAFF COMMENTS**  
**25Z00057**

**Spacewalk Groves, Inc. (Kimberly Rezanka)**  
**Land Alteration Conditional Use Permit (CUP)**

Tax Account Number: 2315318

Parcel I.D.: 23-36-13-00-500

Location: Located approximately 390 feet north off North Courtenay Parkway, and approximately 1,381 feet east of Simons Ave. (District 2)

Acreage: 40.7 acres

NMI Board: 2/12/2026

Planning & Zoning Board: 2/16/2026

Board of County Commissioners: 3/05/2026

**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)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	PIP with 11-acre CUP for land alteration	PIP with expansion of existing CUP for land alteration
<b>Potential*</b>	11-acre alteration	37.5-acre alteration
<b>Can be Considered under the Future Land Use Map</b>	YES PI	YES PI

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

**Background and Purpose of Request**

The applicant is seeking to amend a prior CUP to expand land alteration activities on the subject property from 10.94 acres to 37.5 acres on a 40.7 acre parcel to accommodate a commercial borrow pit operation primarily to be utilized to support construction projects at the Space Center. The applicant's original CUP was approved on August 27, 1998, under Zoning Resolution number **Z-10134**.

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 subject property does not have direct frontage on N. Courtenay Pkwy. The site will be accessed from N. Courtenay Parkway through the abutting parcel to the east, owned by the federal government, which has been previously utilized for the prior CUP's land alteration activities. Trucking and hauling hours of operation are from 6 AM – 4 PM, Monday through Saturday, with 23 average daily truck trips. The haul route is from the site onto North Courtenay Parkway, with north being the primary route and south being the secondary route. 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.

As is required by County Code Sec. 62-4421(b), the applicant is also seeking to modify the Land Alteration Permit from the County since the intended land excavation is greater than 5 acres. The existing Brevard County land alteration permit (LAP# 98-06-001) shall remain in effect and, upon completion of the 37.5-acre borrow pit operation, the site will be incorporated into the private stormwater retention system serving the Magruder-Smith Farms Lake located west of the subject property.

Additional zoning history includes an administrative zoning initiated for compliance with FLU Policy 10.2 (updated to Policy 15.2) to bring the zoning into conformity with the Brevard County Comprehensive Plan's Future Land Use Map, which was approved by the Board under Zoning Resolution **Z-10146** on September 24, 1998; the approval of this action changed the AU zoning with CUP for land alteration to PIP zoning with retention of the CUP for land alteration.

#### ***Surrounding Area***

	<b>Existing Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Unimproved	N/A	N/A
<b>South</b>	Vacant western parcel; Industrial air plant eastern parcel	IU & IU-1 with CUP for Heavy Industry Use	Industrial
<b>East</b>	Solar plant	N/A	N/A
<b>Northwest</b>	Shed/building	AU	RES 1
<b>Southwest</b>	200-foot guyed Communication Tower	PIP with tower CUP	PI

The abutting parcels located to the north and east are within federal property and not county zoned. There are five (5) zoning classifications within a 0.5-mile radius of this property. Those zonings are AU, IU, IU-1, PIP and RR-1. The most prevalent zoning classification is the AU classification.

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.

Florida Statute 570.86 defines “agritourism activity” as “any agricultural related activity consistent with a bona fide farm, livestock operation, or ranch or in a working forest which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions.” Local government is prohibited from adopting ordinances, regulations, rules, or policies that prohibit, restrict, regulate, or otherwise limit an agritourism activity on land that has been classified as agricultural land. At this time, there is no agricultural exemption on the subject property.

PIP is the second lightest industrial zoning classification, allowing light manufacturing within enclosed buildings with strict buffering, storage and other requirements.

IU zoning classification permits light industrial land uses within enclosed structures. The minimum lot size is 20,000 square feet, with a minimum width of 100 feet and a minimum depth of 200 feet.

IU-1 is the heaviest industrial zoning classification in the Code. It permits heavy manufacturing, including outside activities such as livestock yards and commercial incinerators. The minimum lot size is 40,000 square feet with a minimum width and depth of 200 feet.

## **Land Use**

The subject property is currently designated Planned Industrial. The PIP zoning classification is considered consistent with the Planned Industrial FLU designation.

## **Applicable Land Use Policies**

**FLUE Policy 3.5** addresses the Planned Industrial Future land use designation. The Planned Industrial land use designation is intended to accommodate the clustering of light industrial and business uses in settings which provide special attention to the integration of infrastructure, such as circulation, parking, and utilities, while placing emphasis upon aesthetics of the project and compatibility with abutting properties and properties within the industrial park. These parks shall be designed to limit intrusion into residential areas. Appropriate uses are those that operate within enclosed buildings such as manufacturing, assembling, fabricating, warehousing and retailing activities. Hotel and motel accommodations that serve the travel needs of employees or clients associated with firms within the planned industrial or business parks are also appropriate. Marinas may also be considered within this land use designation. Appropriate locations for planned industrial parks shall be based upon the criteria listed below. Table 3.1 summarizes the specific development parameters listed below as well as issues that affect decision making for

rezoning requests and for site plan review, as described in Policies 3.2 and 3.3.

Criteria:

- A. Planned industrial park project sites shall incorporate at least three (3) acres.

**Staff analysis: Site area according to survey is 40.7 acres in area.**

- B. Planned industrial parks must be within 660 feet of the major transportation corridors. Major transportation corridors include such roadways as Interstate 95, U.S. Highways 1 and 192, and State Roads 3, 46, 50, 528, 524, 520, 518, and 516.

**Staff analysis: Parcel lies within 360 feet of N. Courtenay Parkway (State Road #3).**

**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 10.94-acre land alteration permit and is currently being mined. The request is not anticipated to diminish the enjoyment of safety or quality of life in the existing industrial area. 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 industrial development to the parcels southern and eastern borders. This site is located within an 83+ acre Planned Industrial node. The parcels to the north and east are within federally controlled property. The parcels to the west are within the*

**Residential 1 and Planned Industrial (PI) FLU designations. Parcels to the south are within the Heavy/Light Industrial (IND) FLU designation.**

**There are four (4) land use types within 0.5-mile radius of this property. Those Future Land Use designations are: Heavy/Light Industrial, Planned Industrial, Residential 1 and Residential 1:2.5. The most prevalent FLU type in this area is the Residential 1 designation.**

**There are five (5) Zoning classifications within 0.5-mile radius of this property. Those zoning classifications include AU, IU, IU-1, PIP and the RR-1 designations. The predominant zoning classification is the AU classification followed closely by the RR-1 designation.**

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 have been no zoning actions within a half-mile radius around this site within the last 3 years.**

**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 residential and industrial type uses. Residential uses are developed to the west upon 3+ acre AU zoned lots and to the south beyond N. Courtenay Parkway as 1+ acre lots zoned RR-1. Industrial use includes a solar farm to the east, a 200-foot-tall cellular tower to the west, and an industrial air manufacturing plant to the south. The applicant notes that 80% of the anticipated truck traffic is towards the east (heading north into KSC**

**property) and 20% to the west (heading south towards the Barge Canal). The noted average daily truck trips are 23 trucks 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 lacks road frontage and utilizes an easement for access. This 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, developed for low density single-family residential use or industrially improved for a cellular tower, solar and liquid air manufacturing uses.**

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

**The subject parcel continues to be used under a land alteration permit for over 27 years (Land Alteration Permit issued under #98-06-001). When completed, the site will be utilized for a private retention system. The nearby residential uses to the west have been in existence since 1986 with last unit development in 2006. Residential development to the south along N. Courtenay Parkway has been used since 2004.**

**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 N Courtenay Parkway segment between N Tropical Trail to Space Commerce Way. The maximum development potential from the proposed CUP does not increase the percentage of Maximum Acceptable Volume utilization as the project will maintain the current number of trips per day they are currently using. The concept plan identifies 23 average daily truck trips. The corridor is anticipated to operate at 26.29% 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; any potential traffic improvements or roadway bonding should be addressed within their comments for the proposed 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 N. Courtenay Parkway as a 4-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 of the proposed sketch plan indicates existing truck traffic may increase from 15 to 23 truck trips per day (one-way). Northbound truck traffic may increase deterioration of the N. Courtenay Parkway driveway intersection and medium cut to continue on N. Courtenay Parkway.**

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 of south bound traffic (27-year track record) may not be an impact to existing residential neighborhoods to the south or west of this location.**

**Administrative Policy #6 - application for development approval must be consistent with (a) all written land development policies set forth in these administrative policies; and (b) the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element and transportation elements of the comprehensive plan.**

The proposed CUP appears to meet land development policies noted above.

## **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.**

The entire subject parcel contains mapped hydric soils. However, the St. Johns River Water Management District concluded that there are no on-site wetlands in the vicinity of the proposed excavation in a technical staff report dated November 20, 2023, for an existing Consumptive Use Permit. A wetland delineation may be required prior to any land clearing activities, site plan design, or building permit submittal.

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) AE, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. Additionally, the parcel is located on North Merritt Island (NMI), north of Hall Road. Section 62-3724(4) contains additional criteria including compensatory storage in North Merritt Island.

There is a mapped eagle nest (BE934) approximately 360 feet west of the site. Please contact USFWS at 352-406-6780. At the time of permitting, documentation is required indicating USFWS has been contacted.

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is N Courtenay Parkway, between N Tropical Trail to Space Commerce Way, which has a Maximum Acceptable Volume (MAV) of 45,800 trips per day, a Level of Service (LOS) of C, and currently operates at 26.29% of capacity daily. The maximum development potential from the proposed CUP does not increase the percentage of MAV utilization. The corridor is anticipated to operate at 26.29% 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 within the Brevard County utilities service area for public sewer. The closest Brevard County sewer line is approximately 8,800 feet south along N Courtenay Parkway.

This site does not appear to have potable water service at this time. The City of Cocoa would be the potential service provider in the future.

### **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 applicant's 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 increasing from 10.94 to 37.5 acres.***

- (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.

***The applicant has submitted drawings which show compliance with required setbacks.***

- (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 advised that there will be no rock crushing operations. Material excavated will be structural fill for various local space center projects.***

(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 10-30 trips per day with 23 truck trips as the average.***

(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 Principal Arterial Other - Rural. Applicant states most traffic will be headed in a north direction into federal property.***

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

***The applicant states the operational hours are 6AM – 4PM Monday - Saturday.***

(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.

***Potential impacts are within state DOT controlled area and not county-maintained roadways.***

(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.***

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: Approval will not result in substantial and adverse impacts on adjacent and nearby properties due to:** (1) The number of onsite workers needed for normal operation is two. The number of truck drivers can vary from 5 to fifteen depending on the job. The gates are only open when there is a job. The hours of operation are from 6 a.m. to 4 p.m. Monday through Fridays, Saturday only in emergencies. (2) All diesel-powered equipment and trucks are muffled and the dewatering pumps are electrical units. The Property is located on Planned Industrial Park PIP zoning, adjacent to Heavy Industrial IU-1 zoning. Occupied by the Air Liquide, Inc. complex which generates higher decibels. Spacewalk Groves is an existing borrow pit, operating in this location for 25 years without noise complaints. Roadway dust (particles) will be monitored and controlled with watering of the roadway. (3) Two borrow pits Magruder-Smith Farms, Inc. and Spacewalk Groves, Inc have operated for 25 years at this location with no traffic incidents. The operation is not open to the public (not a storefront operation) and is only open for specific jobs. Trucks enter and exit onto SR-3/Courtenay Parkway, and the bulk of the fill material excavated is exported directly onto NASA property, to job sites in close proximity, which allows for a quick turnaround, reducing the need for a large fleet of truck traffic on the roadway.

*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:** The proposed use as a commercial borrow pit operation and is not out of character with the adjacent uses as this is an expansion of an existing use established in the area since 1998. The existing Spacewalk Groves CUP 10134 was approved in 1998 for an eleven acre borrow pit. The proposed use is to expand the existing pit area up to 30 acres on the 41-acre tract. When finished the excavated area will be incorporated into a larger private drainage system which will allow for more flood resilience, benefiting the surrounding properties. [Directly to the north and east of the subject Property is the Merritt Island National Wildlife Refuge (U.S. government owned land), directly to the south abutting N. Courtney Pkwy is Airgas USA, LLC, supplier of industrial, medical and specialty gases, and to the west is Communication Towers Inc.] Although the area contains residential zoning, access for sewer and the presence of wetlands makes the area unsuitable for residential subdivision development at this time.

*Staff analysis: The applicant has proposed their intent to comply with code provisions. 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 rebuttable 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 proposed use is already established. This application is for an expansion of the existing borrow pit that will eventually be part of a private storm water park providing comprehensive storm water retention for the surrounding properties, proving for more flood resilience in the area. Providing for future storm water enhancement to the limited AU residential development to the west of the property.

*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:** The existing facility will maintain ingress/egress for truck traffic onsite. Existing ingress and egress was approved and built to standards. Spacewalk Groves has agreed to do maintenance and increase the median crossing from 50' to 100' to the north on Courtenay Parkway. This will stabilize the area where the truck traffic leaves the median.

*Staff analysis:* The proposed truck volume and access to N Courtenay Parkway has estimated the truck volume to be between 30-46 trips per day. The proposed removal route is 80% (24-37 truck trips) to the north and 20% (6-9 truck trips) to the south on a state-maintained roadway.

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:** No noise, glare, odor, particulates, smoke, fumes or other emissions from the approval of this conditional use will interfere with the use or enjoyment of adjacent or nearby properties. All diesel-powered equipment and trucks are muffled and equipped with tier 3 or tier 4 emission control systems. The dewatering pump systems are 3 phase electrical units. Road dust particulates will be monitored and controlled by watering.

*Staff analysis:* The applicant was advised to conduct themselves accordingly.

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

**Applicant's Response:** The Applicant intends to comply with all maximum allowable sounds pressure levels for Industrial property as provided in the County's Code and will not exceed the dB(A) allowed. The maximum decibel level is 75 dB. The existing borrow pit activity operates within or under this permitted level.

*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:** It is not anticipated that the expansion of the industrial borrow pit will cause an increased level of service for solid waste disposal. This site is not open to the public and only opens for specific jobs.

*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:** The proposed conditional use, a commercial borrow pit operation, will not cause an increased level for potable water or wastewater service for the property.

*Staff analysis: The service for potable water by the City of Cocoa or wastewater for the land alteration CUP by the county will need to comply with their standards.*

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:** This site is an expansion of an existing similar industrial use to the south. Directly to the north and east of the subject Property is the Merritt Island National Wildlife Refuge (U.S. government owned land), directly to the south abutting North Courtenay Parkway is Airgas USA, LLC, (Air Liquide) supplier of industrial, medical and specialty gases, and to the west is Communication Towers Partners, property zoned AU.

*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:** There will be limited directional signage installed for the truck traffic. Any exterior lighting will meet the County's performance standards under section 62-2257 and will cause no interference with adjacent use of nearby properties.

*Staff analysis: No signage or exterior lighting has 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)(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 operation are from 6 a.m. to 4 p.m. Monday through Friday, Saturdays only in emergencies. The total number of onsite workers needed for normal operation is two. The number of truck drivers can vary from 5 to fifteen depending on the job. The gates are only open when there is a job pending.

*Staff analysis: The concept plan's Hours of operation complies with code provision.*

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 habitable structure exceeds 35' in height.**

*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: There is no offsite parking or loading areas proposed that will impair the use and enjoyment of adjacent and nearby properties.**

*Staff analysis: All parking and loading area can be performed on site.*

**Environmental Constraints**

- Hydric Soils
- Coastal High Hazard Area
- Floodplain Protection in North Merritt Island
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements
- Protected Species

See full NRM comments at the end of this report.

**For Board Consideration**

The Board may wish to consider the compatibility of the proposed CUP with the surrounding area. 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 to the abutting properties.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item No. 25Z00057**

**Applicant:** Kimberly Rezanka (Owner: Spacewalk Groves Inc.)

**Zoning Request:** Expansion of CUP for Land Alteration (Sec. 62-1936)

**Note:** to increase the land excavation site from 11 acres to 37.5 acres to accommodate a commercial borrow pit operation

**NMI Advisory:** 02/08/2026; **Zoning Hearing:** 02/16/2026; **BCC Hearing:** 03/05/2026

**Tax ID No.:** 2315318

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

**Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Hydric Soils
- Coastal High Hazard Area
- Floodplain Protection in North Merritt Island
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements
- Protected Species

**Land Use Comments:**

**Hydric Soils**

The entire subject parcel contains mapped hydric soils (Bradenton fine sand, limestone substratum; Copeland-Bradenton-Wabasso complex, limestone substratum; Anclote sand, frequently ponded, 0 to 1 percent slopes; and Anclote sand, frequently flooded); indicators that wetlands may be present on the property. However, the St. Johns River Water Management District concluded that there are no on-site wetlands in the vicinity of the proposed excavation in a technical staff report dated November 20, 2023, for an existing Consumptive Use Permit. **A wetland delineation may be required prior to any land clearing activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)c states that commercial or industrial land development activities may be permitted in wetlands contained in properties designated for commercial or industrial land uses on the future land use map prior to February 23, 1996, if the property abuts land(s) developed as commercial or industrial as of December 31, 2010,

and has sufficient infrastructure available to serve the commercial or industrial use. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require no net loss mitigation in Brevard County in accordance with Section 62-3696.

### **Coastal High Hazard Area**

A majority of this property is located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The Coastal Management Element of the Comprehensive Plan, Policy 6.1, designates Coastal High Hazard Areas to be those areas below the elevation of the Category 1 storm surge elevation as defined in Chapter 163, Florida Statute. Objective 7 of the Coastal Management Element aims to limit densities within the coastal high hazard area and direct development outside of this area.

### **Floodplain Protection in North Merritt Island**

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) AE, 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."

Additionally, the parcel is located on North Merritt Island (NMI), north of Hall Road. Section 62-3724(4) contains additional criteria including compensatory storage and written certification from the engineer of record that there will be no adverse flooding impacts upon properties resulting from the proposed development. **The applicant is encouraged to continue communication with NRM prior to any plan or permit submittal or performing any land clearing activities.**

### **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.

### **Land Clearing and Landscape Requirements**

Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen Trees. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen tree preservation. Land clearing is not permitted without prior authorization by NRM. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

### **Land Alteration**

This property has an existing Brevard County land alteration permit (LAP # 98-06-001) on 10.94 acres of the 41.22-acre parcel. The owner is currently applying to modify the permit to expand the land alteration activities across the entire site. The application is under review in Natural Resources Management Department, and the owner is working with staff to meet all code requirements. Additionally, the owner has an approved Consumptive Use Permit for the site from the St. Johns River Water Management District (#112286-4) authorizing the use of 2.86 million gallons per year (mgy) (0.008 million gallons per day (mgd), annual average) of surface water from a mine/borrow pit for water entrained in product and dust suppression through 2035.

### **Protected Species**

Federally and/or state protected species may be present on the property. Specifically, there is a mapped eagle nest (BE934) approximately 360 feet west of the site. Please contact USFWS at 352-406-6780. At the time of permitting, please provide documentation (email, letter, permit) indicating you contacted USFWS.