

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 25S.11 (25SS00006)*  
**Township 20, Range 35, Section 31**

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**Property Information**

**Owner / Applicant:** Still Florida Properties, LLC/ Land Development Strategies

**Adopted Future Land Use Map Designation:** Neighborhood Commercial (NC) and Residential 2 (RES 2)

**Requested Future Land Use Map Designation:** Community Commercial (CC)

**Acreage:** 3.49 acres

**Tax Account #** 2000338

**Site Location:** 4150 Highway 1 Mims, FL 32754

**Commission District:** 1

**Current Zoning:** Agricultural Residential (AU)

**Requested Zoning:** BU-1 (General Retail Commercial)

**Background & Purpose**

The applicant is requesting a Small-Scale Comprehensive Plan Amendment (SSCPA) from NC and RES 2 FLU designation on 3.49 acres to CC FLU designation to allow for commercial use and future development of the subject property. After a phone call with the applicant, it was clarified that, "The property owner desires to construct a flex-contractor office building with a layout of several units and no outside storage to allow for permitted uses within the BU-1 zoning district."

The subject parcel has access to Highway 1, a state-maintained roadway. The subject parcel is currently undeveloped and is located on the west side of Highway 1, approximately 455 feet south of Grantline Road.

The applicant has a companion rezoning application, **25Z00019**, to change the AU zoning classification to BU-1 zoning classification.

The property's current configuration has remained the same since the earliest recorded deed available from February 05, 1962.

The subject property retains two original FLU designations established in 1988 by the Brevard County Comprehensive Plan: RES 2 and NC.

The proposed FLU designation is established in the area surrounding the subject property and is primarily located along the Highway 1 corridor. The requested CC FLU designation embodies activities which are intended to serve several neighborhoods, sub-regional and regional areas, and provide an array of retail, personal, and professional uses.

The current RES 2 land use designation permits lower density residential development with a maximum density of up to two (2) units per acre, except as otherwise may be provided for within this element.

The current NC development activities are intended to be low impact in nature and serve the needs of the immediate residential area. Intrusion of these land uses into surrounding residential areas shall be limited. Existing BU-1-A uses, which were established as of the adoption date of this provision shall be considered consistent with this policy.

The subject property is located within the 2007 Mims Small Area Study, situated approximately 0.6 miles north of Lionel Road. The study notes that commercial needs should generally be focused on providing goods and services to Mims residents, as opposed to larger regional markets. The commercial character in Mims north of Lionel Road should be minimal, in keeping with the area's current and future low-density rural character. Please be advised, this is from a study note that was not part of the adopted actions.

There are no current code enforcement complaints on the property.

### **Surrounding Land Use Analysis**

|              | <b>Existing Land Use</b>              | <b>Zoning</b> | <b>Future Land Use</b> |
|--------------|---------------------------------------|---------------|------------------------|
| <b>North</b> | Single-family residence               | AU            | RES 2                  |
| <b>South</b> | Vacant                                | BU-1          | CC                     |
| <b>East</b>  | Highway 1                             | N/A           | N/A                    |
| <b>West</b>  | Vacant, Residential related amenities | AU            | RES 1                  |

North of the subject property is one (1) parcel, 3.37 acres developed with a single-family residence, AU zoning classification and RES 2 FLU.

South of the subject property is one parcel, 2.15 acres, vacant property with BU-1 zoning classification and CC FLU.

East of the subject property is Highway 1, a four lane, state-maintained roadway.

West of the subject property is three (3) parcels: one (1) parcel, 1 acre of vacant land, a second parcel, 1.07 acres with residential related amenities and a third parcel, 1.07 acres of vacant land with all three parcels having AU zoning classification and RES 1 FLU.

The Residential 1 (RES 1) land use designation permits low density residential development with a maximum density of up to one (1) unit per acre, except as otherwise may be provided for within this element.

The Residential 2 (RES 2) land use designation permits lower density residential development with a maximum density of up to two (2) units per acre, except as otherwise may be provided for within this element.

Community Commercial (CC) development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses.

### **Future Land Use**

The AU zoning classification can be considered consistent with the NC Future Land Use designations provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County’s Comprehensive Plan if provided by Policy 2.10 of the Future Land Use (FLU) Element. The AU zoning can be considered consistent with the RES 2 Future Land Use designations. The proposed BU-1 zoning classification cannot be considered consistent with the RES 2 or NC. The proposed BU-1 zoning classification may be considered consistent with the requested CC Future Land Use designation.

### **Comprehensive Plan Policies/Comprehensive Plan Analysis**

Comprehensive Plan Policies are shown in plain text; Staff Findings of Fact are shown in **bold**.

**Notice:** The Comprehensive Plan establishes the broadest framework for reviewing development applications and provides the initial level of review in a three layer screening process. The second level of review entails assessment of the development application’s consistency with Brevard County’s zoning regulations. The third layer of review assesses whether the development application conforms to site planning/land development standards of the Brevard County Land Development Code. While each of these layers individually affords its own evaluative value, all three layers must be cumulatively considered when assessing the appropriateness of a specific development proposal.

### **Role of the Comprehensive Plan in the Designation of Commercial Lands FLUE Policy 2.1**

The Comprehensive Plan takes into consideration broad criteria for evaluating

requests for commercial land use designations within Brevard County. At a minimum, these criteria address the following:

**Criteria:**

- A. Overall accessibility to the site;

**The subject parcel has direct access to Highway 1.**

- B. Compatibility and inter-connectivity with adjacent adopted Future Land Use designations and land uses;

**The request may be considered compatible with the adjacent land use designations to the south of the subject property as an extension of the CC cluster less than 10 acres total. There is no interconnectivity as the proposal does not include connecting with abutting parcels. The proposed use may also be compatible with adjacent residential land use, with compliance of applicable land development regulations and consideration of limiting the use to a flex warehouse building.**

- C. Existing commercial development trend in the area;

**The closest commercial FLU is the abutting south property which has CC FLU designation.**

**The closest commercial zoning of BU-1 is the abutting south property. The closest BU-2 property is located approximately 0.1 miles south of the subject property and is developed with a business, Pure Clean Systems Inc.**

**The most recent commercial development was a trucking terminal and warehouse in 2023. This property is located south of the subject property, approximately 0.10 miles.**

- D. Fundamental changes in the character of an area prompted by infrastructure improvements undertaken by the County;

**No fundamental changes in the character of the area prompted by infrastructure improvements undertaken by the County have been identified.**

- E. Availability of required infrastructure at/above adopted levels of service;

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

**The subject property is not within limits for centralized water and sewer service. The subject property will need to provide their own services for water and sewer.**

F. Spacing from other commercial activities:

**Commercial activities are located south of the subject property, approximately 0.1 miles and is uses as a commercial cleaning business, Pure Clean Systems, Inc.**

G. Size of proposed commercial designation compared with current need for commercial lands;

**A market study was neither provided nor required.**

H. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems:

**The subject parcel contains mapped National Wetlands Inventory (NWI) wetlands, and hydric soils (Anclote sand), as shown on the NWI Wetlands, and USDA Soil Conservation Service Soils Survey maps, respectively. All are indicators that wetlands may be present on the property. An Environmental Assessment (Report) prepared by Atlantic Environmental in January 2025, found approximately 1.93 acres of wetlands and 1.56 acres of uplands on the site. The wetland delineation shall be verified at time of site plan submittal.**

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

**See the attached NRM comments at the end of this report.**

I. Integration of open space; and

**The provisions of this Criterion will be addressed at the site plan stage.**

J. Impacts upon strip commercial development.

**FLUE Policy 2.12 discourages strip commercial development. This request is not an extension of strip commercial development.**

## **Locational and Development Criteria for Community Commercial Uses**

### **FLUE Policy 2.8**

Locational and development criteria for community commercial land uses are as follows:

#### **Criteria:**

- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.

**The proposed CC encompasses approximately 3.49 acres and would extend the current CC cluster to a new total of approximately 9.31 acres. The CC node is directly on Highway 1 between Carter Road and Richy Road. This section of US 1 is noted by the Space Coast Transportation Planning Organization as an Urban Principal Arterial roadway.**

**The proposed amendment does meet the locational and development criteria set forth by FLUE Policy 2.8.**

- B. Community commercial complexes should not exceed 40 acres at an intersection.

**The subject site is not located at an intersection and will not exceed 40 acres.**

- C. Community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.

**The proposal is an extension of an already existing CC cluster of approximately 9.31 acres. There is another Community commercial cluster to the south of located between Richy Road and McCullough Road.**

- D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size unless within a Planned Unit Development (PUD) zoning classification. The square footage may be increased if it is located within a PUD zoning classification.

**The subject property is less than 10 acres, however, if approved, it would be part of an approximate 9.31 acre CC cluster. Therefore, the CC cluster would**

**be less 10 acres which allows for 150,000 square feet maximum for gross floor area.**

- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites unless accompanied with a PUD zoning classification wherein the FAR may be increased up to 1.75.

**This application does not accompany a PUD zoning request; therefore, the FAR will be limited to 1.00.**

- F. Recreational vehicle parks shall be located in areas which serve the needs of tourists and seasonal visitors to Brevard County. The location of recreational vehicle parks shall have access to interstate interchanges via arterial and principal collector transportation corridors or the property shall be located on a major multi-county transportation corridor.

**The applicant has not proposed a recreational vehicle park on the subject property.**

### **FLUE Administrative Policy 3**

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

#### **Criteria:**

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

**This property will need to comply with the regulations of Section 62-1483 and 62-4342 of Brevard County Code. In addition, the 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 0.09%. The corridor is anticipated to operate at 27.81% of capacity daily. Specific concurrency issues will be addressed at the time of site plan review.**

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

**Only a certified MAI appraisal can determine if material reduction has or will occur due to the proposed use.**

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 1, RES 1:2.5, RES 2, NC and CC. RES 1 is the predominant FLU designation.**

**The existing pattern is a mixture of residential dwellings, a commercial cleaning business, a trucking terminal with a warehouse 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: AU, RR-1, SR, BU-1, BU-2 and IN(L) within the 0.5-mile radius of the subject property, with the predominant zoning classification being AU.**

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

**One new development has occurred within 0.5 miles of the subject property within the last three years. It is located approximately 0.2 miles south of the subject property and is developed as a trucking terminal.**

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:**

- **24Z00003: On 5/2/3024, approved rezoning from RR-1 to AU(L) on 3.33 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 appraisal can determine if material reduction has or will occur due to the proposed request.**

#### **FLUE Administrative Policy 4**

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 (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

**Staff analysis of a preliminary traffic concurrency indicates the proposed use will not materially and adversely impact the established residential area by introducing types or intensity of traffic, parking, trip generation. The proposed flex warehouse building with several units is a new commercial activity in the adjoining area that is not already present. However, the proposal is not within the identified boundaries of a neighborhood, but will abut a lot with a single-family residence.**

- B. In determining whether an established residential neighborhood exists, the following factors must be present:

1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

**The area is not considered an established residential neighborhood. However, there are clearly established boundaries such as roads and open spaces.**

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

**The surrounding is considered a residential area, not residential neighborhood. The proposed use would not preclude the existence of the existing residential area.**

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

**This area is presumed to be predominantly residential. The proposed zoning would be the first commercial zoning to be approved in the area within at least 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.

**The subject parcel contains mapped National Wetlands Inventory (NWI) wetlands, hydric soils (Anclothe sand) and USDA Soil Conservation Service Soils Survey maps, respectively. All are indicators that wetlands may be present on the property.**

**This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, as identified by the Federal Emergency Management Agency (FEMA), and as shown on the FEMA Flood Map.**

**Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along “Mitigation Qualified Roadways” (MQRs). U.S. Highway 1 is an MQR at this location. If wetlands are confirmed, 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 accordance with Section 62-3696.**

**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 U.S. 1, between Lionel Rd. and Burkholm Rd., which has a Maximum Acceptable Volume (MAV) of 40,300 trips per day, a Level of Service (LOS) of C, and currently operates at 27.72% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.09%. The corridor is anticipated to operate at 27.81% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be addressed at the time of site plan review. This is only a preliminary review and is subject to change.

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

The subject property is not within access for centralized water or sewer. The subject property will have to provide their own services for water and sewer.

### **Environmental Constraints**

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

- Wetlands and Hydric Soils
- Floodplain Protection
- 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 should consider if the request is consistent and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item No. 25Z00019**

**Applicant:** Kelly Delmonico (Owners: Still Florida Properties LLC)

**Land Use Request:** RES 2 to CC

**Note:** to allow for commercial use and future development of flex-warehouse building

**Zoning Hearing:** 08/18/2025; **BCC Hearing:** 09/04/2025

**Tax ID No.:** 2000338 (3.49 ac)

- 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

**Land Use Comments:**

**Wetlands and Hydric Soils**

The subject parcel contains mapped National Wetlands Inventory (NWI) wetlands, and hydric soils (Anclothe sand), as shown on the NWI Wetlands, and USDA Soil Conservation Service Soils Survey maps, respectively. All are indicators that wetlands may be present on the property. An Environmental Assessment (Report) prepared by Atlantic Environmental in January 2025, found approximately 1.93 acres of wetlands and 1.56 acres of uplands on the site. The wetland delineation shall be verified at time of site plan submittal.

Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). U.S. Highway 1 is an MQR at this location. If wetlands are confirmed, 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 accordance with Section 62-3696.

### **Floodplain Protection**

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

### **Protected and Specimen Trees**

Protected ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  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. According to the Report by Atlantic Environmental, no gopher tortoises or burrows were observed during the site visit on January 22, 2025. However, due to potentially suitable habitat in the uplands of the site, Atlantic Environmental recommends that a formal gopher tortoise survey be conducted prior to land clearing/development. 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, as applicable prior to any plan, permit submittal, or development activity, including land clearing. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.