



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

22Z00060

Ronald Abbott; Abbott Manufactured Housing, Inc.

BU-1 (General Retail Commercial) with an existing BDP to BU-2 (Retail, Warehousing and Wholesale Commercial) and removal of existing BDP

Tax Account Number: 3010400

Parcel I.D.: 30-38-11-00-504.1

Location: North side of Barefoot Blvd. approximately 200 feet west of Highway 1
(District 3)

Acreage: 4.58 acres

Planning & Zoning Board: 01/09/2023

Board of County Commissioners: 02/02/2023

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	BU-1	BU-2
Potential*	197,327 sq ft commercial (using 1.0 FAR for CC)	197,327 sq ft commercial (using 1.0 FAR for CC)
Can be Considered under the Future Land Use Map	YES CC	YES CC

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

Background and Purpose of Request

The applicant is requesting a change of zoning classification from BU-1 (General Retail Commercial) with a BDP to BU-2 (Retail, Warehousing and Wholesale Commercial) and removal of BDP on a 4.58-acre parcel for future development as boat and RV outdoor and covered storage. The subject parcel is currently undeveloped and has frontage on Barefoot Boulevard.

The subject parcel was recorded into the current configuration per Official Records Book 4491, Page 721 on December 14, 2001. The parcel was rezoned from AU and BU-1 to RU-2-8 with a BDP recorded in ORB 5422, Pages 5749 – 5757 and approved under **Z-11034** on February 15, 2005, limiting the use of the subject property as a 55 and older adult residential development. The parcel was rezoned from RU-2-8 to BU-1 on May 1, 2008, as zoning action **Z-11418**.

Land Use

The subject property is currently designated as Community Commercial (CC) FLU. The existing BU-1 zoning can be considered consistent with the existing CC FLU designation.

The proposed BU-2 zoning can be considered consistent with the proposed Community Commercial (CC) FLU designation.

Applicable Land Use Policies

FLUE Policy 2.2 - Role of Zoning Regulations in the Designation of Commercial Lands

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;
- B. Existing commercial zoning trends in the area;
- C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;
- D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;
- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and
- F. Other issues which may emerge specific to a particular property which may be addressed through performance based zoning criteria.

The applicant is requesting BU-2 (Retail, Warehousing and Wholesale Commercial) zoning for future development of the parcel as boat and RV outdoor and covered storage. The BU-2 zoning classification allows outside storage of retail items of substantial size or items which must remain outside of a building of necessity, as provided in sec. 62-1483. Such retail items include, but are not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

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 is requesting BU-2 (Retail, Warehousing and Wholesale Commercial) zoning for future development of the parcel as boat and RV outdoor and covered storage.

Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan review stage should the zoning and Future Land Use change be approved.

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 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;

The surrounding area is commercial in character. There are two (2) FLU designations within 500 feet of the subject site: CC and RES 4. The predominant FLU designation along Barefoot Boulevard is CC.

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

There has not been any actual development within this area in the preceding three (3) years.

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

There has not been any development approved but not yet constructed within this area in the preceding three (3) years.

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.

The developed character of the surrounding area is predominantly commercial in the vicinity of Highway 1, with single-family residential further west along Barefoot Boulevard. There is an existing pattern of BU-1 zoning surrounding the subject parcel. This request may be considered an introduction of BU-2 along Barefoot Boulevard. The closest BU-2 zoning is located 500 ft to the northwest of the subject property on a 1.65-acre parcel currently utilized as warehousing off Falcon Drive.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Vacant	BU-1	CC
South	Shopping Center	BU-1	CC
East	Retail Store	BU-1	CC
West	Religious Institution	BU-1	CC

To the north is an undeveloped 5.67-acre parcel with BU-1 zoning. To the south is an 8.54-acre parcel developed as shopping center with BU-1 zoning. To the east is a 1.16-acre parcel developed as retail store with BU-1 zoning. To the west, is a 3.65-acre parcel developed as a religious institution with BU-1 zoning.

The current BU-1 classification encompasses land devoted to general retail shopping, offices and personal services to serve the needs of the community and allows for retail commercial land uses on minimum 7,500 square foot lots. The minimum floor area is 300 square feet. The BU-1 classification does not permit warehousing or wholesaling. The BU-1 classification does not allow for outdoor storage.

The proposed BU-2 classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. Possible incompatibilities are due to the intensive nature of commercial activities permitted by the BU-2 classification and possible noise, light, traffic and other nuisance factors potentially associated with BU-2 activities. 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 IN(L) classification is an Institutional (Light) zoning classification, intended to promote low impact private, nonprofit, or religious institutional uses to service the needs of the public for facilities of an educational religious, health or cultural nature.

The AU zoning classification permits single-family residences and agricultural uses 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 and plants nurseries.

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.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US 1, from Micco Road to First Street, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 37.11% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 9.27%. The corridor is anticipated to operate at 46.38% 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.

The concurrency analysis provided above is preliminary and represents an estimate of impacts resulting from the maximum permissible uses under the proposed zoning classification. However, if a site plan for the property is submitted and the development proposal will cause a deficiency of the above mentioned levels of service, then the County reserves the right to exercise the following options: deny or defer the proposal; cause the proposal to be modified to achieve consistency with the minimum LOS; or process the proposal as a conditional development permit pursuant to Section 62-604 of the Brevard County Code of Ordinances.

No school concurrency information has been provided as the development proposal is for commercial and not residential use.

The parcel is within the Brevard County utilities service area for public water and sewer.

Environmental Constraints

- Aquifer Recharge
- Floodplain
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- Protected Species

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

For Board Consideration

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

NATURAL RESOURCES MANAGEMENT (NRM) DEPARTMENT
Zoning Review & Summary
Item #22Z00060

Applicant: Hyvonen for Abbott

Zoning Request: BU-1 to BU-2

Note: Applicant wants to offer boat/RV outdoor and covered storage.

Zoning Hearing Date: 01/09/23; **BCC Hearing Date:** 02/02/2023

Tax ID Nos: 2000693

- 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:

- Aquifer Recharge
- Floodplain
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- Protected Species

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Land Use Comments:

Aquifer Recharge Soils

The site has mapped aquifer recharge soils (Paola fine sand, 0 to 8 percent slopes, Basinger sand, and Candler fine sand). The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Floodplain

A very small portion of the northwest corner of project area is mapped as being within the estuarine floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Chapter 62, Article X, Division 5, Section 62-3723(2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Indian River Lagoon Nitrogen Reduction Overlay

The northern one-quarter to one-third of the property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Protected and Specimen Trees

Protected and Specimen Trees may exist on the parcel. Per 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.

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. There is potential for the presence of Gopher Tortoises on site. 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 and/or U.S. Fish and Wildlife Service, as applicable.