

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

Small Scale Plan Amendment 24S.01 (24SS00001)
Township 28, Range 36, Section 24

Property Information

Owner / Applicant: **West Malabar Properties, LLC.**

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

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

Acreage: 4.58

Tax Account #: 2806110, 2806111, 2806112 & 2806115

Site Location: Southwest corner of Minton Road and Hield Road

Commission District: 5

Current Zoning: Agricultural Residential (AU) and Residential Professional (RP)

Requested Zoning: Retail, Warehousing and Wholesale Commercial (BU-2) (24Z00004)

Background & Purpose

The applicant is requesting a Small-Scale Comprehensive Plan Amendment (SSCPA) to change the Future Land Use Map from Residential 2 (RES 2) on 3.58 acres and Neighborhood Commercial (NC) on 1.0 acre to all CC for the proposed BU-2 zoning to be consistent with the Future Land Use Element. The subject parcel is located on the southwest corner of Minton Road and Hield Road, both are county-maintained roadways. The city of West Melbourne is on the east side of Minton Road and further south along the west side of Minton Road.

The applicant has a companion rezoning application, **24Z00004**, requesting a change from AU (Agricultural Residential) and RP (Residential Professional) to all BU-2 (Retail, Warehousing and Wholesale Commercial). The applicant is proposing to construct a mini storage facility on a portion of the property.

Tax account: 2806112 has its original zoning of AU (Agricultural Residential).

The original zoning of the RP zoned parcels was AU.

Tax account: 2806115 was rezoned on August 24, 1987, per zoning action **Z-7867** from AU to RP (Residential-Professional).

Tax account: 2806111 was rezoned on June 22, 1992, per zoning action **Z-8979** from AU to RP (Residential-Professional).

Tax account: 2806110 was rezoned on August 29, 1996, per zoning action **Z-9766** from AU to RP (Residential-Professional).

Comprehensive Plan Policies/Comprehensive Plan Analysis

The BU-2 zoning classification is not considered consistent with the existing RES 2 or NC Future Land Use designations; however, the proposed BU-2 zoning classification may be considered consistent with the requested Community Commercial (CC) Future Land Use Map designation.

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 parcels are located on the southwest corner of Minton Road and Hield Road, both are county-maintained roadways. The applicant has provided a proposed site plan included with the rezoning application. This is not a requirement for rezoning nor Future Land Use Map change. The site plan has not been reviewed for compliance with the land development codes and other county departments and is not included on the Board's action on this application.

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

With the adjacent residential to the west, there is no interconnectivity as this is a separate development with access to Minton Road from Hield Road.

- C. Existing commercial development trend in the area;

The west side of Minton Road can be characterized as a commercial corridor with Residential Professional zoning and CC FLU designation abutting to the south and to the north across Hield Road. Existing commercial development includes trailer service & supply on the abutting south parcel. Additional commercial uses are located south along Minton Road.

- 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 maximum development potential from the proposed Future Land Use Map change would cause a deficiency in the transportation adopted level of service. The parcels are not serviced by public sewer or within the Brevard County service area for potable water. The lots will be serviced by a well and septic. Concurrency will be reviewed during the site plan process.

- F. Spacing from other commercial activities:

The closest Community Commercial activities are located abutting the subject parcel to the south with frontage along the east side of Minton Road. Additional commercial activities can be found 50 feet north across Hield Road. Community Commercial clusters up to 10 acres in size should be spaced at least 2 miles apart, located at the intersection of arterial roads.

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

A market study was not provided nor required.

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

The applicants will work with Natural Resources to ensure conformance with the Conservation Element.

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

The entire subject parcel contains mapped hydric soils; an indicator 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. The wetland delineation shall be verified at time of site plan submittal.

- 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.

The applicant is proposing to develop a self-storage mini-warehouse facility. The west side along Minton Road is an existing commercial corridor, the proposal would not extend strip commercial development, which is discouraged within the Future Land Use element of the Comprehensive Plan. This request could be considered infill development.

Activities Permitted in the Community Commercial (CC) Future Land Use Designations FLUE Policy 2.7

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. Development activities which may be considered within the Community Commercial (CC) Future Land Use designation, provided that the guidelines listed in Table 2.2 are met, include the following:

- a) Existing strip commercial;
- b) Transient commercial uses;
- c) Tourist commercial uses;
- d) Professional offices;

- e) Personal service establishments;
- f) Retail establishments;
- g) Non-retail commercial uses;
- h) Residential uses;
- i) Institutional uses;
- j) Recreational uses;
- k) Public facilities;
- l) Transitional uses pursuant to Policy 2.1; and
- m) Planned Industrial Park development (as permitted by PIP zoning).

The applicant's proposed use can be considered consistent with these uses.

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 subject site is not located within an existing commercial cluster but, rather along an existing commercial corridor on the west side of Minton Road, which functions as an Urban Principal Arterial Road. The east side of Minton Road is in the city of West Melbourne with commercial uses and multi-family uses. The use of infill development maybe considered the best use of resources, and it provides an alternative to new development by reducing loss of critical and resource lands to new development by focusing on strengthening older areas.
- B. Community commercial complexes should not exceed 40 acres at an intersection.
The subject site is located at an intersection of Minton Road and Hield Road 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.
Minton Road is an Urban Principal Arterial roadway, is an existing commercial corridor serving the community and the surrounding region. Hield Road is a Urban Local roadway.
- 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 gross floor area is regulated through the Land Development regulations and reviewed at the time of site plan review.

- 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.

The Floor Area Ratio (FAR) is evaluated at the time of site plan review and regulated through the land development regulations. The applicant has not requested PUD zoning.

- 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 request is not for a recreational vehicle park.

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 CC FLU allows for an array of light manufacturing, warehouse, retail, personal and professional uses. This property will need to comply with Brevard County Performance Standards noted within Section 62-1483 and 62-1845 of Brevard County Code. Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan review stage should the zoning 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 (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;

The developed character of the surrounding area along the west side of Minton Road is a mix of residential and commercial. To the west of the subject parcel is residential. To the south of the subject property is commercial. To the north across Hield Road is commercial and residential.

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.

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

- 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 (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 the request is not located within an existing neighborhood; however, there is a pattern of existing single-family residential surrounding the property to the west. The subject property could be considered as transitional use with BU-1 zoning abutting to the south.

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, contractor storage yards restaurants, fast food restaurants and coffee shops). Off-site impacts such as noise, light, traffic, and other potential nuisance factors associated with BU-2

activities should be considered. BU-2 also permits single-family residence or a Mixed Use of commercial and single-family of multi-family use.

A preliminary concurrency evaluation did not indicate that the proposal has the potential to cause a deficiency in the transportation adopted level of service; however, the maximum development potential from the proposed rezoning increases the percentage of MAV by 0.75%.

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 has development of roads, open spaces, and similar existing features. It is not located in a neighborhood or subdivision but is along a commercial corridor on the west side of Minton Road and south of Hield Road.

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.

Staff analysis indicates that the surrounding area along Minton Road to the south and to the north across Hield Road is a commercial corridor.

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

The subject parcel is located in a commercial corridor along the west side of Minton and to the north across Hield Road. The subject parcel is proposed to be rezoned from RP and AU to all BU-2. As the immediate area along the west side of Minton Road is commercial the proposed uses maintain the commercial integrity of the area.

The closest BU-2 zoning classification is located approximately 1,830 feet northwest of the subject property, along the north side of Norfolk Pkwy.

Analysis of 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.

Per Natural Resource Management Department:

The entire subject parcel contains mapped hydric soils; an indicator 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. The wetland delineation shall be verified at time of site plan submittal.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Commercial & Single-Family Residence, across Hield Road	BU-1 and RU-1-13	CC & RES 2
South	Commercial Trailer service	BU-1	CC
East	Across Minton Road	City of West Melbourne	City of West Melbourne
West	Single-Family Residences	AU and EU-1	RES 2

The developed character of the surrounding area on the west side of Minton Road and south of Hield Road is commercial and residential. The abutting parcel to the south is BU-1 (General Retail Commercial) zoning. To the west is Residential with AU and EU-1 zoning.

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 of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

The AU zoning classification permits single family residential development on lots of not less than two and one-half acres having a minimum width of 150 feet and a minimum depth of 150 feet. The minimum house size is 750 square feet.

The RP is a residential-professional zoning classification, intended to promote low to medium density residential development along with low intensity commercial usage. Minimum lot area requirements in the RP classification are 7,500 square feet, with 75 feet of width and depth.

The BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

The EU-1 zoning classification is an estate single family residential zoning classification. The minimum lot size is 12,000 square feet with minimum lot width and lot depth of 100'. The minimum living area is 1,800 square feet.

There has been one zoning action within a half-mile of the subject property within the last three years: 22Z00006 located 1,830 feet northwest of the subjected parcels, along the north side of Norfolk Pkwy, was rezoned from GU with a CUP (Conditional Use Permit) for a tower to BU-2 with a BDP and removal of the CUP.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Minton Road, between Eber Blvd. and Palm Bay Road, which has a Maximum Acceptable Volume (MAV) of 36,800 trips per day, a Level of Service (LOS) of D north of Hield Road and a Level of Service (LOS) of E south of Hield Road, and currently operates at 76.49% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.75%. The corridor is anticipated to operate at 77.24% 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 was only for a 110,000 sq ft. mini self-storage facility as proposed. Any other future commercial development was not part of this analysis and will be reviewed under a separate site plan application.

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

The subject parcels are not serviced by public sewer or within the Brevard County service area for potable water. The lots will be serviced by well and septic.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

The entire subject parcel contains mapped hydric soils; an indicator 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.** 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). Minton Road is an MQR at this location; however, one of the four subject parcels does not have direct frontage on the road. For a project that encompasses multiple properties assembled under one site plan development order, wetland impacts for those properties without direct frontage on the mitigation qualified roadway may be permitted only if the properties are combined so that any proposed wetland impact is contained within a property with direct frontage on the mitigation qualified roadway. The assemblage shall be deed restricted for commercial or industrial use.

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 site plan design or permit submittal.**

Historic Resources

There are no recorded historical or archaeological sites on the project site according to the Master Site File from the Florida Division of Historic Resources.

For Board Consideration

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

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary
Item No. 24SS00001

Applicant: Cole Oliver (Owner: West Malabar Properties, LLC)

Zoning Request: RP and AU to all BU-2 with BDP (NC and RES 2 to all CC)

Note: to develop a multi-story climate controlled mini-storage facility (only BU-2 use)

LPA Hearing: 03/18/2024; **BCC Hearing:** 04/04/2024

Tax ID Nos.: 2806110, 2806111, 2806115, 2806112

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

The entire subject parcel contains mapped hydric soils; an indicator 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.** 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). Minton Road is an MQR at this location; however, one of the four subject parcels does not have direct frontage on the road. For a project that encompasses multiple properties assembled under one site plan development order, wetland impacts for those properties without direct frontage on the mitigation qualified roadway may be permitted only if the properties are combined so that any proposed wetland impact is contained within a property with direct frontage on the mitigation qualified roadway. The assemblage shall be deed restricted for commercial or industrial use.

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 site plan design or permit submittal.**

Land Use Comments:

Wetlands and Hydric Soils

The entire subject parcel contains mapped hydric soils (EauGallie sand and Malabar sand, high), as shown on the USDA Soil Conservation Service Soils Survey map; an indicator 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. The wetland assessment 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). Minton Road is an MQR at this location; however, one of the four subject parcels does not have direct frontage on the road. For a project that encompasses multiple properties assembled under one site plan development order, wetland impacts for those properties without direct frontage on the mitigation qualified roadway may be permitted only if the properties are combined so that any proposed wetland impact is contained within a property with direct frontage on the mitigation qualified roadway. The assemblage shall be deed restricted for commercial or industrial use.

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.

Indian River Lagoon Nitrogen Reduction Septic Overlay

The northern and eastern portions of this property are 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 (≥ 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 as well as 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 properties with wetlands. If applicable, 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 prior to any plan, permit submittal, or development activity, including land clearing, as applicable.