



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS**

**24Z00010**

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

**IU (Light Industrial) to BU-2 (Retail, Warehousing and Wholesale Commercial)**

Tax Account Number: 2322557  
Parcel I.D.: 23-35-13-RT-B-5  
Location: East side of Curtis Blvd., 1,735 feet north of Fay Blvd.  
(District 1)  
Acreage: 2.46 acres

Port St. John Board: 6/05/2024  
Local Planning Agency: 6/10/2024  
Board of County Commissioners: 7/11/2024

**Consistency with Land Use Regulations**

- Current zoning cannot 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)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	IU	BU-2
<b>Potential*</b>	FAR of 2.46	FAR of 1.0 73 dwelling units**
<b>Can be Considered under the Future Land Use Map</b>	Yes IND	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 IU (Light Industrial) on 2.46 acres to BU-2 to build a RV and boat storage yard and a mini warehouse. The applicant states the current IU zoning classification restricts the location of storage areas. In IU zoning all storage areas shall be located to the rear of the primary structures. The BU-2 zoning does not

have these storage area restrictions. BU-2 zoning classification requires a building of at least 300 sq. ft. as their principal structure. The subject parcel has access to Curtis Blvd., a County maintained roadway.

There is also a Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, **24SS00004** to change the Future Land Use Element from Industrial (IND) to Community Commercial (CC).

The original zoning was GU (General Use).

On October 04, 1962, 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.

The subject parcel is located on the east side of Curtis Blvd., a county-maintained roadway.

### Surrounding Area

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	Business office	IU	IND
<b>South</b>	Vacant	IU	IND
<b>East</b>	Railroad	NA	NA
<b>West</b>	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 of the parcel 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.

**There have been no zoning actions within a half-mile of the subject property within the last three years.**

### **Future Land Use**

The subject property is currently designated as Industrial (IND) FLUM. The existing IU zoning classification can be considered consistent with the IND FLUM designation. The proposed BU-2 zoning is not consistent with the existing IND 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;

**Curtis Blvd. is an existing commercial corridor located from Fay Blvd. north to where Curtis Blvd. turns west.**

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

**The area along Curtis Blvd. 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 on septic.**

- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and

The following land use issues were identified:

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.

- 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.**

### **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 IU (Light Industrial) to BU-2 to build a RV and boat storage yard and a mini warehouse. A proposed concept plan has not been provided. This would be a down zoning to the intensity of use for the parcel. 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. However, CC FLU 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 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 new development within 0.5 miles of the subject property within the last three years.**

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

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

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

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

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

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

##### **Criteria:**

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic, 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 an existing 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.**

**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 residential neighborhood or subdivision but is along a commercial and industrial 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 across Curtis Blvd. to the west of the subject property, along the west side of Curtis Blvd.**

## **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**

- 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.

### **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. 24Z00010**

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

**Zoning Request:** IU to BU-2

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

**PSJ Hearing: 06/05/2024; Zoning 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.**

### **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.

### **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 ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  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.**



**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.