



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

23Z00081

Florida Dealer Center, LLC - James Boozer (Bruce A. Moia)

BU-1 (General Retail Use) and BU-2 (Retail, Warehousing and Wholesale Commercial) with BDP (Binding Development Plan) to all BU-2 (Retail, Warehousing and Wholesale Commercial) with removal of existing BDP

Tax Account Number: 2314553 & 2314551
Parcel I.D.: 23-35-35-01-2-2 & 23-35-35-01-2-2
Location: West side of Grissom Parkway, approx. 150 feet south of Camp Rd. (District 1)
Acreage: 2.9 acres

Planning & Zoning Board: 1/08/2024

Board of County Commissioners: 2/01/2024

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	All BU-2
Potential*	FAR of 1.0	FAR of 1.0
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) on 1.6 acres and BU-2 (Retail, Warehousing and Wholesale Commercial) on 1.3 acres with an existing BDP (Binding Development Plan) to all BU-2 with removal of the existing BDP to construct a self-storage mini-warehouse facility.

Please note: The concept plan included in the application was provided as a courtesy. This is not a requirement for rezoning and has not been reviewed for compliance with the land development codes and other County departments. The concept plan is non-binding.

The subject property is currently undeveloped and is located on the west side of Grissom Pkwy which is a county-maintained Road.

The parcels original zoning was GU (General Use). On May 13, 2004, zoning action Z-10924 rezoned the parcels to BU-1 on the easterly 150 feet and BU-2 on the remainder of the parcels with a Binding Development Plan (BDP). This zoning action also included a Small-Scale Plan Amendment (04S.2) that changed the Future Land Use Map (FLUM) designation from Planned Industrial (PI) to Community Commercial (CC).

The recorded Binding Development Plan stipulates:

1. The Developer/Owner will sub-divide existing property into two parcels.
2. Developer/Owner shall develop 150 feet from existing road frontage as BU-1 and the balance as BU-2.
3. Developer/Owner will plan for a shared entrance for both parcels.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Undeveloped	GU	PI
South	Undeveloped	GU	RES 1:2.5
East	Undeveloped Across Grissom Pkwy.	GU	RES 1:2.5
West	SF Residence	GU	RES 1:2.5

To the north is a 3-acre undeveloped parcel with GU zoning. To the east across Grissom Parkway is an undeveloped 4.36-acre parcel used for retention with GU zoning. To the south are two 1.25-acre undeveloped parcels with GU zoning. To the west is a 8.94-acre parcel developed with a single-family residence with GU zoning.

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

The current and 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 GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

There have been one zoning action, 22Z00005, within a half-mile radius of the subject property which rezoned 11.8 acres from GU to RR-1 (Rural Residential) with a BDP limiting development to 4 units.

There are no pending zoning actions within a half-mile radius of the subject property.

Future Land Use

The subject property contains the Community Commercial (CC) FLUM designation. Both the existing BU-1 and proposed BU-2 zoning classifications are consistent with the 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 zoning Retail, Warehousing and Wholesale Commercial zoning classification is the County's most intense commercial zoning classification. BU-2 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. BU-1 zoning permits mini-warehouses with conditions.

B. Existing commercial zoning trends in the area;

There have been no existing commercial trends in the area. The closest developed BU-2 zoned parcel is located approximately one mile south of the subject property on the east side of Grissom Parkway.

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

Existing single-family residential uses are located west of the subject property; the primary zoning classification along the west side of Grissom Parkway is GU. This request could be considered an expansion of BU-2 into the immediate area. The closest BU-2 is located approximately one mile south of the subject property.

- 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 has access to the City of Cocoa for potable water and on private septic.

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

This property contains mapped aquifer recharge soils as shown on the USDA Soil Conservation Service Soils Survey map. Aquifer Recharge soils have impervious area restrictions.

The applicant is hereby notified of the northern portion of the subject parcel contains mapped St. Johns River Water Management District (SJRWMD) wetlands; 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.

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

- 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 62-1483 and 62-1837.5 of Brevard County Code regarding the BU-2 zoning classification ordinance as well as self storage mini-warehouse.

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

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 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;

Depending on the use, the hours of operation, lighting and traffic is not anticipated to affect the quality of life in the existing neighborhood. There is no anticipation of odor, noise level or site activity more so than already exists. Potential nuisance performance factors will be address at 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 (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;

Staff analysis indicates the character of the surrounding area along the east side of Grissom Pkwy. is undeveloped single-family residential. Immediately to the west is a single-family residence. North of the subject property is undeveloped with a PI (Planned Industrial) FLU designation.

There are four (4) FLU designations within 500 feet of the subject site: CC, PI, RES 1:2.5 and PUB. The predominant FLU designation along the east side of Grissom Pkwy. is PI to the north and RES 1:2.5 to the south.

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

There has not been any new development to the immediate area within the last three years:

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

There has not been any actual development approved 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.

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 not located within an existing neighborhood. However, there is a pattern of existing undeveloped and developed single-family residential surrounding the property. The primary zoning classifications along the east side of Grissom Pkwy. is GU.

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.

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 0.12%.

- 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 an Urban Minor Arterial 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 surrounding area to the east is developed with residential in character. The abutting areas to the north and south of the subject parcel are undeveloped residential parcels.

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 proposed to be rezoned from BU-1 and BU-2 to all BU-2. The surrounding area to the east is developed with residential in character. The abutting areas to the north and south of the subject parcel are undeveloped residential parcels.

The closest BU-2 is located approximately one mile south of the subject property.

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 unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Per Natural Resource Management Department: A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal and meet all Natural Resource Management Department codes.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Grissom Parkway, between Canaveral Groves Blvd. and Camp Road, which has a Maximum Acceptable Volume (MAV) of 17,700 trips per day, a Level of Service (LOS) of D, and currently operates at 48.47% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.59%. With the maximum development potential from the proposed rezoning, the corridor is anticipated to operate at 49.06% of capacity daily (LOS D). The proposal is not anticipated to create a deficiency in LOS. During the site plan review process, staff will evaluate the proposed use to determine roadway capacities.

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 access to the City of Cocoa potable water and on private septic.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

The northern portion of the subject parcel contains mapped St. Johns River Water Management District (SJRWMD) wetlands; 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 land development activities along Mitigation Qualified Roadways (MQRs). Grissom Parkway is an MQR in this location. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Brevard County Board of County Commissioners 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 no net loss 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.

Florida Scrub Jay occupancy is mapped on the entire parcel, and there is potential for existence 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 (FWC) and/or U.S. Fish and Wildlife Service, as applicable. **A valid FWC Scrub Jay permit or clearance letter is required at time of site planning.**

For Board Consideration

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

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 23Z00081

Applicant: Bruce A. Moia, P.E. (Owner: Florida Dealer Center LLC)

Zoning Request: BU-1 and BU-2 with BDP to all BU-2 and removal of BDP

Note: to construct warehouse units (4 buildings with a total of 73 warehouse units)

Zoning Hearing: 01/08/2024; **BCC Hearing:** 02/01/2024

Tax ID Nos: 2314553 & 2314551

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

The northern portion of the subject parcel contains mapped St. Johns River Water Management District (SJRWMD) wetlands; 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.

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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. **A valid FWC Scrub Jay permit or clearance letter is required at time of site planning.**

Land Use Comments:

Wetlands

The northern portion of the subject parcel contains mapped St. Johns River Water Management District (SJRWMD) wetlands; 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.

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Aquifer Recharge Soils

This property contains Pomello sand, classified as an aquifer recharge soil. Mapped topographic elevations indicate the soils may consist of 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

Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, **Florida Scrub Jay occupancy is mapped on the entire parcel, and there is potential for existence 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 (FWC) and/or U.S. Fish and Wildlife Service, as applicable. A valid FWC Scrub Jay permit or clearance letter is required at time of site planning.

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.**