



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

24Z00024

KMMFL, LLC (Chris Romandetti)

**RU-2-10(6) (Medium-Density Multiple-Family Residential, density cap of 6 units) to
BU-2 (Retail, Warehousing and Wholesale Commercial)**

Tax Account Number: 2601612, 2617260
Parcel I.D.: 26-36-12-DE-40-1, 26-36-12-DE-40-9
Location: East side of Waelti Dr., 1,367 feet north of Wickham Road.
(District 4)
Acreage: 1.31 acres

Planning & Zoning Board: 7/22/2024

Board of County Commissioners: 8/01/2024

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The request can be considered under the Future Land Use Designation, Section 62-1255.
- The request would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	RU-2-10(6)	BU-2
Potential*	7 units	FAR of 1.0 39 dwelling units**
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.

** Development potential at 30 units per acre pursuant to F.S. 125.01055 (Live Local Act).

Background and Purpose of Request

The applicant is requesting a change of zoning classification from RU-2-10(6) (Medium-Density Multiple-Family Residential) with a density cap of 6 units on 1.31 acres to BU-2 (Retail, Warehousing and Wholesale Commercial) to have the parcels zoning classification consistent with the surrounding BU-2 zoned parcels, which are also own by KMMFL, LLC, and to develop

the parcels in the future with the commercial warehousing and distribution use of their abutting parcels to the north and east. The applicant states these two parcels are the only parcels abutting the east side of Waelti Drive that do not have a commercial zoning classification. There is a single-family residence currently on the parcels. The abutting parcel to the north and the parcel to the south have Binding Development Plans (BDP) to mitigate potential offsite impacts to the abutting residential subdivision to the west across Waelti Drive. The Board may wish to consider additional conditions in order to mitigate potential offsite impacts to the abutting residential subdivision to the west across Waelti Drive.

BU-2 zoning classification requires a building of at least 300 sq. ft. as their principal structure. The subject parcels have access to Waelti Drive., a County maintained roadway.

The original zoning of the parcels was GU (General Use).

On June 12, 1979, zoning action **Z-4992** rezoned the parcels from GU to RU-2-10(6) (Medium-Density Multiple-Family Residential with a density cap of 6 units).

On December 6, 1979, zoning action **Z-5152** Denied the rezoning request from RU-2-10(6) to BU-2 (Retail, Warehousing and Wholesale Commercial).

The subject parcels are located on the east side of Waelti Drive, a county-maintained roadway.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Warehousing, Distribution and Trucking Terminal	BU-2	CC
South	Vacant Commercial Land south across unnamed road	BU-2	CC
East	Warehousing, Distribution and Trucking Terminal	BU-2	CC
West	Residential Subdivision west across Waelti Drive	PUD	RES 4

The developed character of the surrounding area along the east side of Waelti Drive is commercial uses along with two residential homes with BU-2 zoning. To the west across Waelti Drive is a residential subdivision with PUD (Planned Unit Development) zoning.

The current RU-2-10(6) zoning classification permits multiple-family residential development or single-family residences with a density cap of up to 6 units per acre on minimum lot sizes of 7,500 square feet.

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.

There has been one zoning action within a half-mile of the subject property within the last three years. Zoning action 23Z00009 approved on August 30, 2023, amended an existing BDP to retaining all BU-1 uses, and limiting the BU-2 use to indoor RV and boat storage, located 490 feet south of the subject parcel on the south side of freeman Lane.

Future Land Use

The subject property is currently designated as Community Commercial (CC) FLUM. The existing RU-2-10(6) zoning classification may be considered consistent with the CC FLUM designation. The proposed BU-2 zoning is consistent with the existing CC FLUM designation.

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

Criteria:

- A. Permitted/prohibited uses;

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

- B. Existing commercial zoning trends in the area;

Along the east side of Waelti Drive is an existing commercial corridor located from N. Wickham Road north to where Waelti Drive ends.

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

The area along the east side of Waelti Drive is a mixture of commercial and industrial use zoning classifications. The applicant's request can be considered compatible with the proposed uses in the area.

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

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

The subject property is in the City of Cocoa's access for potable water and has access to Brevard County Sewer which runs along the west side of Waelti Drive.

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

- Aquifer Recharge Soils
- Protected Species

- F. Other issues which may emerge specific to a particular property which may be addressed through performance-based zoning criteria.

This property will need to comply with Brevard County Performance Standards noted within Section 62-1482 of Brevard County Code. The proposed use is not anticipated to require performance standards beyond the zoning criteria. The Board may wish to consider additional conditions in order to mitigate potential offsite impacts to the abutting residential subdivision to the west across Waelti Drive.

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 a change of zoning classification from RU-2-10(6) (Medium-Density Multiple-Family Residential) to BU-2 to have the parcels zoning classification consistent with the surrounding BU-2 zoned parcels which are also

own KMMFL, LLC and to develop the parcels in the future with the commercial warehousing and distribution use of their abutting parcels.

The hours of operation, lighting and traffic may affect the quality of life in the existing neighborhood. However, BU-2 allows for an array of light manufacturing, warehouse, retail, personal and professional uses which may. This property will need to comply with Brevard County Performance Standards noted within Section 62-1483 and 62-1833.5 of Brevard County Code.

- 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;

There are developed commercial and industrial parcels along the east side of Waelti Drive located from N. Wickham Road north to where Waelti Drive ends. The developed character of the surrounding area along the east side of Waelti Drive to the north and to the east is a commercial warehousing, distribution, and trucking terminal. To the south of the subject property is vacant commercial and further south is developed commercial. To the west across Waelti Drive is developed with a residential PUD subdivision.

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. There has been one rezoning in the last three years in the immediate area, application 23Z00009 with a revision to an existing BDP, located 490 feet to the south of the subject parcel on the south side of Freeman Lane. The revised BDP states, "Developer /Owner agrees to provide a vegetative buffer on the north side of the property. Perimeter facing exterior walls of the proposed buildings shall meet the screening requirements. Vinyl coated chain link fence may be used as perimeter fencing on the west, east and south property lines, but not allowed along the north property line, where adjacent to residential properties. Ingress and egress are limited to Freeman Lane. The Developer/Owner retains all BU-1 uses and limits BU-2 uses to indoor RV and boat storage."

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

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

one site plan applied for in the last three years in the immediate area located 490 feet to the south of the subject parcel, on the south side of Freeman Lane, application 23SP00017 is being review by staff but has not been approved.

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

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

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

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

Criteria:

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

Staff analysis indicates the request is located along a commercial and industrial area with buffering from the Florida East Coast Railway further to the east. To the west across Waelti Drive is developed with a residential PUD subdivision.

The proposed 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.

The abutting parcel to the north and the parcel to the south have Binding Development Plans (BDP) to mitigate potential offsite impacts to the abutting residential subdivision to the west across Waelti Drive.

The BDP, 14PZ-00095, record on March 23, 2015, on the abutting parcel to the north states:

The Developer/Owner shall limit land use as follows:

The following uses shall be prohibited;

“Auditoriums; Automobile hire; Automobile paint and body repair; Automobile repairs; Automobile sales; Automobile tires and mufflers sales and service; Automobile washing-mechanized; Boat service; Building materials and supplies; Cabinetmaking and carpentry;

Commercial entertainment and amusement enterprises; Contractors outdoor storage yards; Engine service; Farm machinery sales and service; Feed and hay for animals and stock; Fertilizer stores; Flea markets; Gasoline service stations; Hotels; Lumber sales; Motels; Motorcycle sales and service; Outside sale of mobile homes; Pet kennels; Plant nurseries; Recovered materials processing facility; Restaurant outdoor seating; Seafood processing plants; Service station for automobile vehicles and U-Haul service; Scarpering and grinding shops; Theatres; Towers and antennas; Trailer and truck service; Treatment and recovery facility; Welding repairs and metal fabrication; Outdoor storage or display of large items or material which may require forklift, front-loader, tractor or similar machinery to move shall be prohibited. Outdoor intercoms and public address systems shall be prohibited, Digital or electronic signs and billboards whether static, animated, or intermittent, shall be prohibited.

Freestanding signs shall be limited to not exceed ten feet in height.

The gross floor area ratio (FAR) shall not exceed 0.75, consistent with the Neighborhood Commercial Comprehensive Plan category (December 2014).

The BDP, 19PZ00035, record on August 22, 2019, on the abutting parcel to the south states:

Developer/Owner shall prohibit the following uses on the Property: auditoriums; automobile hire; automobile paint and body repair; automobile repairs; automobile sales; automobile tires and mufflers sales and service; automobile washing - mechanized; boat service; building materials and supplies; cabinetmaking and carpentry; commercial entertainment and amusement enterprises; contractors outdoor storage yards; engine service; farm machinery sales and service; feed and hay for animals and stock; fertilizer stores; flea markets; gasoline service stations; hotels, lumber sales; motels; motorcycle sales and service; outside sale of mobile homes; pet kennels; plan nurseries; recovered materials processing facility; restaurant outdoor seating; seafood processing plants; service station for automotive vehicles and U-Haul service; sharpening and grinding shops; theatres; towers and antennas; trailer and truck service; treatment and recovery facility; welding repairs and metal fabrication; outdoor storage or display of large items or material which may require a forklift, front loader, tractor, or similar machinery to move shall be prohibited. Outdoor intercoms and public address systems shall be prohibited. Digital or electronic signs and billboards, whether static, animated, or intermittent, shall be prohibited. Freestanding signs shall be limited to the Brevard County Sign Code.

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 0.19%.

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. The east side of Waelti Drive is not located in a residential neighborhood or subdivision but is along a commercial and industrial corridor. The west side of Waelti Drive is developed with a residential PUD subdivision.

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 area to the west of Waelti Drive is residential in character.

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 and industrial corridor along the east side of Waelti Drive. The subject parcel is proposed to be rezoned from RU-2-10(6) to BU-2. As the immediate area along the east side of Waelti Drive is commercial the proposed uses maintain the commercial integrity of the area.

The closest BU-2 zoning classification is located directly abutting the subject property to the north and east and south across an unnamed road.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Wickham Road, between Suntree Blvd. and Pinehurst Ave., which has a Maximum Acceptable Volume (MAV) of 39,800 trips per day, a Level of Service (LOS) of D, and currently operates at 76.46% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.19%. The corridor is anticipated to operate at 76.65% 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 in the City of Cocoa's access for potable water and has access to Brevard County Sewer which runs along the west side of Waelti Drive.

Environmental Constraints

- Aquifer Recharge Soils
- Protected Species

Land Use Comments:

Aquifer Recharge Soils

The entire property contains Pomello sand, classified as an aquifer recharge soil. Mapped topographic elevations indicate the soils may consist of Type 2 or Type 3 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the [development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance].

Protected Species

[Federally and/or state protected species may be present on the property]. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. 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, as applicable. 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.

NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

For Board Consideration

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

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 24Z00024

Applicant: Chris Romandetti (Owner: KKMM FL, LLC)

Zoning Request: RU-2-10(6) to BU-2

Note: for consistent zoning with surrounding BU-2 parcels for commercial use

Zoning Hearing: 07/22/2024; **BCC Hearing:** 08/01/2024

Tax ID Nos.: 2601612 & 2617260

- 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 Soils
- 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

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