



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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

**STAFF COMMENTS**

**23Z00006**

**David C. Ramage and Cynthia R Ramage Trust**

**BU-1 (General Retail Use) to BU-2 (Retail, Warehousing and Wholesale Commercial)**

Tax Account Number: 2103340  
Parcel I.D.: 21-35-06-00-774  
Location: East side of Highway US-1 and approx. 1,240 feet north of Main Street.  
(District 1)  
Acreage: 4.83 acres

Planning & Zoning Board: 4/17/2023

Board of County Commissioners: 5/04/2023

**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)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	BU-1	BU-2
<b>Potential*</b>	210,394.8 square feet	210,394.8 square feet
<b>Can be Considered under the Future Land Use Map</b>	Yes Community Commercial	Yes Community Commercial

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

**Background and Purpose of Request**

The applicant is requesting a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing and Wholesale Commercial) to build a self-storage mini-warehouse facility along with outdoor storage for RV's and boats. The BU-1 zoning classification does not permit the outdoor storage of RV's and boats. BU-2 zoning classification requires a building of at least 300 sq. ft. as their principale structure.

**Please note:** The applicant has not provided a proposed site plan with the rezoning application. This is not a requirement for rezoning and a site plan has not been reviewed for compliance with the land development codes and other County departments.

The original zoning of the subject property was BU-2.

On May 31, 1967 zoning action Z-2090 Administratively rezoned the parcel from BU-2 to BU-1.

On April 09, 2009 zoning action Z-11482 rezoned the parcel from BU-1 and AU to all BU-1 and amended the Future Land Use (FLU) designation from Community Commercial (CC) and Residential 4 (RES 4) to all Community Commercial.

## **Land Use**

The subject property contains the Community Commercial (CC) FLUM designation. Both the existing BU-1 and proposed BU-2 zoning classifications are consistent with the CC FLUM designation.

## **Applicable Land Use Policies**

### **Role of Zoning Regulations in the Designation of Commercial Lands**

#### **FLU 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 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;

**There has been retail commercial zoning trends in the immediate area**

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

**This zoning classification change could be considered to be consistent with the immediate surrounding area as this is along a commercial corridor which includes both commercial use and residential use. The primary zoning classification in the surrounding area is BU-1 which is the current zoning classification of the subject property.**

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 has access to Brevard County potable water 50 feet directly north along the east side of Highway US-1 and Brevard County sewer 575 feet to the south along the east side of Highway US-1. It is not anticipated to have an impact on the LOS for potable water service, sanitary sewer or solid waste disposal due to the proposal being for a mini-warehouse and storage facility.**

E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and  
The following land use issues were identified:

- **Aquifer Recharge Soils**
- **Protected and Specimen Trees**
- **Protected Species**

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 62-1483 and 62-1833.5 of Brevard County Code.**

## **Activities Permitted in the Community Commercial (CC) Future Land Use Designations 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. 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, include the following:

- a) Existing strip commercial;
- b) Transient commercial uses;
- c) Tourist commercial uses;
- d) Professional offices;
- e) Personal service establishments;
- f) Retail establishments;
- g) Non-retail commercial uses;
- h) Residential uses;
- i) Institutional uses;
- j) Recreational uses;
- k) Public facilities;

- l) Transitional uses pursuant to Policy 2.1; and
- m) Planned Industrial Park development (as permitted by PIP zoning).

**The applicant's proposed use can be considered consistent with these commercial and residential uses.**

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;

**This request proposes a self-storage mini-storage with outdoor storage of RV's and boats, which may be in operation 24 hours a day, 7-days a week. Hours of operation, noise levels, and traffic operations will need to be addressed through site planning to minimize the potential effects upon the neighborhood and adjacent commercial activities.**

- 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;

**Over the past 60 years this area has been historically commercial.**

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

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

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

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

- 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.**

##### **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 located along a commercial corridor on the east side of Highway US-1. The abutting parcel to the south is developed with a single-family residence with BU-1 and AU (Agricultural Residence) zoning.**

- B. In determining whether an established residential neighborhood exists, the following factors must be present:

- a. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

**The area does have development of roads, open spaces, and similar existing features.**

- b. 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.

**Neighborhood commercial uses will not have an impact as the subject property is not located in a neighborhood.**

- c. 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 in a corridor of commercial uses along Highway US-1 with residential uses to the east of the corridor.**

**The subject parcel is proposed to be rezoned from BU-1 to BU-2. As the immediate area is commercial, the proposed uses maintain the commercial integrity of the area. The difference in the current zoning to the requested change of zoning is due to the ability to have a mini-warehouse with outdoor storage. The existing commercial development to the north includes a 18,840 square foot Tractor Supply Company. The abutting parcel to the south is zoned BU-1 and AU (Agricultural Residential) and developed with a single-family residence on the BU-1 portion of the parcel.**

**The closest BU-2 zoning classification is located approximately 230-feet south, along the east side of Highway US-1. In the current zoning classification, you are not able to conduct commercial business having outdoor storage.**

### **Surrounding Area**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Commercial vacate land	BU-1	CC
<b>South</b>	Single-family residence	BU-1/AU	CC/RES 4
<b>East</b>	Vacate residential	AU	RES 4
<b>West</b>	Highway US-1	N/A	N/A

The developed character of the surrounding area is a mixture of commercial, and single-family residence along the east commercial corridor of Highway US-1 and residential to the east of the Corridor. To the north is a 18,840 sq. ft. commercial retail Tractor Supply Company with BU-1 zoning. To the east of the subject parcel is a vacant parcel with AU (Agricultural Residential) zoning. To the south of the subject property is a single-family residence with the BU-1 and AU zoning classification. To the west is Highway US-1; across the ROW is a school, and residential use with RU-1-9 (Single-Family Residential) zoning.

The current 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 and outdoor storage.

The proposed 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 (auto-repair facilities, paint and body shops, and contractor storage yards).

The AU zoning classification permits single family residential development on lots of not less than two and one-half acres having a minimum width of 150 feet and a minimum depth of 150 feet. The minimum house size is 750 square feet.

The RU-1-9 classification permits single family residential development on lots of 6,600 square feet (minimum). The minimum house size is 900 square feet.

There have been three recent zoning actions within a half-mile of the subject property within the last three years.

- **20Z00026** was approved November, 4, 2021 to rezone a parcel from AU (Agricultural Residential) to SR (Suburban Residential).
- **21Z00025** was to rezone from AU (Agricultural Residential) to RR-1 (Rural Residential) approved on March 3, 2022.
- **Then 21Z00035** was a rezoning from RRMH-1 to TR-1 also approved on March 3, 2022.

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is US Highway 1, between SR 46 and Lionel Road, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 24.93% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.02%. The corridor is anticipated to operate at 25.95% 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 parcel has access to Brevard County potable water on the east side of Highway US-1, 50 feet north of the parcel. The closest Brevard County sewer is located along the east side of Highway US-1, 575 feet south of the parcel.

### **Environmental Constraints**

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

- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

#### **Aquifer Recharge Soils**

The subject parcel contains mapped Paola fine sand, 0 to 8 percent slopes, an aquifer recharge soil as shown on the USDA Soil Conservation Service Soils Survey map. Mapped topographic elevations (~20 to 38 feet NAVD) 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.

### **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 (NRM) DEPARTMENT**  
**Zoning Review & Summary**

**Item #23Z00006**

**Applicant:** David C. Ramage Trust & Cynthia R. Ramage Trust

**Land Use Request:** BU-1 to BU-2

**Note:** Allow the construction and operation of a mini warehouse in excess of 30 feet, but not greater than 35 feet. Allow outdoor storage.

**P&Z Hearing Date:** 04/17/23; **BCC Hearing Date:** 05/04/202

**Tax ID No:** 2103340

- 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:**

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**Land Use Comments:**

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**Protected and Specimen Trees**

Protected ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  inches in diameter) trees likely 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.

**Protected Species**

Information available to NRM indicates that federally and/or state protected species may be utilize 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.