



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

22Z00004

Storsafe of Rockledge, LLC

BU-1 (General Retail Commercial) and AU (Agricultural Residential) to BU-2 (Retail, Warehousing, and Wholesale Commercial)

Tax Account Numbers: 2511096, 2511103, & a portion of 2511119 (east of U.S. Highway 1)
 Parcel I.D.s: 25-36-23-00-251, 25-36-23-00-256, & a portion of 25-36-23-00-500
 Location: On the east side of U.S. Highway 1 approximately 192 feet north of Barnes Boulevard (District 2)
 Acreage: 12.19 acres

Planning & Zoning Board: 3/14/2022
 Board of County Commissioners: 4/07/2022

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 and AU	All BU-2
Potential*	<ul style="list-style-type: none"> • 1 SFR unit • 384,417 sq. ft. of commercial 	530,996 sq. ft. of commercial (using 1.0 FAR for CC)
Can be Considered under the Future Land Use Map	YES CC, NC, & RES 4	YES** CC

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. **Approval is pending approval of companion request **21PZ00083** which proposes to change the Future Land Use Designation from Community Commercial (CC), Neighborhood Commercial (NC), and Residential 4 (RES 4) to all Community Commercial (CC).

Background and Purpose of Request

The applicants are requesting to change the zoning of a 12.19-acre property from BU-1 (General Retail Commercial) and AU (Agricultural Residential) to all BU-2 (Retail, Warehousing, and Wholesale Commercial) in order to develop a self-storage facility with outdoor boat and RV storage. BU-2 zoning is necessary for their proposed use, as the existing AU zoning does not permit a storage facility, and the BU-1 zoning classification only permits self-storage facilities if the conditions of Sec. 62-1837.5 are met.

The most recent use on the property was an orange orchard, processing facility for the oranges, and associated offices. These uses have been discontinued. The area to be rezoned is currently three separate parcels that the owners intend to combine into one. The 0.7-acre portion of tax account 2411119 on the western side of S. Highway 1 is not included in the rezoning and is to remain zoned GU with a FLU designation of NC.

The applicants included a concept plan in their application showing two 62,000 sq. ft. buildings, two ponds, and associated parking. 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.

Each of the AU portions of the property retain their original zoning. The BU-1 portion on tax account 2511103 is the original zoning. The BU-1 portion of tax account 2511096 was rezoned from AU to BU-1 on August 26, 1968, as zoning action **Z-2332**. The BU-1 portion of tax account 2511119 was rezoned from AU to BU-1 in June 1966 as zoning action **Z-1923**. There is a variance, **V-2163**, that permits 23 ft. from the required 25 ft. front setback in BU-1. However, this rezoning will result in this variance becoming void, as this portion of the property will no longer be zoned BU-1.

Land Use

The subject property is currently designated as Community Commercial (CC), Neighborhood Commercial (NC), and Residential 4 (RES 4) FLU. The proposed BU-2 zoning is consistent with the existing Community Commercial (CC) FLU designation, but not with the existing Neighborhood Commercial (NC) or Residential 4 (RES 4) FLU designations. A companion application, **21PZ00083**, if approved, would change the Future Land Use designation on the NC and RES 4 portions of the parcel to all CC.

Applicable Land Use Policies

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;

The applicant wishes to develop a self-storage facility with outdoor boat/RV parking. This use needs BU-2 zoning as outdoor storage is not permitted under the AU and BU-1 zoning classifications.

B. Existing commercial zoning trends in the area;

There have not been any other commercial rezoning requests in the surrounding area within the BU-1 or BU-2 zoning classification within the last three years.

- C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;
The property is adjacent to residential properties on the north, east, and south. The closest developed BU-2 lot on the eastern side of S. Highway 1 is approximately 950 feet to the north – it is currently developed with a retail 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 indicate that the proposed development has the potential to cause a deficiency in the transportation adopted level of service. The subject site is within the City of Cocoa’s service area for potable water. The subject parcel is located within the City of Rockledge centralized sewer system. Specific concurrency issues will be addressed at the time of Site Plan review.

- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and
No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

- 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 Sections 62-2251 through 62-2272 of Brevard County Code.

Policy 2.3 – Land development regulations provide performance standards for evaluating the acceptability of proposed commercial development activities. Criteria include:

Criteria:

- A. Integration of vehicular and non-vehicular access into the site and access management features of site in terms of driveway cuts and cross access between adjacent sites, including use of frontage roads and/or shared access, where feasible, as determined by Brevard County;
This will be reviewed at the site plan stage.

- B. Buffering from adjacent existing/potential uses;
The concept plan submitted is non-binding. It does not identify the distance between the proposed structures and the residential lots.

- C. Open space provisions and balance of proportion between gross floor area and site size;
Open space development is not required for this type of commercial usage. Building type and floor area ratio will be reviewed at the site plan stage.

- D. Adequacy of pervious surface area in terms of drainage requirements;
Drainage requirements will be reviewed at the site plan stage.

- E. Placement of signage;
Sign location has not been identified on the submitted survey or concept plan.
- F. Adequacy of site lighting and intrusiveness of lighting upon the surrounding area;
External site lighting height has been proposed; however, lighting will need to comply with Section 62-2257 of Brevard County Code and will be reviewed at the site plan review stage.
- G. Safety of on-site circulation patterns (patron, employee and delivery vehicles), including parking layout and drive aisles, and points of conflict;
Review will be performed at the site plan review stage.
- H. Landscaping, as it relates to the requirements of the Comprehensive Plan and Land Development Regulations;
Review will be performed at the site plan review stage.
- I. Unique features and resources which may constrain site development, such as soils, existing vegetation and historic significance; and
No noteworthy comments have been identified by the NRMD review. Review will be performed at the site plan review stage.
- J. Performance based zoning requirements which may serve as a substitute for or accompany land development regulations in attaining acceptable site design.
Nothing in the form of waivers, administrative approvals or variances have been applied for at this time.

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. Development activities which may be considered within the Community Commercial (CC) Future Land Use designation, provided that the guidelines listed in Table 2.2 are met.

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;

The applicant has stated a specific commercial use of a self-storage facility with outdoor boat and RV storage. The applicant has not provided hours of operation, a lighting plan, or a traffic analysis. The proposed use is not anticipated to generate odor or noise that would diminish the quality of life of the existing neighborhood along Rockledge Drive. Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan review stage should the zoning and Future Land Use change be approved.

- 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 appraisal can determine if material reduction has or will occur due to the proposed use.

- 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;

U.S. Highway 1 is a commercial corridor with CC Future Land Use designations along the majority of it to provide an array of services for local, sub-regional and regional neighborhoods.

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

There has not been any actual development within this area in the preceding three (3) years.

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

There have not been any development approvals within the past three (3) years.

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

In general, the character of the area is defined by a mix of developed and undeveloped commercial parcels along S. Highway 1 and an established residential area directly to the east of the property along Rockledge Drive. The commercial development on the eastern side of S. Highway 1, where the subject property is located, consists primarily of retail and office buildings on lots with BU-1, TU-1, and RP zoning. Development on the western side of S. Highway 1 and along Barnes Blvd. includes heavy commercial and industrial uses on lots with BU-2 and IU zoning in addition to a residential subdivision within the city limits of Rockledge. Both sides of S. Highway 1 contain several undeveloped commercial parcels.

There is an established residential neighborhood to the east that directly abuts the subject property. The lots vary in size but are mostly a half-acre or larger and are zoned EU, EU-2, and AU. The subject property currently has AU zoning in most areas where it borders these residential lots. On the

eastern side of Rockledge Drive are small parcels fronting the Indian River that are utilized as river access for the lots on the western side of Rockledge Drive.

If the zoning is approved, the subject property would be the largest parcel with BU-2 zoning in the surrounding area at 12.19 acres. There are no comparable properties with the same zoning along this segment of S. Highway 1. The closest developed BU-2 lot on the eastern side of S. Highway 1 is located approximately 950 feet to the north and contains a retail store on 1.24 acres. While the applicants are proposing a self-storage facility, the BU-2 zoning classification also permits other commercial activity of a higher intensity than BU-1 and AU. Consideration should be given to uses permitted in BU-2 that have the potential to impact the residential area adjacent to the subject parcel. Such uses in BU-2 include major automobile repairs (permitted by right), the manufacturing and assembly of certain products (permitted with conditions), and overnight commercial parking (conditional use).

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence	AU	CC & RES 4
South	Motel & single-family residence	TU-1 & AU	NC
East	Single-family residences, vacant residential land, multi-family residences	AU, EU, EU-2	NC
West	Retail & vacant commercial	GU & BU-1	NC & CC

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.

AU zoning classification permits single-family residences and agricultural uses on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

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.

EU zoning classification is an estate single family residential zoning classification. The minimum lot size is 15,000 square feet with a minimum lot width and depth of 100 feet. The minimum living area is 2,000 square feet.

EU-2 zoning classification is an estate single family residential zoning classification. The minimum lot size is 9,000 square feet with a minimum lot width of 90 feet and depth of 100 feet. The minimum living area is 1,500 square feet.

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

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Highway 1, between Viera Blvd. to Barnes Blvd., which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 67.67% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 227.34%. The corridor is anticipated to operate at 295.01% of capacity daily. The proposal is anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review.

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 Cocoa's service area for potable water. The subject parcel is located within the City of Rockledge centralized sewer system.

Environmental Constraints

- Hydric Soils/Wetlands
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

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

The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

For Board Consideration

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

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.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review & Summary
Item # 22Z00004

Applicant: Lee for Harvey

Zoning request: BU-1 & AU to BU-2

Note: Applicant wants self-serve storage facility with outdoor boat and RV storage.

P&Z Hearing Date: 03/14/22; **BCC Hearing Date:** 04/07/22

Tax ID Nos: East portions of 2511096, 2511103, & 2511119

- 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
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- Protected Species

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:

Hydric Soils/Wetlands

The subject parcel with Tax Account ID # 2511119 contains a small area of mapped hydric soils (Tomoka muck) as shown on the USDA Soil Conservation Service Soils Survey map, an indicator that wetlands may be present on the property. An environmental report, prepared by Bio-Tech Consulting, Inc. on November 29, 2021, did not find any wetlands onsite. The report will be verified at the time of site plan submittal. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). Highway 1 is an MQR at this location. The applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval 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 mitigation in accordance with Section 62-3696. Although not a part of the zoning request, and not included in the environmental report, the parcel with Tax Account ID # 2511119 has mapped wetlands on the west side of Highway 1.

Indian River Lagoon Nitrogen Reduction Overlay

A small portion of the northmost parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required within the overlay. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Protected and Specimen Trees

Aerials indicate that Protected (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) may reside on subject property. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Protected and Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree 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.