

PRELIMINARY DEVELOPMENT PLAN

Pineda Landing
Section 13, Township 26S, Range 36E
Brevard County, Florida

Prepared for:

FMKT Mel Owners LLC
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Prepared by:

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MBV # 21-1019
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GENERAL INFORMATION

OWNER/DEVELOPER:

FMKT Mel Owners, LLC
5300 W. Cypress Street, Suite 165
Tampa, FL 33607
Anthony Saravanos, Manager

PROJECT LOCATION:

Southeast corner of the N. Wickham Road and Pineda Court intersection, unincorporated Brevard County, Florida, 32940 Section 13, Township 26S, Range 36E.

PROJECT AREA:

LOT 7, PINEDA LANDINGS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 61, PAGES 45 THROUGH 48, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTHWEST CORNER OF LOT 6 OF SAID PLAT OF PINEDA LANDINGS AND THE EASTERLY RIGHT OF WAY LINE OF WICKHAM ROAD; THENCE RUN N 80°32'04" E ALONG THE NORTH LINE OF SAID LOT 6, A DISTANCE OF 278.20 FEET TO THE NORTHWEST CORNER OF SAID LOT 7 FOR THE POINT OF BEGINNING; THENCE THE NEXT 10 COURSES AND DISTANCES RUN ALONG THE BOUNDARY OF SAID LOT 7: RUN N 80°32'04" E, A DISTANCE OF 699.66 FEET; THENCE RUN S 18°50'32" E, A DISTANCE OF 792.27 FEET; THENCE RUN S 53°54'42" W, A DISTANCE OF 390.59 FEET; THENCE RUN N 36°05'18" W, A DISTANCE OF 362.50 FEET; THENCE RUN S 53°54'52" W, A DISTANCE OF 223.00 FEET; THENCE RUN N 36°05'18" W, A DISTANCE OF 1.29 FEET; THENCE RUN S 53°54'42" W, A DISTANCE OF 12.00 FEET; THENCE RUN N 36°05'18" W, A DISTANCE OF 73.71 FEET; THENCE RUN N 53°54'42" E, A DISTANCE OF 235.00 FEET; THENCE RUN N 36°05'18" W, A DISTANCE OF 632.68 FEET TO THE POINT OF BEGINNING.

CONTAINING 500,064 SQUARE FEET OR 11.480 ACRES, MORE OR LESS.

PRESENT LAND USAGE:

Pineda Landing has an existing Land Use of CC with zoning designation of BU-2. We are requesting the zoning designation be moved to PUD to allow for the development of an additional lot within the development.

PROJECT DESCRIPTION:

Creation of an additional 1.27 +/- acre parcel within the existing 11.48 acres of Lot 7 of the Pineda Landings Plat. All infrastructure (water, sewer and stormwater) is in place to accommodate development of this new parcel. This proposal is to prepare and obtain approval of the re-plat to create a legal lot, within a plat, with legal access to Wickham Road that has no actual property road ROW frontage, which is only allowed in PUD for commercial use properties.

Sec. 62-1448. -Approval of Preliminary Development Plan and Tentative Zoning.

The structure of this report follows the County Land Development Code, "Subdivision V-



Planned Unit Developments". We begin out of order with section 62-1448 to present the information required for the Preliminary Development Plan ("PDP") application, then continue with the remaining sections of said Subdivision V. The original code sections appear below in regular type, followed by project information in *bold italic* type, as follows:

Preapplication conference. Before submission of a preliminary application for approval of a planned unit development zoning classification, the developer and his registered engineer, architects or site planner are encouraged to meet with the zoning official and such other personnel as necessary to determine the feasibility and suitability of his application. This step is encouraged so that the developer may obtain information and guidance from county personnel before entering into any binding commitments or incurring substantial expenses of site and plan preparation.

Final Plat or Re-Plat Application .

Generally. A Final Plat application shall be submitted to the county requesting approval of the site as a planned unit development zone. The application shall contain the name of the developer, the surveyor and the engineer who prepared the development plan and topographic data map, and the name of the proposed planned unit development per the nomenclature provided in section 62-1447. (See PUD illustrations concerning the level of detail required.)

A proposed re-plat, survey and all documentation needed for Final Plat Submittal will accompany the application.

A development plan that shall contain but not be limited to the following information:
Proposed name or title of the project, and the name of the engineer, architect and developer.
The name of the project is Pineda Landing PUD. Developer: FMKT Mel Owners, LLC

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PRELIMINARY DEVELOPMENT PLAN

1. North arrow, scale, date, and legal description of the proposed site.

Information shown on PDP Graphic Exhibits.

2. The boundaries of the tract shown with bearings, distances, closures and bulkhead lines, all existing easements, section lines, and all existing streets and physical features in and adjoining the project, and the existing zoning.

Shown on PDP Graphic Exhibits, the existing zoning is BU-2..

3. The name and location of adjoining developments and subdivisions.

Shown on PDP Graphic Exhibits.

4. Proposed parks, school sites or other public or private open space.

There are no proposed public parks, schools, or public open space. Private open space includes landscaped yards, buffers, ponds, and other amenities as shown in the engineering construction plans approved under County No. 14SP-00455. The re-plat will contain necessary access easements.

5. Vehicular and pedestrian circulation systems, including off-street parking and loading areas, driveways and access points.

The project connects to the existing Pineda Landing drives and parking areas, and a new driveway connection is proposed within the existing development as shown on the approved engineering construction plans approved under County No. 14SP-00455.

6. Site data, including tabulation of the total number of gross acres in the project, the acreage to be devoted to each of the several types of primary and secondary nonresidential uses.

The project consists of one additional proposed lot within the existing development.

7. Proposed common open space, including the proposed improvements and any complementary structures and the tabulation of the percent of the total area devoted to common open space. Areas qualifying for common open space shall be specifically designated on the site plan.

There is no proposed Common open space required since all uses are non-residential. However, 2.20 acres of common open space is provided for along the east portion of the site

8. Delineation of specific areas designated as a proposed stage.

There is one stage of development for this project, which is recording the re-plat to create the proposed Lot 8 within the existing Lot 7.

9. A general statement, including graphics, indicating proposed corridors of drainage and their direction, natural drainage areas, specific areas which are to function as retention lakes or ponds, anticipated method for accommodating runoff (curb and gutter, swales or other method), and treatment methods for discharge into area waterways for the site to ensure conformity with natural drainage within the vicinity area or with the drainage plan established within the vicinity area.

The proposed drainage will not deviate from the engineering construction plans approved under County No. 14SP-00455.

10. The general location within the site of each primary residential and secondary nonresidential use, and the proposed amount of land to be devoted to individual ownership.

The Pineda Landing PUD will contain two lots. Lot 7 and Lot 8. Lot 7 is an existing platted lot and Lot 8 is proposed and will be carved from the existing Lot 7.

The proposed Lot 8 will contain 1.27 acres, owner FMKT Mel Owners, LLC).

PURPOSE AND INTENT

Submittal.

The PUD zoning application and preliminary development plan shall be submitted concurrently to the county. The application shall include a replat application, the development plan of the proposed planned unit development, and the required exhibits.

Review procedure.

The preliminary development plan shall be reviewed formally by the county zoning office and such other departments of county government as necessary to determine the consistency of the plan with county plans and policies prior to the submission of the PUD zoning application to the planning and zoning board of the county. The planning and zoning board shall then review the preliminary plan.

Upon completion of its review, the planning and zoning board shall recommend to the board of county commissioners the approval, approval subject to conditions, or disapproval of the preliminary development plan application.

Review criteria. The decision of the planning and zoning board on the preliminary development plan application shall include the findings of fact that serve as a basis for its recommendation. In making its recommendation, the planning and zoning board shall consider the following facts:

Degree of departure of the proposed planned unit development from surrounding residential areas in terms of character and density.

The Pineda Landing PUD has the same commercial building square footage density as under the engineering construction plans approved under County No. 14SP-00455.

Compatibility within the planned unit development and relationship with surrounding neighborhoods.

The Pineda Landing PUD is planned to fit well into the surrounding neighborhoods.

Prevention of erosion and degrading of surrounding area.

The Pineda Landing has been constructed with a modern surface water management system and FDEP NPDES Erosion Controls.

Provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation as shown in the preliminary development plan.

The Pineda Landing PUD will provide all infrastructure, utilities, and common area improvements as required by code.

The availability and adequacy of water and sewer service to support the proposed planned unit development.

The Pineda Landing PUD has existing connections to County Sanitary Sewer and Cocoa Water utility services.

The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed planned unit development.

The Pineda Landing PUD will not generate any additional traffic than generated under the engineering construction plans approved under County No. 14SP-00455.

The benefits within the proposed development and to the general public to justify the requested departure from the standard land use requirements inherent in a planned unit development classification.

The benefit to the development and the public by the PUD vs. standard land use requirements lies in the space utilization of common infrastructure, and the symbiotic relationship of the PUD with surrounding and nearby services. Local Suntree, Viera, and beachside families have access to additional shopping and businesses.

The conformity and compatibility of the planned unit development with any adopted development plan of the county.

The PUD will be consistent with future land use objectives. There are no special area plans in this location.

The conformity and compatibility of the proposed common open space, primary residential and secondary nonresidential uses with the proposed planned unit development.

We believe the features of the Pineda Landing PUD to be a perfect fit with the proposed nonresidential component uses, which is a shopping center and commercial outparcels.

County code section 62-1442 appears in regular type followed by description of how the Project meets the intent of the code, appears in *bold italics* type, as follows:

The planned unit development is a concept which encourages and permits variation in development by allowing deviation in development standards such as, but not limited to, lot size, bulk or type of dwellings, density, lot coverage and open space from that required in any one residential zoning classification under this article. The purpose of a planned unit development

is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types, as well as industrial, commercial and institutional land uses. It is recognized that only through ingenuity, imagination and flexibility can residential developments be produced which are in keeping with the intent of this subdivision while departing from the strict application of conventional use and dimension requirements of other zoning districts or other land development regulations in articles II, VI, VII, VIII, IX, or XIII of chapter 62 of the Brevard County Code.

Existing driveway connections to the neighborhood shopping center allow access to a grocery store, restaurants, and other businesses without travel on Wickham Road.

This subdivision is intended to establish procedures and standards for planned unit developments within the unincorporated areas of the county, in order that the following objectives may be attained:

Flexibility in design to take the greatest advantage of natural land, trees, historical features and other features.

The PUD will allow flexibility to reduce setbacks between uses to preserve perimeter vegetation and provide shared infrastructure.

Allowance of sufficient freedom for the developer to take a creative approach to the use of land and related physical development, as well as utilizing innovative techniques to enhance the visual character of the county.

Shared amenities and infrastructure, aesthetically pleasing building and landscape architecture, interconnected pathways, water features, and perimeter buffers along roadways will be designed to enhance the visual character of the area.

Efficient use of land which may result in smaller street and utility networks and reduce development costs.

Interconnected private drives with underlying utility networks located in cross access easements provide efficient transportation access and space utilization for the project (in comparison to lot and block style development)

Establishment of criteria for the inclusion of compatible associated uses to complement the residential areas within the planned unit development.

Ancillary compatible uses within the PUD will include dining areas, restaurants, and entertainment for the residents.

(7) Simplification of the procedure for obtaining approval of proposed developments through simultaneous review by the county of proposed land use, site considerations lot and setback considerations, public needs and requirements, and health and safety factors.

The PUD will allow for access to the proposed lot without the need for space consuming right-of-way.

In order to accomplish the objectives of this section, the applicant of a PUD may propose, and the county may consider, alternative development standards to any land development regulation in articles VI or VII of chapter 62 of the Brevard County Code. Where the PUD is part of a development of regional impact, the applicant may also propose alternative development

standards to any land development regulation in articles II, VIII, IX, or XIII of chapter 62 of the Brevard County Code, in addition to those in articles VI or VII. The applicant shall justify the proposed alternative development standard(s) by describing how it promotes a development form facilitating the goals and objectives of article VI of this chapter and does not violate the purpose of this chapter for the protection of the public health, safety and welfare in the subdivision of land. The applicant shall specifically include the alternative development standard(s) in the preliminary development plan and shall present its justification to the planning and zoning board and board of county commissioners in public hearing.

No waivers are being requested.

General design requirements and standards are indicated in article VII, division 4, Brevard County Engineering and Construction Standards, may periodically be amended by the county development engineer, except for road drawings (exhibit 1-9) and/or private use which has been built, inspected and construction approved and when appropriate maintained by the county.

PERMITTED USES (ref. BC Code Sec. 62-1443)

County code section 62-1443 appears in regular type followed by description of how the Project meets the intent of the code, appears in *bold italics* type, as follows:

The PUD zoning classification is designed to allow an applicant to submit a proposal for consideration for any use or mixture of uses, and to allow the board of county commissioners to approve any proposal which it believes to be in the best interest of the public health, safety and welfare, along with any conditions or limitations thereon which the board of county commissioners deems advisable. Rezoning to the PUD zoning classification shall be an entirely voluntary procedure to be pursued only at the option of the applicant. Approval of the PUD zoning classification rests with the board of county commissioners, based upon its determination that the proposed development is in the best interests of the county. However, no residential ~~land~~ uses shall be permitted within the PUD. unless the following criteria are met:

Parks and public recreational facilities.

Not applicable to this project.

Permitted uses with conditions are as follows:

Group homes, level I development within any residential tracts, subject to the requirements set forth in section 62-1835.9. Group homes, level II development within multi-family residential tracts, subject to the requirements set forth in section 62-1835.9. Power substations, telephone exchanges and transmission facilities. Preexisting use. Resort dwellings.

Not applicable to this project.

ACCESSORY BUILDINGS OR USES (ref. BC Code Sec. 62-1443.5)

County code section 62-1442 appears in regular type, followed by a description of how the Project meets the intent of the code, in *bold italics* type, is as follows:

There will be no accessory buildings within this development.

CONDITIONAL USES (ref. BC Code Sec. 62-1444)

Uses otherwise listed as conditional use permits in this division 5, subdivision III of this article may be specified as part of a preliminary development plan application process without the necessity to request a separate conditional use permit, as long as the requested use is consistent with the comprehensive plan. Owners of parcels within the PUD may request additional conditional use permits after the preliminary development plan is approved by undertaking the standard conditional use permit application process without applying for an amendment to the PUD preliminary development plan.

No Conditional Use Permits are existing within the PUD.

**MAINTENANCE AND OPERATION OF COMMON FACILITIES AND COMMON OPEN SPACE.
(ref. BC Code Sec. 62-1445)**

Common open space, drainage systems, private roads and other related common facilities shall be maintained for their intended purpose as expressed in the final development plan. One or a combination of the following methods shall be utilized for maintaining common facilities:

The legal framework of ownership and maintenance of structures and property within Pineda Landing is by recorded covenants, restrictions, and reciprocal and operational agreements for the overall project infrastructure (stormwater management, private utilities, driveways, landscaping, and common parking).

All privately owned common open space shall continue to conform to its intended use and remain as expressed in the final development plan through the inclusion in all deeds of appropriate restrictions to ensure that the common open space is permanently preserved according to the final development plan. Such deed restrictions shall run with the land and be for the benefit of present as well as future property owners and shall contain a prohibition against partition.

All common open space and recreational facilities shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

Not applicable.

If the developer elects to administer common open space through an association or nonprofit corporation, the organization shall conform to the following requirements:

The developer must establish the association or nonprofit corporation prior to the sale of any lots, parcels or tracts.

Membership in the association or nonprofit corporation shall be mandatory for all residential property owners within the planned unit development, and the association or corporation shall not discriminate in its members or shareholders.

The association or nonprofit corporation shall manage all common open space and recreational and cultural facilities that are not dedicated to the public, and shall provide for the maintenance, administration and operation of such land and any other land within the planned unit development not publicly or privately owned, and shall secure adequate liability insurance on the land.

If the developer elects an association or nonprofit corporation as a method of administering common open space, the title to all residential property owners shall include an undivided fee simple estate in all common open space, or appropriate shares in the association.

The Property Owner will comply with the above organizational requirements for the administration of operations and maintenance of common open areas and related improvements as applicable.

LAND USE REGULATIONS (ref. BC Code Sec. 62-1446)

Minimum size.

(1) The minimum size for a PUD shall be ten acres, except within the Merritt Island Redevelopment Area, where the minimum size for a PUD shall be seven acres.

The area of the proposed PUD is 11.480 acres.

Maximum density.

The average density permitted in each PUD shall be established by the board of county commissioners, upon recommendation of the planning and zoning board. The criteria for establishing an average density include existing zoning, adequacy of existing and proposed public facilities and services, site characteristics, and the recommended density of any land use involving the area in question. In no case shall the overall number of dwelling units permitted in the PUD be inordinately allocated to any particular portion of the total site area.

Where a developer elects to develop the property in stages, the cumulative density with each subsequent stage must be approximately the same as the overall density approved for the entire project in that such cumulative density shall not vary upward more than two units per acre, except in the PUD-DRI classification and sub-designation, where the approved ORI maximum density shall control. Upon completion the final density shall not exceed the density approved in the preliminary development plan.

Not applicable

Minimum common recreation and open space. A portion of the gross site acreage shall be delineated as tracts for common recreation and open space to be weighted based upon the mixture of residential uses in the PUD according to the following schedule: *(Table omitted as is non-applicable to the project)*

Gross site acreage, for the purpose of this section, shall be defined as the total acreage of the parcel designated PUD, less any portions that are designated for commercial, industrial or institutional use.

Regardless of the above, common recreation open space shall be provided at a minimum rate of 1.5 acres per 100 residential units, regardless of type. Required open space may be satisfied by either active recreation or passive recreation open space, as defined by section 62-1102. Allocation of common recreation and open space facilities shall be determined utilizing the definition of the term "usable common open space" in section 62-1102.

Not applicable

Minimum lot area, frontage and setbacks; accessory uses.

The minimum lot size for detached single-family structures shall be an area not less than 5,000

square feet and having a width of not less than 50 feet. The minimum lot size requirement may be waived by the board of county commissioners if the proposed lot or lots all have substantial relationship to the common open space (e.g., are directly adjacent to or abut a common open space area) and the arrangement of dwelling units provides for adequate separation of units and the living area of the dwelling unit or units is properly related to the configuration of the proposed lots.

Not Applicable, no single family lots in this project.

Each dwelling unit or other permitted use shall have access to a public street, either directly or indirectly, via an approach private road, pedestrian way, court or other area dedicated to public or private use or common easement guaranteeing access. Permitted uses are not required to front on a publicly dedicated road. The county shall be allowed access on privately owned roads, easements and common open space to ensure the police and fire protection of the area to meet emergency needs, to conduct county services, and to generally ensure the health and safety of the residents of the PUD.

The project will have paved private driveways and parking areas connected to public streets. Access and utility easements will be created by plat and public easements as necessary.

Setbacks and minimum distances between structures are as follows:

Single-family detached structures *Setbacks a. through d. not applicable to the project.*

Separation between structures of two stories or less shall be 15 feet.

Separation between structures of three stories shall be 20 feet.

Separation between structures of four stories shall be 25 feet.

Separation between structures over four stories shall be five feet for each additional story.

Between structures of varying heights, the larger distance separation shall be required.

The separation between the buildings shall remain in accordance with Engineering construction plans approved under County No. 14SP-00455.

Except for single-family detached structures, setbacks required between the nearest part of any building wall and the edge of any public right-of-way or private street pavement shall be 25 feet unless waived by the board of county commissioners based on their commendation of the planning and development services department and the public works department. For single-family detached structures on local public streets, the front setback shall be a minimum of 20 feet, except that an open porch attached to the residence may be set back a minimum of ten feet. On local private streets, the single-family detached structure shall be set back a minimum of 45 feet from the centerline of the private local street, except that an open porch may be set back a minimum of 35 feet from the centerline. A minimum 25-foot setback shall be maintained between the wall of any structure and the property line along the perimeter of the PUD unless waived by the board of county commissioners at the time the preliminary development plan is approved.

The 25' PUD Perimeter Setback from structures is provided from all new construction.

On property bordering the ocean, a minimum of 30 percent of the ocean frontage shall be left open as breezeway/visual corridor. On property bordering a river, a minimum of 30 percent of the river frontage shall be left open as breezeway/visual corridor.

NIA

On property bordering the ocean, setbacks from the ocean on oceanfront property shall be governed by the provisions of article XII of this chapter.

NIA

Accessory structures shall be located behind the front building line of the principal structure. Accessory structures shall be set back not less than five feet from the side and rear lot lines for lots less than 75 feet in width, seven and one-half feet from the side and rear lot lines for lots at least 75 feet but less than 100 feet in width, and ten feet from the side and rear lot lines for lots at least 100 feet in width. On a corner lot, the side street setback shall be not less than 15 feet; however, if a corner lot is contiguous to a key lot, then the side setback shall be in accordance with the front setback provided in subsection (4), above.

Nonresidential tracts shall be subject to the same development standards as are found in the BU-1- A, BU-1, BU-2, or industrial zoning classifications, as appropriate.

Maximum height of structures.

Where the property abuts any other land designated for single-family residential use or zoned for such use on the PUD preliminary or final development plan, the maximum height shall be 35 feet.

Where the property abuts any other land designated for attached single-family or multifamily residential use or institutional use or zoned for such uses on the PUD preliminary or final development plan, the maximum height shall be 45 feet.

Where the property abuts any other land designated for commercial use on the PUD preliminary or final development plan or zoned for commercial or industrial use, the maximum height shall be 60 feet.

Where any structure or building exceeds 35 feet in height, all conditions enumerated in section 62- 2101.5 as applicable shall be fully satisfied.

Structures or buildings may not exceed the maximum height thresholds stated in this subsection unless otherwise permitted by section 62-2101.5.

The proposed building heights meet the thresholds as permitted by section 62-2101.5. as follows: (ref. Setbacks for BU-1 = Front 25', Side 5', Rear 15?)

Minimum floor area per unit

Not applicable

Parking requirements. Where the planned unit development consists of single-family detached dwellings on platted lots of less than 6,600 square feet, the developer may be required to provide an approved designated common area for the parking of campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles.

Not applicable

Underground utilities.

Within the PUD, all utilities, including telephone, television cable and electrical systems, shall be installed underground. Primary facilities providing service to the site of the PUD may be exempted from this requirement. Large transformers shall be placed on the ground and contained within pad mounts, enclosures or vaults. The developer must provide landscaping with shrubs and plants to screen all utility facilities permitted aboveground. The planning and zoning board may require that substations be screened by trees and shrubs or walls

resembling a structure which is compatible with the design of the buildings within the PUD.

Development standards.

The minimum construction requirement for streets or roads, sidewalks, sewer facilities, utilities and drainage shall be in compliance with the requirements of article VII of this chapter, pertaining to subdivisions. Design requirements with respect to streets, sidewalks and drainage may be waived by the county commission upon the recommendation of the planning and development services department and the public works department.

The internal drive aisles and parking areas will be designed according to Article VIII Site Plan Standards, and internal sidewalks to have a minimum width of four feet unless required otherwise by applicable building and/or accessibility codes.