



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

20PZ00038

William Clarke

BU-1 (General Retail Commercial) and BU-1-A (Restricted Neighborhood Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial)

Tax Account Number: 2410519
Parcel I.D.: 24-36-02-00-283
Location: East side of North Courtenay Parkway, approximately 950 feet south of
Hall Road (4140 North Courtenay Parkway, Merritt Island) (District 2)
Acreage: 0.80 acres

North Merritt Island Board: 06/11/20

Board of County Commissioners: 07/09/20

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 BU-1-A	BU-2
Potential*	4,012 sq. ft.	10,611 sq. ft.
Can be Considered under the Future Land Use Map	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 seeking a change of zoning classification from General Retail Commercial (BU-1) and Restricted Neighborhood Retail Commercial (BU-1-A) to all Retail, Warehousing, and Wholesale Commercial (BU-2) for the purpose of using the existing building for wholesale distribution of marine fasteners and to allow for storage of fasteners in shipping containers to the rear of the building. The parcel is currently developed with a 4,012 sq. ft. warehouse building. The structure received a building permit (12BC01731) for a single-family residence. Wholesale salesroom and storage rooms are a permitted use in BU-2.

The applicant plans to use shipping containers for additional storage. Per Sec. 62-2100, these must meet all setback requirements for a principal structure and maintain a minimum spacing distance of 15 feet between structures.

BU-1 is the original zoning classification of the western section of the parcel. **Z-3226**, a zoning action to rezone this part of the property from BU-1 to BU-2 was denied on March 26, 1973. The eastern section of the parcel was rezoned administratively rezoned from BU-1 to BU-1-A by **Z-10241F** on April 5, 1999.

Land Use

The subject property retains the CC (Community Commercial) FLU (Future Land Use) designation. The existing zoning classifications, BU-1 and BU-1-A, and the proposed BU-2 zoning classification are all consistent with the Future Land Use designation.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands/Hydric Soils
- Aquifer Recharge Soils
- Indian River Lagoon Septic Overlay
- Protected Species
- Landscaping and Tree Preservation Requirements

Information available to NRM indicates that wetlands may be present on the property, and that that impacts to previously existing wetlands may have occurred around the year 2000 fill was brought onto the site. A wetland determination/delineation will be required prior to any plan design or permit submittal. The discovery of unpermitted wetland impacts may result in enforcement action.

Preliminary Concurrency

The closest concurrency management segment to the subject property is North Courtenay Pkwy, between SR 528 and the KSC Gate, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 49.87% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 0.06%. The corridor is anticipated to continue to operate at 49.96% of capacity daily (LOS C). The proposal is not anticipated to create a deficiency in LOS.

The proposed request is anticipated to have no school impacts because it is commercial.

This parcel is serviced by Brevard County water. The site contains an existing septic system.

Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 - 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 subject property is currently developed with a structure containing warehousing and a single-family residence and lies within the Community Commercial

Future Land Use designation. The parcel abuts BU-1-A and BU-1 zoning to the north, BU-1 and BU-2 zoning to the south, RR-1 zoning to the east, and North Courtenay Parkway to the west. The parcels west across North Courtenay Parkway are zoned BU-1 and BU-2. The proposed BU-2 zoning may be considered to be consistent with the Community Commercial Land Use designation.

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The developed character of the surrounding area along North Courtenay Parkway is developed with retail, single-tenant office buildings, and storage/distribution terminals. The subject parcel and the surrounding area along North Courtenay Parkway have a Future Land Use (FLU) designation of CC which may be considered to be consistent with the BU-1-A, BU-1, and BU-2 zonings. The proposed BU-2 zoning may be considered to be consistent with the Future Land Use designation CC.

Surrounding Area

The developed character of the surrounding area along both sides of North Courtenay Parkway is a mix of BU-1-A, BU-1, and BU-2 zoning developed with various commercial uses. To the south of the subject property is a parcel zoned BU-1 and BU-2 containing a repair service shop on the BU-2 section. To the north is an undeveloped parcel zoned BU-1-A. To the east is an undeveloped parcel zoned Rural Residential (RR-1). To the west is North Courtenay Parkway. The parcels to the north, south, and across the street to the west have a CC FLU designation while the parcel to the east has a Residential 2 FLU designation.

There has been one zoning action within a half-mile of the property within the last five years. On July 26, 2018, **18PZ00018** rezoned a 70.46 acre parcel located approximately 2,148 feet northeast of the property from Agricultural Residential (AU) to Estate Use Residential (EU) with a Binding Development Plan limiting the development to 34 units.

For Board Consideration

The applicant is seeking a change of zoning classification from General Retail Commercial (BU-1) and Restricted Neighborhood Retail Commercial (BU-1-A) to all Retail, Warehousing, and Wholesale Commercial (BU-2) for the purpose of using the existing building for wholesale distribution of marine fasteners and to allow for storage of fasteners in shipping containers to the rear of the building. The parcel is currently developed with a 4,012 sq. ft. building being used as a single-family residence. Wholesale salesroom and storage rooms are a permitted use in BU-2.

The Board may wish to consider whether the intensity and types of uses proposed are consistent and compatible with surrounding development.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary**

Item # 20PZ00038

Applicant: Rezanka for Clarke

Zoning Request: BU-1 and BU-1-A to BU-2

Note: Applicant wants warehouse for distribution of marine fasteners, and to have storage in shipping containers.

NMI Hearing Date: 06/11/20; **BCC Hearing date:** 07/09/20

Tax ID No: 2410519

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management (NRM) Department 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.**

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Land Use Comments:

Wetlands/Hydric Soils

The subject parcel contains mapped Basinger sand as shown on the USDA Soil Conservation Service Soils Survey map; an indicator that hydric soils and wetlands may be present on the property. Other information available to NRM indicates that wetlands may be present on the property, and that that impacts to previously existing wetlands may have occurred around the year 2000 when fill was brought onto the site. A wetland determination/delineation will be required prior to any plan design or permit submittal. The discovery of unpermitted wetland impacts may result in enforcement action. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). North Courtenay Parkway 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 wetland impact avoidance, minimization and mitigation requirements of Sections 62-3694(e) and 62-3696. 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.

Indian River Lagoon Septic Overlay

The site is mapped within the Indian River Lagoon Septic Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. The change in use may require septic system upgrade to the use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required. The Applicant shall contact the Florida Department of Environmental Health at 321-633-2100.

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.

Landscaping and Tree Preservation 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.