



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

26Z00028

Space Coast Discovery, Inc

AU (Agricultural Residential) to IN(L) (Low Intensity Institutional)

Tax Account Number: 2828576
Parcel I.D.: 28-37-17-00-14
Location: 3830 Dairy Rd, Melbourne. West side of Dairy Road approximately
650 feet north of Eber Boulevard (District 3)
Acreage: 4.47 acres

Planning and Zoning Board: 8/17/2026

Board of County Commissioners: 9/10/2026

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	IN(L)
Potential*	1 dwelling unit	0
Can be Considered under the Future Land Use Map	Yes RES 4	Yes** RES 4

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

**Can be considered if the use is transitional, per Policy 2.11, or if permitted by Policy 2.14 of the FLU Element as applicable.

Background and Purpose of Request

The applicant is requesting a rezoning from AU (Agricultural Residential) to IN(L) (Low Intensity Institutional) on a 4.47-acre parcel for the future development of a school facility. The parcel is currently zoned AU and developed with a single-family residence and has a Future Land Use designation RES 4 (Residential 4) as described in the Future Land Use Element of the Brevard County Comprehensive Plan.

The Space Coast Discovery School serves children with special needs and their families within the community. The applicant also owns the property immediately north of the subject property, which is developed as the Space Coast Early Intervention Center. According to the Brevard County Property Appraiser's records, the property was acquired in 2005, and the school facility was constructed in 2008. The applicant proposes to expand the school's campus onto the subject property. According to the application materials, the existing horse run may be utilized for therapeutic and educational activities serving students with special needs, including potential partnerships with organizations such as 4-H to provide equine-assisted programming.

Building Permit **24BC14064**, issued on October 31, 2024, was submitted as a residential remodel to convert the property from residential use to institutional use for a school facility with the potential for 3 classrooms. In the applicant's application, it is stated that the nonprofit school invested \$253,014 in direct costs and in-kind contributions to renovate the building to institutional standards. The building received a Certificate of Occupancy on August 4, 2025. During the Florida Department of Education review process, the property owners learned of the need to have the property rezoned to an institutional zoning designation.

Policy 2.14 of the FLU Element permits low intensity institutional uses in all Residential Land Use Designations when the property has access to a local street or higher, has pedestrian access, and the building scale and design is compatible with the surrounding area. The subject property is located on Dairy Road, a minor urban arterial roadway, and there are existing sidewalks adjacent to the property in the Dairy Road right-of-way. The proposed use is an extension of the educational use to the north of the subject property, and institutional uses exist approximately 350 feet to the south. The converted residential structure that will serve as the educational facility is compatible with the residential uses in the area.

Brevard County Property Appraiser's records indicate that the 4.47-acre parcel was put in its current configuration on June 1, 1972, and recorded in OR Book 1254, Page 756.

The subject property is located on Dairy Road, a county-maintained roadway, approximately 650 feet north of Eber Boulevard. The parcel is served by the City of Melbourne water and sanitary sewer service.

Zoning History:

On September 18, 1979, the City Council of the City of West Melbourne passed and adopted Ordinance 79-11 de-annexing and excluding the subject property from city boundaries. The Brevard County Board of County Commissioners approved zoning action **Z-5149**, administratively rezoning the subject property to AU on December 6, 1979.

The RES 4 (Residential 4) FLU designation for the subject property originated from the adoption of the Brevard County Comprehensive Plan on September 8, 1988.

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

The purpose of the IN (Institutional) zoning classification is to provide for private, nonprofit or religious uses which are intended to serve the needs of the public for facilities of an educational, religious, health or cultural nature. The classification is divided into two types, low intensity and high intensity. Low intensity uses are those that are of such limited scale and impact that they are compatible with residential uses in residential land use designations, or neighborhood commercial uses in neighborhood commercial land use designations. High intensity uses are more suited to community commercial or industrial areas. Location standards for low intensity and high intensity uses are established pursuant to Policy 2.14 of the Future Land Use Element of the Comprehensive Plan.

There are no current code enforcement complaints on the subject property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-Family Residence, School (Melbourne)	AU, C-1 (Melbourne)	RES 4, Mixed-Use (Melbourne)
South	Retail Commercial	C-1 (Melbourne)	General Commercial (Melbourne)
East	ROW, Single-Family Residential	PUD (Melbourne)	Medium Density Residential (Melbourne)
West	Single-Family Residential	EU-2	RES 4

There are two properties to the north of the subject property. The west property is a 1.92-acre parcel zoned AU with RES 4 FLU designation and developed with a single-family residence. The east 2.5-acre property is within the jurisdiction of the City of Melbourne with C-1 (Neighborhood Commercial) zoning and a Mixed-Use FLU designation and is developed with Space Coast Discovery pre-school.

South of the subject property is a 4.38-acre parcel within the jurisdiction of the City of Melbourne with C-1 zoning and a General Commercial FLU designation and is developed with retail commercial uses.

Properties east of the subject property across the Dairy Road right-of-way are within City of Melbourne jurisdiction. Those properties have PUD (Planned Unit Development) zoning with a FLU of Medium Density Residential and range in size between 0.14 and 0.16 acres.

West of the subject property are four parcels between 0.34-0.35 acres in size in the Elcon Estates residential subdivision, all developed with a single-family dwelling and zoned EU-2 (Estate Use) with RES 4 FLU designation.

Future Land Use

The IN(L) zoning classification can be considered consistent with the RES 4 Future Land Use designation provided in the Future Land Use Element of Brevard County's Comprehensive Plan. Policy 2.14 of the FLU Element permits low-intensity institutional uses in all residential FLU designations when the property has access to a roadway classified as a local street or higher, has pedestrian access, and is developed so that the building scale and design is compatible with the surrounding neighborhood.

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;

The purpose of the Institutional zoning classification is to provide for private, nonprofit or religious uses which are intended to service the needs of the public for facilities of an educational, religious, health or cultural nature. The classification is divided into two types, low intensity and high intensity. Low intensity uses are those that are of such limited scale and impact that they are compatible with residential uses in residential land use designations, or neighborhood commercial uses in neighborhood commercial land use designations. High intensity uses are more suited to community commercial or industrial areas. Location standards for low intensity and high intensity uses are established pursuant to Policy 2.14 of the Future Land Use Element of the Comprehensive Plan. Low intensity use is designated on the official zoning maps as IN(L) and high intensity is designated as IN(H).

B. Existing commercial zoning trends in the area;

The prominent commercial zoning classification in the area is C-1 (Neighborhood Commercial) within the jurisdiction of the City of Melbourne, mostly centered near the intersection of Dairy Road and Eber Boulevard south of the subject property. Commercial uses in the area include but are not limited to: a convenience store with gas pumps, martial arts schools, a barber shop, and personal services.

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

The applicant has converted the existing single-family residence to accommodate the use of the structure for classroom space. Institutional uses already occur in the area. The property to the north of the subject property is developed with Space Coast Discovery pre-school, and approximately 350 feet to the south of the subject property is the site of the Melbourne Spanish Seventh Day Adventist Church.

- 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, potable water and solid waste based on the preliminary concurrency analysis.

The parcel is within the City of Melbourne water and sanitary sewer service area.

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

Chapter 62, Article X, Division 6 of the Brevard County Code provides that “No site alteration shall adversely affect the existing surface water flow pattern.”

Protected and Specimen Trees may exist on the parcel. Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), encourages the protection of Specimen Trees. 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.

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

This property will need to comply with Brevard County Performance Standards noted within Section 62-1483, Section 62-4342 and Sections 62-2251 through 62-2272.

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 applicant's request would be a continuation of the school and other institutional uses in the area and would not expect to significantly diminish the enjoyment, safety or quality of life in existing neighborhoods within the area. This property will need to comply with the regulations of Section 62-1483 and 62-4342 of the Brevard County Code. In addition, the performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan stage.

The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.44%. The corridor is anticipated to operate at 73.52% of daily capacity. 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.

- 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;

There are two (2) FLUM designations within a half mile radius of the subject property in Brevard County jurisdiction. They include Residential 4 (RES 4), and Neighborhood Commercial (NC). The predominant FLU designation in the area is RES 4. The FLU designations in the City of Melbourne in the immediate area include Low and Medium Density Residential, Mixed-Use, and Public/Institutional uses.

The character of the surrounding area is low and medium density, single-family residential development, with the lots ranging in size from 0.14 acres to 0.35 acres. There are institutional uses directly north of the subject property and approximately 350 feet south of the subject property. Neighborhood commercial uses are located in the vicinity of the subject property.

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

No new development has occurred within 0.5 miles of the subject property within the last three years.

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

No development has been approved within the last three years that has not yet been constructed.

- 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.

The proposed rezoning is expected to have a minimal effect on the daily percentage of Maximum Acceptable Volume (MAV) utilization. The corridor is expected to operate at a level of 73.52% of daily capacity, which will not create a deficiency in Level of Service (LOS).

- 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 property is located within an established low-density single family residential neighborhood bounded by roads, canals, 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 request involves an institutional use. The request is for the conversion of a single-family residence into an educational facility. The subject property is located in an existing residential neighborhood with neighborhood commercial development located at or near the intersection of Eber Boulevard and Dairy Road.

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 surrounding area is primarily residential, and does not present multiple commercial or other non-residential uses applied for and approved in the previous five (5) years.

FLUE Administrative Policy 7

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

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."

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

Preliminary Concurrency

The subject property is located along a concurrency management segment on Dairy Road, an Urban Minor Arterial roadway, between Eber Boulevard and Florida Avenue. The segment has a MAV of 37,300 trips per day, a LOS of D, and currently operates at 73.08% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.44%. The corridor is anticipated to operate at 73.52% 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. The concurrency analysis was based on the proposed expansion of the existing contractor's office.

The parcel is within the City of Melbourne water and sanitary sewer service area.

No school concurrency information has been provided as the proposed development is non-residential in nature.

Environmental Constraints

- Hydric Soils
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

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

For Board Consideration

The Board may wish to consider whether the proposed zoning request is consistent and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 26Z00028**

Applicant: Greg Smith (Owner: Space Coast Discovery, Inc.)

Zoning Request: AU to IN

Note: to use as a school facility

Zoning Hearing: 08/17/2026; **BCC Hearing:** 09/10/2026

Tax ID No.: 2828576

- 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
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

Land Use Comments:

Hydric Soils

A portion of the subject parcel contains mapped hydric soils (Myakka sand, depressional; and Satellite sand, 0 to 2 percent slopes); indicators that wetlands may be present on the property.

A wetland delineation may be required prior to any land clearing activities, site plan design, or building permit submittal.

Section 62-3694(c)(4) provides that institutional or residential professional land development on properties which contain wetlands and which are designated on the future land use map as residential shall be limited to properties of at least five acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five acres, as unbuildable.

Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require no net loss mitigation in Brevard County in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Aquifer Recharge Soils

Satellite sand, 0 to 2 percent slopes, may also function as a highly permeable soil. The mapped topographic elevations show that the property falls within a Type 2 and/or Type 3 Aquifer Recharge areas, which are subject to impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Protected and Specimen Trees

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

Protected Species

Federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. If applicable, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (GTpermits@myfwc.com) and/or U.S. Fish and Wildlife Service (FW4FLESRegs@fws.gov) prior to any plan, permit submittal, or development activity, including land clearing.