

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Small Scale Plan Amendment 24S.04 (24SS00004)
Township 23, Range 35, Section 13*

Property Information

Owner / Applicant: **Put It In Me Storage LLC (Vaheed B. Teimouri, P.E.)**

Adopted Future Land Use Map Designation: Industrial (IND)

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

Acreage: 2.46

Tax Account #: 2322557

Site Location: East side of Curtis Blvd., 1,735 feet north of Fay Blvd.

Commission District: 1

Current Zoning: Light Industrial (IU)

Requested Zoning: Retail, Warehousing and Wholesale Commercial (BU-2) (24Z00010)

Background & Purpose

The applicant is requesting a Small-Scale Comprehensive Plan Amendment (SSCPA) to change the Future Land Use Map from Industrial (IND) on a 2.46 acres parcel to Community Commercial (CC) to rezone the parcel to BU-2 (Retail, Warehousing and Wholesale Commercial) to build a RV and boat storage yard and a mini warehouse.

The subject parcel has access to Curtis Blvd., a County maintained roadway.

The applicant has a companion rezoning application, **24Z00010**, requesting a change from IU (Light Industrial) to BU-2 (Retail, Warehousing and Wholesale Commercial).

The original zoning was GU (General Use).

On October 26, 1998, zoning action **Z-836** rezoned the parcel from GU to IU (Industrial Use).

On March 07, 1974, zoning action **Z-3594** rezoned from IU to IU-1 (Heavy Industrial) with a CUP (Conditional Use Permit) for storage of explosives.

On July 24, 1990, zoning action **Z-8630** Administrative rezoned from IU-1 to IU.

On November 06, 2003, zoning action **Z-10859(2)** removed the **CUP Z-3594** (Conditional Use Permit) for storage of explosives.

Comprehensive Plan Policies/Comprehensive Plan Analysis

The proposed BU-2 zoning classification may not be considered consistent with the existing Industrial (IND) Future Land Use designation; 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 parcel is located on the east side of Curtis Blvd., a County maintained roadway.

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

There is no interconnectivity with residential development to the east as the development is separated by the Florida East Coast Railway to the east. The commercial development to the west is separated by Curtis Blvd.

- C. Existing commercial development trend in the area;

This area can be characterized as an industrial corridor with IND FLU designation on the east side of Curtis Blvd. and commercial CC FLU designation on the west side of Curtis Blvd. Existing commercial development includes a Business Park to the north. Additional

commercial development includes restaurants, shopping center and convenience store with gas pumps are located south along Curtis Blvd.

- 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 subject property has access to City of Cocoa potable water and septic. Concurrency will be reviewed during the site plan process.

- F. Spacing from other commercial activities:

The closest Community Commercial activities are located on the west side of Curtis Blvd. and 905 feet south on the east side of Curtis Blvd. Community Commercial clusters up to 10 acres in size should be spaced at least 2 miles apart.

- 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. No noteworthy land use issues were identified.

- 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 RV and boat storage yard and a mini warehouse facility. Curtis Blvd. is an existing commercial corridor located west along the Florida East Coast Railway from Fay Blvd. to where

Curtis Blvd. turns west. The proposal would not extend strip commercial development, which is discouraged within the Future Land Use element of the Comprehensive Plan.

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 Industrial corridor along this section of Curtis Blvd., which functions as an Urban Minor Collector Road.

- 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.

Curtis Blvd., is a minor collector roadway, and an existing commercial and residential corridor serving the community and the surrounding region.

- 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;

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 undeveloped and developed commercial and industrial parcels in the surrounding area along the Curtis Blvd. from Fay Blvd. to where Curtis Blvd. turns west. The developed character of the surrounding area on the east side of Curtis Blvd. to the north is commercial. To the east is the Florida East Coast Railway. To the south of the subject property is vacant industrial and further south is commercial. To the west across Curtis Blvd. is developed with Commercial along with vacate commercial parcels.

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

There has been no recent zoning action 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 not been 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 platted commercial and industrial neighborhood with buffering from the Florida East Coast Railway property along the east.

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.

The proposal would be a down grading of use intensity for the Future Land Use and zoning classification.

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 0.43%.

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.

- 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 east of the Florida East Coast Railway 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 along a commercial and industrial corridor. The subject parcel is proposed to be rezoned from IU to BU-2. As the immediate area is commercial the proposed uses maintain the commercial integrity of the area.

The closest BU-2 zoning classification is located directly west across Curtis Blvd. of the subject property, along the west side of Curtis Blvd.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Business office	IU	IND
South	Vacant	IU	IND
East	Railroad	NA	NA
West	Vacant west side of Curtis Blvd.	BU-2	CC

The developed character of the surrounding area on the east side of Curtis Blvd is commercial uses with IU zoning. To the east is the Florida East Coast Railway. To the west across Curtis Blvd is commercial uses with BU-2 zoning.

The current IU zoning classification permits light industrial land uses within enclosed structures. IU zoning allows all uses permitted in the BU-1 and BU-2 classification, except, single-family residence. The minimum lot size is 20,000 square feet, with a minimum width of 100 feet and a minimum depth of 200 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.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Fay Blvd., between Carol Avenue. and Highway US-1, which has a Maximum Acceptable Volume (MAV) of 33,800 trips per day, a Level of Service (LOS) of D, and currently operates at 46.07% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.43%. The corridor is anticipated to operate at 46.50% 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 has availability to the City of Cocoa potable water and on septic.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. There is a large area of mapped Florida Scrub Jay occupancy adjacent to the property, and there may be Gopher Tortoises onsite. 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. There was a 1996 FWC permit related to the gopher tortoises. The applicant should call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FLFWC to ensure permit compliance. Additional consultation with USFWS NRM is required if FL Scrub Jays utilize the property.

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. 24SS0004**

Applicant: Vaheed Teimouri, P.E. (Owners: Put It In Me Storage LLC)

Land Use Request: IND to CC

Note: To be able to put mini storage with boat & RV storage without IU storage requirements

PSJ Hearing: 06/05/2024; **LPA Hearing:** 06/10/2024; **BCC Hearing:** 7/11/2024

Tax ID No.: 2322557

- 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.**

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Land Use Comments:

Aquifer Recharge Soils

This property contains Pomello sand, classified as an aquifer recharge soil. Mapped topographic elevations indicate the soils may consist of Type 2 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 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. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

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