



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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**STAFF COMMENTS
 25Z00016**

TG Rentals of Brevard, LLC (Bruce A. Moia, P.E.)

RVP (Recreational Vehicle Park) to BU-2 (Retail, Warehousing and Wholesale Commercial)

Tax Account Number: 2409190
 Parcel I.D.: 24-35-35-00-755
 Location: West side of Tucker Ln., 1,320 feet north of Providence Rd.
 (District 1)
 Acreage: 19.8 acres

Planning and Zoning Board: 7/14/2025
 Board of County Commissioners: 8/07/2025

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	RVP	BU-2
Potential*	297 units	FAR of 1.0 594 dwelling units**
Can be Considered under the Future Land Use Map	Yes RES 15	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 change of zoning classification from RVP (Recreational Vehicle Park) on 19.8 acres to BU-2 (Retail, Warehousing and Wholesale Commercial) to build a mini storage facility with an office and RV storage yard. The applicant states the proposed finished site would include 357 covered RV parking spots, 96 mini storage units, and one 300 sq. ft. office

building. The property's current configuration has remained the same since the earliest recorded deed available from February 11, 1982. The subject parcel has access to Tucker Ln., a county-maintained roadway.

There is also a Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, **25SS00005** to change the Future Land Use Element from Residential 15 (RES 15) to Community Commercial (CC). This request, if approved, would provide consistency with the requested zoning of BU-2.

The RVP recreational vehicle park zoning classification encompasses lands devoted for recreational vehicle, tent, park trailer and cabin use together with such ancillary structures as allowed to promote a recreational type atmosphere for both park owners and/or their guests. Outdoor storage of an RV is permitted within a designated area on the property. RVP zoning does not allow for mini storage facilities.

The BU-2 retail, warehousing and wholesale commercial zoning classification encompasses lands devoted to general retail and wholesale business, contracting and heavy repair services and warehousing activities. Outdoor storage and mini-warehouses are permitted with conditions. BU-2 zoning classification requires a principal structure of at least 300 square feet.

The proposed zoning can be considered an introduction and intensification in the area, as the abutting classifications include GML, AU, GU, and RVP. The Board may wish to consider mitigating the potential incompatibilities and introduction by limiting the use to only a storage facility with an office building and RV storage.

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. 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 19.8 acres with approval of rezoning to BU-2, allows for development options that include either commercial use with a Floor Area Ratio (FAR) of 1.00 or 594 multi-family units as stipulated by the Live Local Act.

The original zoning was GU (General Use).

On November 18, 1981, a variance was approved under **V-1128** to permit a borrow pit within the 25-year flood plain in GU zoning.

On December 17, 1981, zoning action **Z-5877** approved to rezone the property from GU to AU with a CUP (Conditional Use Permit) for a borrow pit and a second CUP for a temporary security trailer.

On May 23, 1988, zoning action **Z-8092**, approved a CUP to have a temporary security trailer, renewal for one year and no administrative renewals.

On May 23, 1992, zoning action **Z-8939** was denied for a CUP to have a solid waste facility.

A majority of the subject parcel contains mapped National Wetlands Inventory (NWI), St. Johns River Water Management District (SJRWMD) wetlands, or hydric soils. Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). However, Tucker Lane is not a MQR at this location. An amendment to the Comprehensive Plan would be required to add this segment of Tucker Lane to the MQR map and associated MQR table in the Conservation Element.

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.

There are no special access restrictions along this section of Tucker Lane besides access management requirements as noted in the Code of Ordinances of Brevard County, Section 62-2957. Please note the following potential issues with the site that will be reviewed through the Site Plan process by Engineering:

- There is an existing County maintained ditch "Tucker Outfall" that runs along the east property line. The design will need to allow for the maintenance of this ditch and an associated drainage easement granted to the County will most likely be needed per Code Section 62-3751, Exhibit A – Stormwater Management Criteria, subsection 2.2 (b) and (c).
- The site is within Flood Zone AE. The design will need to ensure no adverse impacts to adjacent properties and provide for compensatory storage per Natural Resources comments.

There are no current code enforcement complaints on the property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Recreational Vehicle Park, Vacant land	RVP, GML	RES 15, PUB
South	Vacant, lake	GU	RES 15
East	Detached garage and lake, Tucker Ln.	AU	RES 15
West	Vacant	AU	RES 15

North of the subject property is two (2) parcels: one is developed as an RV park, 12 acres with RVP zoning classification and RES 15 FLU. A second parcel is 6 acres, vacant with GML zoning classification and PUB FLU.

South of the subject property is one parcel, 20 acres, vacant property that has a lake, with GU zoning classification and RES 15 FLU.

East of the subject property is one parcel 8.16 acres, developed with a detached garage and a lake with AU zoning classification and RES 15 FLU. Also located east is Tucker Lane.

West of the subject property is one parcel 39.89 acres, vacant with AU zoning classification and RES 15 FLU.

The RVP zoning classification encompasses lands devoted for recreation vehicle, tent, park trailer and cabin uses together with such ancillary structures as allowed to promote a recreational type atmosphere for both park owners and/or their guests. Minimum Park size shall be five acres. Recreational vehicle sites shall have a minimum area of 2,000 square feet and shall have a minimum width of 30 feet and minimum depth of 60 feet.

As defined, spaces or lots may be used by a recreational vehicle or equivalent facilities constructed in or on automotive vehicles, or tents, or other short-term housing devices. Cabins or park trailers used for short-term rentals may comprise no more than 20 percent of the permitted space or lots and shall not exceed a maximum of 1,000 square feet each in size.

The purpose of the GML government managed lands zoning classification is to recognize the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations (NGOs) providing economic, environmental and/or quality of life benefits to the county, electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission, and related entities.

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

The AU zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

The proposed BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic, and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage.

Future Land Use

The existing RVP zoning classification can be considered consistent with the RES 15 FLUM designation. The proposed BU-2 zoning is not consistent with the existing RES 15 FLUM designation. A Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, **25SS00005, request** for Community Commercial (CC) FLU designation, would allow the proposed zoning and future land use to be consistent, if approved.

FLUE Policy 2.2 - The zoning process regulates the types and intensities of uses for a parcel of land. Criteria which aid in assessing zoning compatibility, shall include consideration of the following standards:

Criteria:

- A. Permitted/prohibited uses;

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

- B. Existing commercial zoning trends in the area;

The closest commercial zoning of BU-1 and BU-2 uses are located north of the subject property along the State Road 520 corridor within the County's jurisdiction. Within 0.5-mile radius, commercial uses include, but not limited to, a McDonald's, a retail fireworks store, and a couple of convenience stores. In

addition, there is a property with TU-2 zoning classification developed as a Holiday Inn hotel.

To note, there is one property with BU-1 zoning classification less than 0.50 miles north of the subject property that is developed with a single-family mobile home on the 0.77-acre property.

The most recent commercial developments have occurred in the City of Cocoa jurisdiction, being a car dealership constructed in 2022. There were 2 more car dealerships within the same area developed in 2018. All three of the car dealerships are located on the north side of State Road 520.

The nearest BU-2 zoning classification is approximately 1.2 miles northwest of the subject property.

The abutting east property is developed with a detached garage building, with AU zoning, per the Brevard County Property Appraiser's Office.

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

Staff analysis has determined the surrounding area north and west of the subject property is a mixture of residential mobile homes, an RV park, and large vacant lots. Currently, there is only one residential dwelling unit south of the subject property. On Providence Road, over half a mile to the west, there are approximately over a hundred acres of Saint Johns River Water Management conservation lands.

The closest commercial use is the Holiday Inn Express located approximately 0.7 miles north of the subject property adjacent to the State Road 520 corridor.

The Board may wish to consider mitigating the potential incompatibilities and introduction by limiting the use to only a storage facility with an office building and RV storage.

- D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;

The preliminary concurrency analysis did not indicate that the proposed development has the potential to cause a deficiency in the transportation adopted level of service.

The subject property is within the City of Cocoa's access for potable water and Brevard County Utilities for sewer.

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

A majority of the subject parcel contains mapped National Wetlands Inventory (NWI), St. Johns River Water Management District (SJRWMD) wetlands, or hydric soils. A wetland delineation will 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 (FEMA), and as shown on the FEMA Flood Map.

Federally and/or state protected species may be present on the property.

- 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 the regulations of Section 62-1483, 62-1833.5, and 62-1837 of Brevard County Code. And Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan stage should the zoning change be approved.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

The applicant proposed use of an RV storage yard and a mini storage facility is not anticipated to affect the quality of life, hours of operation, lighting, odor, noise levels, or traffic in the existing area. A proposed concept plan has not been provided.

This property will need to comply with the regulations of Section 62-1483, 62-1833.5, and 62-1837 of Brevard County Code. And Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan stage should the zoning change be approved.

Traffic from the proposed development will impact the surrounding area, however, the corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The maximum development potential from the proposed FLUM amendment increases the percentage of MAV utilization by 2.06%. The corridor is anticipated to operate at 55.38% of capacity daily. To note: Concurrency is completed using

State Road 520 as Tucker Lane has no preliminary traffic management count information. Specific concurrency issues will be addressed at the time of site plan review.

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

Only a certified MAI (Member Appraisal Institute) appraisal can determine if material reduction has or will occur due to the proposed request.

- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns;

Within the 0.5-mile radius of the subject property, there are four (4) FLU designations: RES 15, NC, PUB, and RES 2. RES 15 is the predominant FLU designation.

The existing pattern is a mixture of residential mobile homes, residential dwellings, an RV park, and large vacant lots.

There have been no FLUM amendments within one-half mile of the subject property in the past three years.

There are several zoning classifications within the 0.5-mile radius of the subject property, with the predominant zoning classification being AU.

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

There has been no new development 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.

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

- **21Z00038: On 2/3/3022, approved rezoning from GU to AU on 4.81 acres.**

- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Only a certified MAI (Member Appraisal Institute) appraisal can determine if material reduction has or will occur due to the proposed request.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic, parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

Staff analysis indicates that on the west side of I-95 along Tucker Lane, a local rural road has a mix of both vacant and residential developed properties. There are no commercial developments within the 0.5-mile radius of the subject property.

The companion request for BU-2 would be considered an introduction of a new zoning classification in the area.

The BU-2 zoning classification is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted (i.e., major auto-repair facilities, paint and body shops, and contractor storage yards). Off-site impacts such as noise, light, traffic, and other potential nuisance factors associated with BU-2 activities should be considered.

- 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.

This segment of Tucker Lane is a paved roadway. The area is not considered an established residential neighborhood.

- 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.

There are no other neighborhood commercial uses within 0.50 miles of the subject. There is an existing tiny home community and a large RV park to the north, which abuts single-family residential, as well as a large single-family development proposed south of Providence Road within the City of Rockledge's jurisdiction of over 950 homes. The applicant's proposal would not preclude the existence of an existing residential neighborhood.

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

This area is presumed to be primarily residential in nature including both permanent and temporary. The proposed zoning would be the first commercial zoning to be approved in the area within the past five 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.

A majority of the subject parcel contains mapped National Wetlands Inventory (NWI), St. Johns River Water Management District (SJRWMD) wetlands, or hydric soils. A wetland delineation will 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 (FEMA), and as shown on the FEMA Flood Map.

Federally and/or state-protected species may be present on the property.

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

Preliminary Concurrency

The closest concurrency management segment to the subject property is S.R 520, between Friday Rd. and I-95, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 53.31% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 2.06%. The corridor is anticipated to operate at 55.38% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

No school concurrency information has been provided as the proposed project is a commercial development and not intended for residential uses.

The subject property is within access for City of Cocoa's potable water and Brevard County Utilities for sewer.

Environmental Constraints

- Wetlands and Hydric Soils
- Floodplain Protection
- Protected and Specimen Trees

- Protected Species
- Potential Code Enforcement

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. 25Z00016

Applicant: Bruce Moia (Owner: TG Rentals of Brevard LLC)

Land Use Request: RVP to BU-2

Note: for development of RV and Mini Storage Facility

LPA Hearing: 06/26/2025; **BCC Hearing:** 07/17/2025

Tax ID No.: 2409190 (19.8 acres)

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Floodplain Protection
- Protected and Specimen Trees
- Protected Species
- Potential Code Enforcement

Land Use Comments:

Wetlands and Hydric Soils

A majority of the subject parcel contains mapped National Wetlands Inventory (NWI), St. Johns River Water Management District (SJRWMD) wetlands, or hydric soils (Anclote sand, frequently ponded, 0 to 1 percent slopes; Riviera sand, 0 to 2 percent slopes; and Tomoka muck, undrained); indicators that wetlands may be present on the property. **A wetland delineation will 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). However, Tucker Lane is not a MQR at this location. An amendment to the Comprehensive Plan would be required to add this segment of Tucker Lane to the MQR map and associated MQR table in the Conservation Element.

Additionally, 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 mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Floodplain Protection

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 property is likely within the St. Johns Riverine floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. If confirmed, the property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, **including compensatory storage and filled footprint restrictions.**

Per Section 62-3723(4), elevations of the riverine 100-year, riverine 25-year, and ten-year floodplains shall be determined utilizing the best available data, which includes FIRM maps and the Flood Insurance Study for Brevard County, Florida and Unincorporated Areas, April 3, 1989, prepared by the Federal Emergency Management Agency; and the Mean Annual, 10-Year, 25-Year and 100-Year Profiles for the Upper St. Johns River Under the Existing Conditions, prepared by Dr. Donthamesetti V. Rao, P.E., St. Johns River Water Management District (March 1985). Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties." **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal or performing any land clearing activities.**

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements and buffer requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

Protected Species

Federally and/or state protected species may be present on the property. As applicable, prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service.

