



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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

**STAFF COMMENTS  
 26Z00020**

**BT Rodes, LLC - Padgett Properties Trust (Kelly Delmonico)**

**BU-1-A (Restricted Neighborhood Retail Commercial) and AU (Agricultural Residential)  
 to BU-2 (Retail, Warehousing and Wholesale Commercial)**

Tax Account Number: 2800696, 2800697  
 Parcel I.D.: 28-36-02-00-256, 28-36-02-00-257  
 Location: East side of S. John Rodes Blvd., approximately 750 feet north of  
 W. New Haven Ave. (U.S. Hwy 192) (District 5)  
 Acreage: 2.91 acres

Planning and Zoning Board: 7/13/2026  
 Board of County Commissioners: 8/6/2026

**Consistency with Land Use Regulations**

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal cannot 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>	BU-1-A, AU	BU-2
<b>Potential*</b>	FAR of 1.0 30 dwelling units**	FAR of 1.0 87 dwelling units**
<b>Can be Considered under the Future Land Use Map</b>	Yes RES 6	Yes CC

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

\*\* 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 rezoning from BU-1-A (Restricted Neighborhood Retail Commercial), and AU (Agricultural Residential) to BU-2 (Retail, Warehousing, and Wholesale Commercial) on two parcels for the future development and expansion of an established general contractor’s office that requires indoor and outdoor storage of construction materials and

commercial vehicles. The north parcel is zoned BU-1-A and developed with a contractor's office and a communication tower, and the south parcel is zoned AU and developed with a single-family residence. The applicant has submitted a companion Small-Scale Comprehensive Plan Amendment (SSCPA) application **26SS00006**, requesting to change the Future Land Use Map (FLUM) from Residential 6 (RES 6) to Community Commercial (CC).

The current BU-1-A zoning classification for the north parcel does provide for general contractors' administrative offices, but prohibits outside storage of materials and products. The current AU zoning on the south parcel and a FLUM designation of RES 6 on both properties does not provide for the proposed use of a general contractor's office that requires indoor and outdoor storage of construction materials and commercial vehicles.

The proposed rezoning would extend commercial zoning into an area primarily developed with residential uses and would increase the intensity of permitted uses beyond those currently allowed under the existing BU-1-A and AU zoning classifications. The Board may consider whether this expansion is compatible with the established development pattern of the surrounding area. The closest property with BU-2 zoning classification is located approximately 800 feet south and west of the subject property on the north side of W. New Haven Ave. (U.S. Hwy 192). The applicant has indicated a willingness to enter into a Binding Development Plan agreement to limit BU-2 uses and provide required privacy screening for adjacent properties.

The 0.98-acre north parcel was put in its current configuration when it was split from the property to the north on February 10, 1983, and recorded in OR Book 2410, Page 2366. The property received a variance, **V-1425**, on July 18, 1984, to permit a wooden stockade fence in lieu of the required 6-foot solid masonry wall on the north and east property lines in the BU-1-A zoning classification as required in the Brevard County Code applicable at the time.

The south property developed with the single-family residence retains its original configuration as recorded in Deed Book 388, Page 5.

The subject properties are located on S. John Rodes Blvd., a county-maintained roadway, approximately 750 feet north of W. New Haven Ave. (U.S. Hwy 192). Both parcels are served by the City of Melbourne water. While the north parcel is connected to sanitary sewer service, the south parcel utilizes a septic system. The applicant has indicated that future contractor office development on the southern parcel would eliminate the septic and connect to the City of Melbourne sewer service.

### **Zoning History:**

Agricultural Residential (AU) was the original zoning classification designated for both properties when the zoning code was established on May 22, 1958. The south property retains the original AU zoning designation.

On August, 11 1983, the Board of County Commissioners approved a rezoning of the north property with zoning action **Z-6447**. The owners had applied for a rezoning from AU to BU-1, but the Board restricted the entitlements by only allowing a zoning change to BU-1-A.

The Board of County Commissioners approved a Conditional Use Permit for the replacement of an existing communications tower with a 174-foot monopole tower on March 22, 1999 with zoning action **Z-10209**.

The existing Future Land Use designation of RES 6 was established with the adoption of the Comprehensive Plan Amendment 2010-1 on August 26, 2010 by the Board of County Commissioners.

The BU-2 retail, warehousing and wholesale commercial zoning classification encompasses land devoted to general retail and wholesale business, contracting and heavy repair services and warehousing activities. BU-2 zoning requires a minimum of a 7,500 square-foot lot with a minimum width and depth of 75 feet. 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.

The BU-1-A restricted neighborhood retail commercial zoning classification encompasses lands devoted to limited retail shopping and personal services to serve the needs of nearby low-density residential neighborhoods. BU-1-A zoning requires a lot with an area of not less than 7,500 square feet, having a width and depth of not less than 75 feet. Structures shall contain a minimum of 300 square feet of floor area. General contractor's administrative offices are permitted, but no outside storage or storage in open vehicles is permitted in BU-1-A zoning.

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.

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 designated as affordable under the State of Florida affordability guidelines. In unincorporated Brevard County, the Live Local Act effectively allows for the development of up to 30 dwelling units per acre. The subject property, encompassing all 2.91 acres with approval of rezoning to BU-2, will allow for development options that include either commercial use with a Floor Area Ratio (FAR) of 1.00 or 87 multi-family units as stipulated by the Live Local Act.

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

## Surrounding Area

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	Single-Family Residential	AU	RES 6
<b>South</b>	Single-Family Residential	AU	NC
<b>East</b>	Single-Family Residential	RR-1, RU-1-9	RES 6
<b>West</b>	ROW, Single-Family Residential, Multi-Family Residential, vacant	AU, RA-2-10, R-3 (West Melbourne)	UD-RES (West Melbourne) RES 15, NC

The property to the north of the subject properties is a 0.98-acre parcel, zoned AU with RES 6 FLU designation, and developed with a single-family residence.

South of the subject properties is a 0.99-acre parcel, zoned AU with NC FLU designation, and developed with a single-family residence.

Six properties abut the subject properties to the east, and all are developed with single-family residences. Five of the six properties are zoned RU-1-9 (Single-Family Residential), and the northernmost property is zoned RR-1 (Rural Residential).

West of the subject property across the S. John Rodes Blvd. right-of-way are three parcels within Brevard County jurisdiction and one parcel within the jurisdiction of the City of West Melbourne. The northernmost parcel within Brevard County jurisdiction is 6.8 acres, developed with a single-family residence and zoned AU with RES 15 FLU designation. The second parcel is a vacant 2.9-acre lot and zoned AU with NC FLU, and the southern 0.39-acre parcel is zoned RA-2-10 with NC FLU designation and is vacant. The parcel within the City of West Melbourne is developed with a 316-unit multi-family apartment complex with R-3 multi-family zoning and UD-RES FLU (18 units per acre).

## Future Land Use

The BU-2 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 of the Future Land Use (FLU) Element.

## 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 BU-2 retail, warehousing and wholesale commercial zoning classification encompasses land devoted to general retail and wholesale business, contracting and heavy repair services and warehousing activities. BU-2 requires a minimum lot size of 7,500 square foot lot with a minimum width and depth of 75 feet. 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.**

- B. Existing commercial zoning trends in the area;

**BU-1 (General Retail Commercial) is the predominant commercial zoning classification in the area, mostly centered along the commercial corridor of W. New Haven Ave., approximately 750 feet south of the subject property. Commercial uses in the area include, but are not limited to, convenience stores with gas pumps at the corner of W. New Haven Ave. and John Rodes Blvd., a furniture store, medical marijuana dispensary, and several hotels with TU-2 (Transit Tourist Commercial) zoning in the commercial corridor associated with nearby Interstate 95. There are two properties within a half mile of the subject properties with the BU-2 zoning designation, and both properties abut W. New Haven Blvd.**

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

**The applicant is proposing an expansion of the general contractor's office currently occupying the north parcel to the residential parcel to the south. The BU-2 zoning classification will allow the outdoor storage of equipment and materials that are currently not permitted under the existing BU-1-A and AU zoning. The surrounding area is predominantly developed with single-family residential uses on lots of spacious character, apart from the multi-family apartment complex within West Melbourne jurisdiction located west of the subject properties and a day spa located approximately 600 feet north of the subject property.**

- 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 north parcel is served by the City of Melbourne water and sanitary sewer service. The south parcel is served by the City of Melbourne water and utilizes a septic system. The applicant has indicated that future contractor office development on the southern parcel would eliminate the septic and connect to the City of Melbourne sewer service.**

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

**A portion of the subject property is located within a FEMA-designated X Shaded flood zone, which indicates an area of low-to-moderate risk for flooding. 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,” while Section 62-3723(2) further requires that development within floodplain areas not adversely impact adjoining properties.**

**Protected and Specimen Trees may exist on the south 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 considered an introduction of a higher intensity commercial zoning into the area. The Board may consider mitigating measures by limiting the use to outdoor storage of materials and vehicles consistent with BU-2 zoning. 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 0.62%. The corridor is anticipated to operate at 41.22% 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.

- 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 six (6) FLUM designations within a half mile radius of the subject property. They include Residential 4 (RES 4), Residential 6 (RES 6), Residential 15 (RES 15), Neighborhood Commercial (NC), Community Commercial (CC), and Recreational (REC). The predominant FLU designation in the area is RES 6. The subject property and existing residential uses are located along S. John Rodes Blvd.**

**The character of the surrounding area is low-density, single-family residential, with the residential lots ranging in size from 0.34 acres to 6.8 acres. There are ten (10) different Brevard County zoning designations within a half mile radius of the subject property. Those designations include TR-1 (Single-Family Mobile Home), TU-2 (Transient Tourist Commercial), BU-1-A (Restricted Neighborhood Retail Commercial), BU-1 (General Retail Commercial), BU-2 (Retail, Warehousing, and Wholesale Commercial), AU (Agricultural Residential), RR-1 (Rural Residential), RU-1-9 (Single-Family Residential), RU-1-7 (Single-Family Residential), and RA-2-10 (Single-Family Attached Residential). There is a multi-family residential development that was constructed in 2022 located directly across S. John Rodes Blvd. from the subject properties within the City of West Melbourne jurisdiction.**

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 character of the surrounding area is low-intensity single-family residential, with the residential lots ranging in size from .34 acres to 6.8 acres. The applicant has stated this is an expansion of the current operations. At this time, there is no commercial activity proposed that is not already present within the identified boundaries of the neighborhood.**

**A preliminary concurrency analysis does not indicate that the proposed request would materially or adversely impact the surrounding area. Traffic from the proposed conversation use will impact the surrounding area; the nearby corridor is anticipated to operate within the Maximum Acceptable Volume (MAV) at 41.22% of capacity daily.**

- 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 a community commercial use. The request is for an expansion of an established use of contractor's administrative office, to**

**include the new use of outdoor storage of materials and vehicles. The subject properties are located in an existing residential neighborhood with commercial development approximately 200 feet to the south.**

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 presents multiple commercial, industrial, or other non-residential uses occurring in the vicinity, primarily to the south along the W. New Haven Ave. corridor.**

### **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.

**An Environmental Assessment Report was provided indicating that there are no wetlands on the north parcel. A wetland delineation may be required on the south parcel prior to any land clearing activities, site plan design, or building permit submittal.**

**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 S. John Rodes Blvd., an Urban Minor Arterial roadway, between W. New Haven Ave. and Sheridan Rd. The segment has a MAV of 21,700 trips per day, a LOS of D, and currently operates at 40.60% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.62%. The corridor is anticipated to operate at 41.22% 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.

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

**Both parcels are served by the City of Melbourne water. While the north parcel is connected to sanitary sewer service, the south parcel utilizes a septic system. The applicant has indicated that future contractor office development on the southern parcel would eliminate the septic and connect to the City of Melbourne sewer service.**  
**Environmental Constraints**

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

- Hydric Soils
- Protected and Specimen Trees

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.

The Board may wish to consider whether, absent an agreement to adhere to more stringent buffering requirements than typically required under the BU-2 zoning classification, the more intense uses permitted under the requested classification would have a negative impact on the surrounding area including, but not limited to, unsightly commercial vehicle storage.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item No. 26Z00020**

**Applicant:** Kelly Delmonico (Owners: Padgett Properties Trust and BT Rodes LLC)

**Zoning Request:** BU-1-A and AU to BU-2

**Note:** to establish BU-2 to allow for the expansion of an established business (Building Management Systems, Inc.)

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

**Tax ID No.(s):** 2800696 & 2800697

- 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
- Protected and Specimen Trees

**Land Use Comments:**

**Hydric Soils**

The entire subject site contains mapped hydric soils (EauGallie sand); indicators that wetlands may be present on the property. An Environmental Assessment report was provided indicating that there are no wetlands on parcel no. 2800697. This information is subject to confirmation at the time of permitting. **A wetland delineation at parcel no. 2800696 may be required prior to any land clearing activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). S. John Rodes Boulevard is an MQR at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require no net loss mitigation in Brevard County in accordance with Section 62-3696.

**Protected and Specimen Trees**

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. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**