



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

20Z00003

Richard R. Wrubel Jr. and Gina M. Wrubel Trust

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

Tax Account Number: 2000354
Parcel I.D.: 20-35-31-00-506
Location: No address assigned, on the northwest corner of Highway US-1 and McCullough Road in the Mims area (District 1)
Acreage: 1.32 acre

Planning and Zoning Board: 07/06/2020

Board of County Commissioners: 08/06/2020

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)

	CURRENT	PROPOSED
Zoning	AU	BU-1
Potential*	1 Single Family Unit	16,100 sq. ft.
Can be Considered under the Future Land Use Map	Yes, NC (Neighborhood Commercial)	No, Current FLU is NC BU-1 requires CC (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 AU (Agricultural Residential) to BU-1 (General Retail Commercial) for the purpose of combining the parcel with the abutting 5.24 acre BU-1 zoned parcel. The applicant did not provide staff with a proposed development plan submitted with this application.

The subject parcel is a remnant undeveloped AU parcel along Highway US-1 which has its original AU zoning from when zoning was established in 1958 and is a nonconforming parcel to current AU size requirements. Before March 6, 1975, AU required a minimum lot width and depth of 125 feet with a minimum lot size of one acre. The abutting BU-1 parcel to west the applicants also own and the abutting BU-1 parcel to the north were both rezoned on September 5, 1963 from AU to BU-1 per zoning action **Z-1114**.

Land Use

The subject property retains the NC (Neighborhood Commercial) FLU designation. The current zoning of AU on the subject property is consistent with the NC FLU per 62-1255 (2). The proposed zoning of BU-1 is not consistent with current FLU designation of NC. A companion Small-Scale, Comprehensive Plan Amendment (SSCPA) application, 20S.04 (20PZ00051) for a Future Land Use designation changing the FLU from NC to CC (Community Commercial) was submitted accompanying this zoning request to be consistent with the proposed BU-1 zoning.

Environmental Constraints

No noteworthy environmental issues were identified for subject parcel. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development. Please see NRM comments at the end of this report for further details.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway US-1, between Lionel Road and Burkholm Road, which has a Maximum Acceptable Volume (MAV) of 41,300 trips per day, a Level of Service (LOS) of D, and currently operates at 23.82% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 32.70%. With the maximum development potential from the proposed rezoning, the corridor is anticipated to operate at 56.52% of capacity daily (LOS D). The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as this is a proposed commercial development.

The parcel is not serviced by Brevard County sewer. The closest available Brevard County sewer line is approximately 2.78 miles south of McCullough Road located along the west side of Highway US-1.

The parcel is not serviced by Brevard County water. The closest available Brevard County water line is approximately 1,570 feet south of McCullough Road located along the east side of Highway US-1.

Land Use Policy 1.2 addresses residential density requirements for sewer and potable water. This policy does not address commercial development requiring sewer and potable water.

Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 through 8 of the Future Land Use Element, outlined in the Administrative Policies

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The subject parcel is a remnant undeveloped AU parcel along Highway US-1 that is abutting BU-1 to the west and north. The developed commercial character of the surrounding area along the west side of Highway US-1 is a mix of BU-1, and BU-2 zoning developed with various commercial uses. The closest developed commercial parcel to the north lies 600 feet north. This parcel is zoned BU-2 and is developed with

an office building for a single tenant. The closest developed commercial parcel to the south lies 560 feet south. This parcel is zoned BU-2 and developed with a motor inn and has a BDP (Binding Development Plan) limiting the BU-2 use to the manufacturing and outdoor storage of concrete yard ornamental figurines and statues. The surrounding area along the west side of Highway US-1 has a Future Land Use (FLU) designation of Community Commercial (CC) which may be considered to be consistent with BU-1 zoning. The proposed BU-1 zoning may be considered to be consistent with the Future Land Use designation Community Commercial (CC).

Surrounding Properties

The developed character of the surrounding area along the west side of Highway US-1 is BU-1 and BU-2 zoning and is developed with various commercial uses. There is also developed and undeveloped AU (Agricultural Residential) along the west side of Highway US-1. The developed AU parcels have single-family homes. There is also developed and undeveloped AU (Agricultural Residential) and along both sides of McCullough Road. The parcel and the surrounding area along Highway US-1 and McCullough Road have a Future Land Use (FLU) designation of CC which is required for a proposal of BU-1 zoning.

The current AU classification permits single-family residences and agricultural pursuits on 2 ½ 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 subject parcel has its original AU zoning established in 1958 and is a nonconforming parcel to current AU size requirements.

The 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.

The 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.

The abutting parcels to the west and north are zoned BU-1 and are vacant land. The abutting parcel to the east is Highway US-1. The abutting parcel to the South is McCullough Road. The parcel south directly across McCullough Road is zoned AU and is undeveloped.

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

On November 02, 2017, application **17PZ00120** changed the zoning from RU-1-9 to GML(I) on a 15 acre parcel located approximately 1,205 feet southeast of the subject property.

On March 09, 2018, application **17PZ00118** changed the zoning from BU-1 to BU-2 with a Binding Development Plan limiting the BU-2 use to the manufacturing and outdoor storage of concrete yard ornamental figurines and statues on a 2.98 acre parcel located approximately 490 feet south of the subject property.

On April 09, 2020, application **19PZ00127** changed the zoning from AU to RR-1 with a Binding Development Plan on a 2 acre parcel limiting development to one single-family residence located approximately 600 feet westerly of the subject property.

For Board Consideration

The Board may wish to consider whether request is consistent and compatible with surrounding area given the fact BU-1 zoning is adjacent to the subject parcel.

NATURAL RESOURCES MANAGEMENT DEPARTMENT

Zoning Review Summary

Item # 20Z00003

Applicant: RICHARD R WRUBEL JR & GINA M WRUBEL TRUST

Zoning Request: Rezone from AU to BU-1

Brevard County Planning 07/06/2020 3:00 p.m.
& Zoning Board

Brevard County Board of 08/06/2020 5:00 p.m.
County Commissioners

Tax ID No: 2000354

Summary of Mapped Resources and Noteworthy Land Use Issues

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

Heritage Specimen Trees

The entire parcel is mapped with SJRWMD Florida Land Use and Cover Classification System (FLUCCS) code 4110 – Pine Flatwoods. Per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62 4332, 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. A tree survey will be required at time of site plan submittal.

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.