



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

2725 Judge Fran Jamieson Way

Building A, Room 114

Viera, Florida 32940

(321)633-2070 Phone / (321)633-2074 Fax

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

STAFF COMMENTS

23Z00012

Norfolk Parkway, LLC.

Amendment to an Existing BDP (Binding Development Plan) in a BU-2 (Retail, Warehousing and Wholesale Commercial) Zoning Classification

Tax Account Number: 2802676
Parcel I.D.: 28-36-13-00-758
Location: North side of Norfolk Pkwy. approximately 1,185 feet west of Minton Road.
(District 5)
Acreage: 17.5 acres

Planning & Zoning Board: 06/12/2023
Board of County Commissioners: 07/13/2023

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)

	CURRENT	PROPOSED
Zoning	BU-2	BU-2
Potential*	96,267 sq. ft. commercial (using 1.0 FAR for CC)	96,267 sq. ft. commercial (using 1.0 FAR for CC)
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 requesting an amendment to an existing BDP (Binding Development Plan) per zoning action **22Z00006** and recorded in ORB 9496, Pages 418 - 422 which allowed for Boat and RV storage facility. The proposed amendment to the existing BDP, adds Self-storage mini-warehouse facility, related ancillary services and facilities. All buildings and/or structures shall be limited to 25 feet in height.

The subject parcel is currently undeveloped with frontage on Norfolk Parkway. This parcel was an unpermitted former land fill.

The existing Binding Development Plan Stipulates: Developer/Owner desire to develop the property as for Boat and RV storage facility pursuant to the Brevard County Code, section 62-1157.

The County and the Developer/Owner agree as follows:

- Developer/Owner shall provide a 50-foot undisturbed vegetative buffer and maintain the existing vegetative buffer along the west and north boundaries of the Property. No improvements shall be allowed within the buffer.
- The Developer/Owner shall limit the number of outdoor storage spaces to 350.
- The Developer/Owner shall limit ingress and egress to Norfolk Parkway.
- The site shall be developed as a Boat and RV storage facility and related ancillary services and facilities.
- No sewage dump station shall be allowed, unless public sewer connection is obtained.
- Outdoor lighting is limited to 17 feet in height from grade to bottom of light fixture.
- The Developer/Owner shall provide a traffic study detailing any required roadway improvements including, but not limited to a westbound right turn lane, at the time of site plan submittal. If an improvement is warranted, and is approved by the City of West Melbourne, it shall be constructed accordingly.
- No residing or overnight stays within the stored vehicles shall be allowed.
- The Developer/Owner shall comply with all applicable requirements of the FDEP Guidance for Disturbance and Use of Old Closed Landfills or Waste Disposal Areas in Florida.

The Amended Binding Development Plan Stipulates: Developer/Owner has requested the BU-2 zoning classification(s) and desires to develop the Property as a boat and RV and self-storage facility and pursuant to the Brevard County Code, Section 62-1157.

The amended BDP is the same as the existing approved BDP above with the exception of item #6 has added note, "Self-storage mini-warehouse facility" and item #7 has been added, "Any and all buildings and/or structures shall be limited to 25 feet in height."

These revisions to the existing approved BDP (22Z00006) are noted in "**Bold Script and underlined text**" below.

- Developer/Owner shall provide a 50-foot undisturbed vegetative buffer and maintain the existing vegetative buffer along the west and north boundaries of the Property. No improvements shall be allowed within the buffer.
- The Developer/Owner shall limit the number of outdoor storage spaces to 350.

- The Developer/Owner shall limit ingress and egress to Norfolk Parkway.
- The site shall be developed as a Boat and RV and **Self-storage mini-warehouse facility and** related ancillary services and facilities.
- **Any and all buildings and/or structures shall be limited to 25 feet in height.**
- No sewage dump station shall be allowed, unless public sewer connection is obtained.
- Outdoor lighting is limited to 17 feet in height from grade to bottom of light fixture.
- The Developer/Owner shall provide a traffic study detailing any required roadway improvements including, but not limited to a westbound right turn lane, at the time of site plan submittal. If an improvement is warranted, and is approved by the City of West Melbourne, it shall be constructed accordingly.
- No residing or overnight stays within the stored vehicles shall be allowed.
- The Developer/Owner shall comply with all applicable requirements of the FDEP Guidance for Disturbance and Use of Old Closed Landfills or Waste Disposal Areas in Florida.

The Board should determine if these conditions mitigate off-site impacts.

The subject parcel was originally zoned GU (General Use).

On May 07, 1964 zoning action **Z-1389** approved a Temporary Trailer for Watchman Only in a GU zoning classification.

On July 25, 1984 zoning action **Z-6769** approved a Conditional Use Permit (CUP) for Tower and Antennae in a GU zoning classification.

On May 05, 2022 zoning action **22Z00006** approved change of zoning classification from GU with a CUP for Tower and Antenna to BU-2 (Retail, Warehousing and Wholesale Commercial) and removal of CUP for Tower and Antenna, be approved with a BDP, recorded on 5/05/22, in Official Records Book (ORB) 9496, pages 418 – 422.

Land Use

The subject property is currently designated as Community Commercial (CC) FLU. The existing BU-2 zoning can be considered consistent with the existing CC FLU designation.

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.

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 proposed to limit the use of the property through a Binding Development Plan. Performance standards within Sections 62-2251 through 62-2272 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;

To the west of this parcel is a residential subdivision. The abutting parcel to the north of this parcel is developed with a communications tower. To the east between the subject parcel and Minton Drive lies the City of West Melbourne's jurisdiction with vacant parcels and one developed single-family home site.

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 has not been any development 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.

No material violation of relevant policies has been identified. This property will need to be developed in compliance with the Comprehensive Plan.

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

The developed character of the surrounding area is mostly vacant/unimproved land. Abutting the subject parcel to the north is a developed communication tower on General Use (GU) zoning. To the north of the tower parcel is a developed single-family lot zoned Agricultural Residential (AU). To the east is a vacant GU zoned parcel and the city of West Melbourne zoned parcels which are mostly

vacant. To the south is the Norfolk Parkway road right-of-way. To the west is a large retention tract/lake for the Sawgrass Lakes community.

The four adjacent city of West Melbourne zoning classifications abutting this area allow for residential, institutional and commercial use. The 2016-2022 aerials do not reflect any current development pattern except for the residential subdivision buildout (west) of this parcel in the immediate neighborhood.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Communication tower	GU	RES 2
South	Norfolk Pkwy.	N/A	N/A
East	vacant	West Melbourne	West Melbourne
West	Retention Pond	West Melbourne	West Melbourne

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

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. This zoning classification also supports the use of outdoor storage as a permitted with conditions use identified under Section 62-1833.5 of Brevard County Code.

The 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 GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

There does not appear to be any emerging development trends in the existing area located north or east of this site.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Minton Road, between Hield Road to Eber Boulevard, which has a Maximum Acceptable Volume (MAV) of 39,800 trips per day, a Level of Service (LOS) of D, and currently operates at 76.83% of capacity daily. The maximum development potential from a min-warehouse and RV/Boat storage use as limited in the proposed

BDP would increase the percentage of MAV utilization by 4.74%. With the maximum development potential from the proposed rezoning, the corridor is anticipated to operate at 81.57% of capacity daily (LOS C). The proposal is anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the project is not intended for residential uses.

The parcel currently does not have access to either potable water or sanitary sewer. In the future, the parcel may be able to obtain potable water from the City of West Melbourne, if they can connect to the main located on the south side of the Norfolk Parkway.

Environmental Constraints

- National Wetland Inventory (NWI) Wetlands
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

No noteworthy land use issues were identified. Natural Resources Management (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 this request is consistent and compatible with the surrounding area, and whether the additional conditions within the BDP mitigate off-site impacts.

NATURAL RESOURCES MANAGEMENT (NRM) DEPARTMENT
Zoning Review & Summary
Item #23Z00012

Applicant: Moia for Boozer

Zoning Request: GU w/ CUP for tower & antenna to BU-2 & remove CUP for tower & antenna

Note: Applicant wants BU-2 & removal of CUP for tower and antenna

P&Z Hearing Date: 06/12/23; **BCC Hearing Date:** 07/13/23

Tax ID Nos: 2802676 & 2802674

- 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:

- National Wetland Inventory (NWI) Wetlands
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

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

Land Use Comments:

Wetlands

The subject parcel contains mapped NWI (Freshwater emergent wetlands) as shown on the NWI Wetlands map, an indicator that wetlands may be present on the property. A wetland delineation was performed in December 2019 by Andrew Conklin Environmental Services, LLC (ACES), and found approximately 0.22 acres of wetlands in the northeast corner of the parcel.

Per Section 62-3694(3), commercial and industrial land development activities shall be prohibited in wetlands contained in properties designated on the Future Land Use Map as commercial or industrial, and in surrounding upland buffers for such wetlands, except as provided below for I-95 interchanges,

mitigation qualified roadways, abutting properties, and access to uplands. In no instance shall a proposed land development activity result in increased flooding on adjacent properties. Where the State does not require a buffer, wetland buffers shall be established in accordance with Section 62-3694(c)(10). Where impacts are permitted, the applicant is encouraged to propose innovative wetland preservation alternatives. Where the State does not require mitigation for any wetland impact, mitigation shall be provided to meet the County's no net loss policy as defined in Section 62-3696. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

Aquifer Recharge Soils

A small area of the parcel contains mapped aquifer recharge soils (Palm Beach sand) as shown on the USDA Soil Conservation Service Soils Survey map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

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. Per Section 62-4332, Definitions, 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 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.

Other

According to Florida Department of Environmental Protection (FDEP) records, the subject property was utilized as a construction and demolition debris landfill site from approximately 1984 to 1992. The applicant should contact FDEP at (407) 897-4313 for guidance regarding disturbing/developing old landfill sites to ensure that public health and the environment will not be harmed by the disturbance of the waste at the site.