



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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**STAFF COMMENTS**

**23Z00083**

**Quality RV Florida, LLC**

**RU-1-7 (Single-Family Residential) and TR-1 (Single-family Mobile Home)**

**to BU-2 (Retail, Warehousing and Wholesale Commercial) with a**

**Binding Development Plan (BDP)**

Tax Account Number: 2702826  
Parcel I.D.: 27-36-14-01-\*74  
Location: Southside of Aurora Road between John Rodes Blvd. and  
Turtle Mound Road (District 5)  
Acreage: 5.32 acres

Planning & Zoning Board: 03/18/2024

Board of County Commissioners: 04/04/2024

**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 proposed 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>	RU-1-7 and TR-1	BU-2
<b>Potential*</b> RU-1-7 on 4.22 acres TR-1 on 1.10 acres	24 single-family units 7 mobile homes	(FAR) of 1.00 159 dwelling units***
<b>Can be Considered under the Future Land Use Map</b>	Yes, RES 6	Yes Community Commercial (CC)**

\* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

\*\*Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, 23SS00024 proposes to change the Future Land Use Map Designation from RES 6 to Community Commercial (CC) pending approval.

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

### Background and Purpose of Request

The applicant has requested a change of zoning classification from RU-1-7 (Single-family Residential) and TR-1 (Single-family mobile home) to BU-2 (Retail, Warehousing and Wholesale Commercial).

On June 28, 1965, the Board considered a rezoning request for BU-1 on the north 200 feet of the property with a trailer subdivision on the balance of the property. This request was deferred by Zoning Resolution Z-1769 until an overall plan for the area was approved and a temporary permit for trailer sales was issued subject to dedication of additional right-of-way for the Hopkins Ditch and a 25- foot setback from the ditch.

The applicant has offered a Binding Development Plan that stipulates that use of the property will be limited to all BU-1 uses with BU-2 uses being limited to RV and boat storage.

There is a Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, **23SS00024** to change the Future Land Use Map designation from RES 6 (Residential 6 units per acre) to CC (Community Commercial).

### Surrounding Area

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	Convenience store	BU-1-A	RES 6
<b>South</b>	Single-family residences	AU	RES 6
<b>East</b>	Single-family mobile home Single-family residences	TR-1 RU-1-7 & RR-1	RES 6 RES 6
<b>West</b>	Single-family residences	RU-1-7	RES 6

The RU-1-7 classification permits single family residences on minimum 5,000 square foot lots, with a minimum width of 50 feet and depth of 100 feet. The minimum house size is 700 square feet.

The RR-1 classification permits single-family residences on one acre lots with a minimum width and depth of 125 feet. The minimum house size is 750 square feet.

The AU classification permits single-family residences on a minimum of 2.5 acres with a minimum width of 150 feet and depth of 150 feet. The minimum house size is 750 square feet.

The TR-1 classification permits single-family mobile homes and single-family residences on minimum 7,500 square foot lots with a minimum width of 65 feet and depth of 100 feet. The minimum living area is 600 square feet.

The BU-1-A classification permits single-family residences and many commercial uses on 7,500 square foot lots with a minimum width and depth of 75 feet. Commercial uses must have a minimum floor area of 300 square feet.

The BU-2 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 has a Future Land Use Map designation of Residential 6 (RES 6). The existing RU-1-7 and TR-1 zoning classifications may be considered consistent with the RES 6 FLUM designation. However, the existing use is not consistent with zoning or FLUM.

There is a Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, **23SS00024** to change the Future Land Use Map designation from Residential 6 (RES 6) to Community Commercial (CC). The proposed BU-2 zoning classification can be considered consistent with the proposed Community Commercial (CC) FLUM designation.

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

#### Criteria:

A. Permitted/prohibited uses;

**BU-2 Retail, Warehousing and Wholesale Commercial zoning classification encompasses lands devoted to retail, 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.**

B. Existing commercial zoning trends in the area;

**The only commercial land use along this segment of Aurora Road is the convenience store with gas pumps, zoned BU-1-A, abutting the subject property on its northeast quadrant.**

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

**The land use in the surrounding area is single-family residential and single-family mobile homes. There are no industrial uses and commercial uses are limited to the adjacent convenience store.**

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 current use of the property has the potential to cause a deficiency in the transportation adopted level of service. In the event, that a different commercial use is established on the property, a new concurrency analysis will be required.**

**The subject property is served by City of Melbourne water and sanitary sewer. It is**

**not expected to have an impact on the LOS for solid waste disposal because the applicant proposes to continue the existing use of the property.**

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

**No noteworthy land use issues were identified. Please see NRM 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 62-2251 through 62-2271 of Brevard County Code.**

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 proposes to continue to utilize the subject parcel as a recreational vehicle dealership with outside storage of recreational vehicles owned by third parties. No noteworthy issues have been identified.**

- 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;

**The historical land use patterns in the vicinity of the subject property are residential in character including single-family residences, single-family mobile-homes, and mobile home parks. A few vacant residential properties remain.**

**The subject property and the adjacent convenience store under different ownership, which abuts the subject property to the northeast are the only commercial uses along this segment of Aurora Road.**

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

**There has not been any development within a half-mile 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.

**Policy 2.8 of the Future Land Use Element establishes locational and development criteria for community commercial uses. Criteria A states that: community commercial clusters of up to 10 acres should be located at arterial/arterial intersections; collector/arterial intersections are acceptable provided the collector serves multiple neighborhoods; and intrusion of these land uses into surrounding residential areas shall be limited. The subject property is not located at an intersection.**

**Criteria C states that community commercial clusters should be spaced at least 2 miles apart. The subject property is located 1.4 miles from the commercial development at the intersection of Aurora Road and Wickham Road, which is within the City of Melbourne. However, this request would reconcile the existing use on the property.**

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.

**The subject property is in an established residential corridor along Aurora Road from John Rodes Blvd. to Turtle Mound Road. The current use of the property was established prior to 1981. If approved, the Board should recognize the potential to allow other BU-2 uses which may have the potential to impact the surrounding residential neighborhood. Whether or not market factors would support a different, more intensive commercial use is unknown. The proposed BDP would limit BU-2 uses and would need Board approval.**

- 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.

**Much of this area was platted prior to the adoption of zoning regulations or the Comprehensive Plan. The primary boundaries are the road network.**

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.

**The subject property is not located within a residential neighborhood, rather a residential area. The Aurora Oaks subdivision which abuts the subject property on the west was platted in December 2004 and most homes within that subdivision were built in 2006. The commercial use abutting the subject property to the northeast was established in 1979.**

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.

**There have not been any non-residential uses approved within the past five (5) years. The area remains a residential corridor.**

#### Preliminary Concurrency

The closest concurrency management segment to the subject property is Aurora Road from John Rodes Blvd. to Wickham Road, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 52.95% of capacity daily. Since the establishment of this non-conforming use predates the most recent traffic counts the current capacity utilization should not change. It is difficult to determine the maximum development potential from the proposed rezoning due to the competition from better established commercial areas along Wickham Road that enjoy higher traffic volumes ... Specific concurrency issues will be addressed 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 development proposal is for commercial and not residential use.

The subject parcel is within the City of Melbourne utilities service area for water and sanitary sewer.

#### Environmental Constraints

##### Summary of Mapped Resources and Noteworthy Land Use Issues:

- Land Clearing and Landscape Requirements

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

#### **For Board Consideration**

The Board may wish to consider whether the proposed zoning request is consistent and compatible with the surrounding area. The Board may consider reconciling the existing development. The Board may consider a Binding Development Plan to help mitigate potential off-site impacts.

NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Land Use Review & Summary  
Item No. 23ZS00083

Applicant: David John Mancini (Owner: Quality RV Florida LLC)

Zoning Request: RU-1-7 and TR-1 to BU-2

Note: to establish commercial zoning for existing business (since 1977)

LPA Hearing: 03/18/2024; BCC Hearing: 04/04/2024

Tax ID No.: 2702826

- );>- 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:

- Land Clearing and Landscape Requirements

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Land Use Comments:

Land Clearing and Landscape Requirements

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen tree preservation, canopy coverage requirements, and buffer requirements.

Specifically, Section 62-4342 sets out vegetative buffering requirements to provide visual and physical screening and buffering between potentially incompatible uses and to reduce the effects of glare, noise and incompatible activities, to include commercial, institutional, public, and industrial uses when they abut existing residential uses. Land clearing is not permitted without prior authorization by NRM.