

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 25S.10 (25SS00005)*  
**Township 24, Range 35, Section 35**

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**Property Information**

**Owner / Applicant:** TG Rentals of Brevard, LLC/ MBV Engineering, Inc.

**Adopted Future Land Use Map Designation:** Residential 15 (RES 15)

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

**Acreage:** 19.8 acres

**Tax Account #** 2409190

**Site Location:** West side of Tucker Ln., 1,320 feet north of Providence Rd.

**Commission District:** 1

**Current Zoning:** Recreational Vehicle Park (RVP)

**Requested Zoning:** BU-2 (Retail, Warehousing and Wholesale Commercial)

**Background & Purpose**

The applicant requests a Small-Scale Comprehensive Plan Amendment (SSCPA) to change the Future Land Use Map (FLUM) from Residential 15 (RES 15) to Community Commercial (CC) on a 19.8-acre parcel for the purpose of a storage facility with an office building and RV storage. The applicant has a companion rezoning application, **25Z00016**, requesting a change from RVP (Recreational Vehicle Park) to BU-2 (Retail, Warehousing and Wholesale Commercial). The subject parcel is currently undeveloped and is located on the west side of Tucker Ln. approximately 1,320 feet north of Providence Rd.

The property's current configuration has remained the same since the earliest recorded deed available from February 11, 1982.

The subject property retains its original FLU designation established in 1988 by the Brevard County Comprehensive Plan: RES 15.

The proposed FLU designation can be considered an introduction and intensification in the area, as the current surrounding designations are Public, NC, and RES 15. 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.

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 Land Use Analysis**

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

Residential 15 (RES 15) FLU designation affords the second highest density allowance, permitting a maximum density of up to fifteen (15) units per acre, except as otherwise may be provided for within this element.

Public Facilities (PUB) FLU designation is used to provide for adequate lands to meet the existing and future needs for public facilities and services.

### **Future Land Use**

The RVP zoning classification is consistent with the RES 15 Future Land Use designations provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. The proposed BU-2 zoning classification cannot be considered consistent with the RES 15 FLU. The proposed BU-2 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 Tucker Lane. In addition, traveling north, the subject property has access to State Road 520.**

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

**The Board may consider if the request is compatible with the surrounding area. However, the proposed development may serve several nearby permanent and temporary residential areas, including a potential large development within the City of Rockledge south of the subject property across Providence Road. There is no interconnectivity, as this is a separate development with no other proposed or existing commercial abutting it.**

- C. Existing commercial development trend in the area;

**The closest commercial FLU is Neighborhood Commercial (NC), which is approximately 100 feet northwest of the subject property, developed as an RVP. The closest CC FLU is located over 0.5 miles north of the subject and is developed with a Holiday Inn hotel.**

**To note, there is one property with BU-1 zoning classification with RES 15 FLU approximately 0.4 miles north of the subject property that is developed with a single-family mobile home on the 0.77-acre property.**

**However, 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 S.R. 520.**

**Existing commercial BU-2 uses within the County jurisdiction are approximately 1.2 miles northwest of the subject property.**

- 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 within access to centralized potable water provided by the City of Cocoa and is within access to Brevard County Utilities for sewer. Concurrency will be reviewed during the site plan process.**

- F. Spacing from other commercial activities:

**Community Commercial activities are located north of the subject parcel along State Road 520 and intersection of Tucker Lane approximately 0.7 miles from the subject property .**

- 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 property has been reviewed by the Brevard County Natural Resources Management (NRM) Department for adherence to the objectives and policies of the Conservation Element of the Comprehensive Plan. The property is reported to contain mapped aquifer recharge soils, which may limit development and potentially impose impervious area restrictions.**

**A majority of the property is mapped as being within the floodplain as identified by FEMA and is subject to the development criteria in Objective 4 of the Conservation Element.**

**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 19.8 acres. Tucker Lane is considered a local rural road; it is not classified as a principal arterial road. However, Tucker Lane does intersect S.R. 520, which is classified as an Urban Principal Arterial Road based on data from the Space Coast Transportation Planning Organization.**

**The Board may consider the request based on the “should” be located at arterial/arterial intersections to be satisfied through an alternative action of limiting use to RV Storage.**

#### **Glossary definition:**

**Should - expresses obligation; mandatory action necessary unless it can be clearly demonstrated that:**

- a. Strict application will be contrary to the public interest;
- b. The public values being protected are insignificant and strict application will result in an excessive hardship to the project;
- c. Strict application will place an excessive hardship on the project, and an alternative action is available which is equal to or superior than the original requirements in reaching the policy's objective, or;**
- d. The activity is not financially feasible for the local government.

**Staff analysis indicates storage with 500 units would produce 45 weekday trips based on data from ITE Trip Gen 11<sup>th</sup> edition. The Board may wish to consider mitigating the potential intrusion of this land use into the**

**surrounding residential areas through the rezoning by limiting the use to only a storage facility with an office building and RV storage.**

- 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 does not meet the spacing criteria for community commercial clusters. Approximately 0.70 miles north of the subject property along State Road 520 and Tucker Lane is a cluster of community commercial, 18.51 ± acres.**

- 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 over 10 acres but less than 40 acres, therefore the gross floor area shall not exceed 400,000 square feet.**

- 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;

**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 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 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

**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.

**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 2/3/2022, approved rezoning from GU to AU on 4.81 acres, approximately 700 feet to the south.**

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 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. The proposed use may be considered compatible within the surrounding area if the BU-2 uses were limited to just the proposed RV storage and mini storage facility. 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 proposed 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, permanent and temporary. 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.

**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**

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

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

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.

In its analysis of this Policy, the Board may consider whether Policy 2.8 may be satisfied through alternative means, specifically whether limiting uses to RV storage would mitigate concerns of being located on a local road.

The Board should consider if the request is consistent with the Policy 2.8 Locational and separation criteria.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Land Use Review & Summary**  
**Item No. 25SS00005**

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

**Land Use Request: RES 15 to CC**

**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 ( $\geq 10$  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. 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.