



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

21Z00040

Cobb 192, LLC

BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Commercial) to all BU-2

Tax Account Number: 2800098
Parcel I.D.: 28-36-01-00-257
Location: North side of New Haven Avenue, approximately 0.28 miles west of Katherine Boulevard (District 5)
Acreage: 2.1 acres

Planning & Zoning Board: 01/10/2022

Board of County Commissioners: 02/03/2022

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposed zoning 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
Potential*	91,476 sq. ft. of commercial (based on 1.0 FAR)	91,476 sq. ft. of commercial (based on 1.0 FAR)
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 seeking a change of zoning classification from BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Commercial) to all BU-2 (Retail, Warehousing, and Commercial) on a vacant lot for the purpose of constructing a self-storage facility on the entire parcel. BU-2 allows for outdoor storage. However, the applicant is not proposing this use at this time. Self-storage mini-warehouse use is permitted in BU-2.

Currently the front 150 feet of the parcel is zoned BU-1, while the remainder of the property is zoned BU-2. "Self-storage mini-warehouses" are permitted in BU-1 if they meet the conditions of Sec. 62-1837.5.(b)., which requires:

- (b) Where this use is located in the BU-1 (general retail commercial) zoning classification, the following conditions are required to ensure that the design and use of a self storage mini-warehouse facility occur in a manner that is compatible with the physical and visual characteristics of the BU-1 zoning classification. The following conditions shall apply.
 - (1) No unit within a self storage mini-warehouse shall be utilized as a place of business. No business tax receipt, other than that of the self storage mini-warehouse operator, shall be approved for a business operation on the property.
 - (2) No utilities, namely, electricity, water, telephone, cable TV, or gas, will be provided to the individual units. Lighting and air conditioning may be located in the hallways only.
 - (3) In addition to height restrictions as described in the BU-1 zoning classification, structural heights shall be further limited by the heights of adjacent off-site buildings to the side or rear of the property. Where only one structure is contemplated on site, height is limited to the height of the lowest principle structure on any adjacent parcel. Where more than one structure is proposed on site, the height of each structure is limited to the height of the lowest principle structure on the closest parcel. Where the adjacent parcel is vacant, the height of the proposed structure shall be limited to one story.
 - (4) No outside storage of commercial vehicles or heavy equipment as defined in and regulated by section 62-2117 shall be permitted. Recreational vehicles and recreational equipment so defined shall be permitted to be stored on site if screened from view from the street and from adjacent parcels by a minimum eight-foot opaque visual barrier, except that such vehicles and equipment shall not be permitted to be stored outside where said property is adjacent to a parcel zoned residential or used for residential purposes.
 - (5) The use of generators of any kind is prohibited.
 - (6) The use or storage of hazardous materials is prohibited.
 - (7) Signage shall be placed on each building indicating that no hazardous materials use or storage or generator use is permitted and that units cannot be occupied for business or industrial use.
 - (8) The entrance gate shall be so designed and located to allow for a 33 foot-long vehicle to queue without extending into the public right-of-way.
 - (9) Minimum lot size. An area not less than 20,000 square feet, having a minimum width of 100 feet, and a minimum depth of 200 feet.
 - (10) Landscaping and screening. A landscape buffer and screening strip shall be provided within each side and rear setback. Said buffer and screening strip shall consist of any combination of berming, fencing and vegetation which will provide a six-foot high visual barrier. Where said property is contiguous to a parcel zoned residential, or used for residential purposes, the landscape buffer and screening strip shall be completely opaque to a height of six feet pursuant to chapter 62, articles VIII and XIII. A four-foot-high irrigated and landscaped berm shall be provided along the front property line (excepting the entranceway) and the side property lines for a minimum depth of the required front setback. Additional vegetation shall

be added to the berm to achieve a total height of at least six feet. Chain link fence is prohibited.

(11) Architectural requirements. The site shall be designed so that no mini-warehouse overhead doors are visible from the street or from any adjacent parcel zoned residential, or used for residential purposes. Perimeter structures shall have trussed roofs. Perimeter walls shall be designed with physical breaks, windows (real or not), façade material changes or other architectural details and features (not just paint) intended to mimic the style of a retail structure as opposed to a continuous, visually monotonous warehouse wall. Metal buildings are prohibited.

(12) Maximum structural coverage. Forty percent of total lot area.

The lot was originally zoned AU. On July 24, 1997, a rezoning from AU to BU-2 was applied for as zoning action **Z-9910**. The final resolution rezoned the property from AU to BU-1 on the front 150 feet, and BU-2 on the remainder. At the time of this rezoning, the property to the east was still zoned AU.

Land Use

The subject property retains a FLU designation of Community Commercial (CC). Both the existing BU-1 and BU-2 zoning classifications are consistent with the CC FLU designation.

Applicable Future Land Use Policies

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.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 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.

The applicant intends to construct a self-storage facility without outdoor storage on the lot, which has a FLU designation of CC and is currently vacant. Parcels in this area with frontage on West New Haven Avenue all have CC or NC FLU designations, with the majority holding a designation of CC.

The development of a self-storage facility could be considered compatible with the current uses in the area. Uses include automobile sales and repair, general retail, and warehousing. There is another self-storage facility located approximately 696 feet to the east of the subject property.

There are residential land uses to the north of the subject property. These residential land uses are exclusively on interior lots without frontage on West New Haven Avenue. The most common residential FLU designations are RES 6 and RES 15.

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

The subject property currently has the zoning classifications of both BU-1 and BU-2. In this area, parcels with frontage on West New Haven Avenue exclusively have zoning classifications of BU-1 and BU-2. Parcels containing mixed zoning, BU-1 adjacent to the road and BU-2 to the rear, are most common along West New Haven Avenue. However, there are several parcels with BU-2 zoning fronting West New Haven Avenue as well.

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

The BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. Possible incompatibilities are due to the intensive nature of commercial activities permitted by the BU-2 classification and possible noise, light, traffic and other nuisance factors potentially associated with BU-2 activities.

The parcel to the north of the subject property has AU zoning.

Surrounding Area

The abutting parcel to the north is a 5.03-acre parcel with AU zoning that is developed with single-family residences. The abutting parcel to the east is currently vacant and has a zoning classification of BU-1. The property to the west has the same split zoning as the subject parcel, with the front 150 feet of the parcel zoned BU-1 and the remainder zoned BU-2. An auto body shop occupies the BU-1 portion of the property, while the rest is used for parking. The property across West New Haven Avenue is zoned BU-2 and contains multifamily housing.

There have been no rezoning applications in the surrounding area in the past 3 years.

Environmental Constraints

The subject parcel contains mapped hydric soils, an indicator that wetlands may be present on the property. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). New Haven Avenue is an MQR. If applicable, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for wetland impacts. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. A wetland determination/delineation will be required prior to any site plan design, land clearing activities, or building permit submittal. The applicant is encouraged to contact NRM at 321-633-2016.

Preliminary Concurrency

The closest concurrency management segment to the subject property is New Haven Avenue, between SR 524 and I-95, which has a Maximum Acceptable Volume of 41,790 trips per day, a Level of Service (LOS) of E, and currently operates at 47.66% of capacity daily. The maximum development potential from the proposed rezoning does increase the level of MAV utilization by 0.2%. The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

There is a water main line along West New Haven Avenue serviced by the City of Melbourne. The parcel is not serviced by sewer and will need to permit a septic system during the site planning process.

For Board Consideration

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

Item # 21Z00040

Applicant: Broadway for Cobb

Zoning Request: BU-1 & BU-2 to BU-2

Note: Applicant wants storage use across entire parcel.

P&Z Hearing Date: 01/10/22; **BCC Hearing Date:** 02/03/22

Tax ID No: 2800098

- 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:

- Hydric Soils/Wetlands
- Aquifer Recharge Soils
- Protected Species
- Land Clearing and Landscape Requirements

The subject parcel contains mapped hydric soils, an indicator that wetlands may be present on the property. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along “Mitigation Qualified Roadways” (MQRs). New Haven Avenue is an MQR. If applicable, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for wetland impacts. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. A wetland determination/delineation will be required prior to any site plan design, land clearing activities, or building permit submittal. The applicant is encouraged to contact NRM at 321-633-2016.

Land Use Comments:

Hydric Soils/Wetlands

The subject parcel contains mapped hydric soils (Basinger sand) as shown on the USDA Soil Conservation Service Soils Survey map; an indicator that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities or site plan application. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). New Haven Avenue is an MQR. If applicable, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for wetland impacts. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. A wetland determination/delineation will be required prior to any site plan design, land clearing activities, or building permit submittal. The applicant is encouraged to contact NRM at 321-633-2016.

Aquifer Recharge Soils

Basinger sand may also function as an aquifer recharge soil. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

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 preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. 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 and/or U.S. Fish and Wildlife Service, as applicable.