



**Planning and Development Department**

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BOARD OF COUNTY COMMISSIONERS

**STAFF COMMENTS**

**22Z00015**

**Nicholas Boardman & Andrea Bedard**

**AU (Agricultural Residential) to BU-1 (General Retail Commercial)**

Tax Account Number: 2511124  
 Parcel I.D.: 25-36-23-00-506  
 Location: North side of Coquina Road, approximately 200 feet east of Highway 1 (District 2)  
 Acreage: 1.02 acres

Planning and Zoning Board: 7/18/2022  
 Board of County Commissioners: 8/04/2022

**Consistency with Land Use Regulations**

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal cannot 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>	AU	BU-1
<b>Potential*</b>	1 SF unit	43,996 sq. ft. commercial (using 1.0 FAR for CC)
<b>Can be Considered under the Future Land Use Map</b>	YES NC & RES 4	YES** CC

\* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. \*\* Application is pending approval of companion request **22SS00004** which proposes to change the Future Land Use Designation from Neighborhood Commercial (NC) and Residential 4 (RES 4) to Community Commercial (CC).

**Background and Purpose of Request**

The applicant requests to rezone the 1.02 acre subject property from AU (Agricultural Residential) to BU-1 (General Retail Commercial) for the purpose of either expanding the existing motel on the adjacent lot or develop a complementary business to the motel. According to the Property Appraiser's record, the parcel is developed with a single-family residence built in 1951 and an accessory building. AU is the original zoning classification.

## Land Use

The subject property is currently designated as Neighborhood Commercial (NC) and Residential 4 (RES 4). The proposed BU-1 zoning is not consistent with the Neighborhood Commercial (NC) and Residential 4 (RES 4) Future Land Use designations. The companion request **22SS00004** proposes to change the Future Land Use Designation from Neighborhood Commercial (NC) and Residential 4 (RES 4) to Community Commercial (CC). The BU-1 request would be consistent with the Community Commercial (CC) Future Land Use designation.

## Applicable Land Use Policies

### FLU Policy 2.2 – Role of Zoning Regulations in the Designation of Commercial Lands

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 the subject property as an expansion to the existing motel on the adjacent lot or develop a complementary business. Section 62-1844.5 provides that motels may be permitted in BU-1 zoning in areas designated as community commercial on the future land use map.**
- B. Existing commercial zoning trends in the area;  
**Three development actions have been approved within a half-mile radius of the subject property within the last three years. 20PZ00042 was approved for rezoning 1.2 acres to EU approximately 0.4 miles south of the subject property. The property has been developed with a single-family residence. 21PZ00083 for a small-scale comprehensive plan amendment to CC (Community Commercial), and 22Z00004 for a rezoning to BU-2 with a BDP (Binding Development Plan) have also been approved for approximately 12 acres adjacent to the subject property on the north side. A self-storage facility is proposed for the site.**
- C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;  
**The applicant proposes to expand the adjacent motel or develop a complementary business to the motel. While the property is adjacent to commercial development to the west (existing motor court) and north (proposed self-storage), there may be potential impacts to the existing single-family residences directly to the east in the absence of a buffer between the residential and commercial development 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 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's service area for centralized sewer.**

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

**Policy 2.3 – Role of Land Development Regulations in the Designation of Commercial Lands**

Land development regulations provide performance standards for evaluating the acceptability of proposed commercial development activities, including:

**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;  
**Review will be performed at the site plan review stage.**
- B. Buffering from adjacent existing/potential uses;  
**Review will be performed at the site plan review stage.**
- 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;  
**Signage will need to comply with Section 62-3316 of Brevard County Code and will be reviewed at the site plan review stage.**
- F. Adequacy of site lighting and intrusiveness of lighting upon the surrounding area;  
**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.

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

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 proposes the expansion of a motel use that has existed since 1948 according to the Property Appraiser's records, or a use complementary to the motel. It is not anticipated to diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area. Proposed development will be reviewed at the site plan review stage.**

- 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 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 historic land use pattern has been Agricultural Residential (AU) development and single-family residences built on Estate Use Residential (EU and EU-2) lots with some commercial uses adjacent to US Highway 1.**

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

**It appears no changes to the immediate area have occurred within the last three years.**

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

**A small-scale comprehensive plan amendment to change the future land use to CC (Community Commercial) and a rezoning to BU-2 with a BDP (Binding Development Plan) for a proposed self-storage facility were approved March 5, 2022 on approximately 12 acres adjacent to the subject property on the north side. Site plan review and approval are the next steps for the proposed development.**

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

**No material violation of relevant policies has been identified.**

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

The developed character of the surrounding area is primarily single-family residences with zoning classifications of EU and EU-2. There is also limited commercial development along US Highway 1 with a zoning classification of BU-1 and BU-2, and a motel with a zoning classification of TU-1(16). Adjacent to the north of the subject property is vacant commercial land, to the east are single-family residences, to the south is a retail store and a single-family residence and to the west is a motor court. This request may be considered an encroachment of commercial land use into a residential area.

The current 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.

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

## Surrounding Area

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	Vacant Land	BU-1 & AU	CC & RES 4
<b>South</b>	Retail Store & a Single-Family Residence	BU-1, AU & EU	CC, NC & RES 4
<b>East</b>	Single-Family Residences	EU & EU-2	RES 4
<b>West</b>	Bonsai Motor Court	TU-1(16)	CC

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.

TU-1 is a general tourist commercial zoning classification which permits hotels and motels among its listed uses. It also permits BU-1-A type retail uses in conjunction with and accessory to a hotel or motel with a minimum of 25 rooms. The minimum lot size is 15,000 with a minimum width of 100' and minimum depth of 150'. Maximum density allowances range from 8 units per acre (in the South Beaches area) to 30 units per acre (in the North Beaches, Mainland and Merritt Island Redevelopment Area).

Three development actions have been approved within a half-mile radius of the subject property within the last three years. **20PZ00042** was approved for rezoning 1.2 acres to EU approximately 0.4 miles south of the subject property. The property has been developed with a single-family residence. **21PZ00083** for a small-scale comprehensive plan amendment to CC (Community Commercial), and **22Z00004** for a rezoning to BU-2 with a BDP (Binding Development Plan) have also been approved for approximately 12 acres adjacent to the subject property on the north side. A self-storage facility is proposed for the site.

## Preliminary Concurrency

The closest concurrency management segment to the subject property is US 1 between Barnes Boulevard and Eyster Boulevard, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 61.92% of capacity daily. The development potential from the proposed rezoning does increase the percentage of MAV utilization by 0.14% based on proposed use provided by the applicant. The corridor is anticipated to operate at 62.06% of capacity daily. The proposed use is not anticipated to create a deficiency in LOS. 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 parcel is within the City of Cocoa's service area for potable water and within the City of Rockledge's service area for centralized sewer.

### **Environmental Constraints**

- Protected Species
- Protected and Specimen Trees

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 if the request is consistent and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item #22Z00015**

**Applicant:** Treharne for Bedard

**Zoning Request:** AU to BU-1

**Note:** Applicant wants to expand hotel use to the east

**P&Z Hearing Date:** 07/18/22; **BCC Hearing Date:** 08/04/22

**Tax ID No:** 2511124

- 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:**

- Protected Species
- Protected and Specimen Trees

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:**

**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.

**Protected and Specimen Trees**

Protected ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  inches in diameter) trees may exist on the parcel. A tree survey will be required at time of a site plan submittal. The applicant is encouraged to perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per 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.