



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

20Z00042

Pioneer Pointe, LLC

Amendment to Existing BDP to add Automobile Washing

Tax Account Numbers: 3022346

Parcel I.D.: 24-36-14-00-547

Location: SE corner of N. Courtenay Parkway and Pioneer Road, Merritt Island
(District 2)

Acreage: 8.89 acres

Planning and Zoning Board: 2/08/2021

Board of County Commissioners: 3/04/2021

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 not maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	BU-1 with BDP	BU-1 with modification of BDP
Potential*	387,248.4 square feet	387,248.4 square feet
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 requesting to amend a Binding Development Plan (BDP) approved for BU-1 (General Retail Commercial) zoned property. The proposed modification is to add the allowance of an automobile washing facility.

Zoning action **15PZ00079** adopted May 20, 2016, approved a change of zoning from RU-2-15 (High Density Multi-family Residential) and RU-1-11 (Single-family Residential) to BU-1 with a Binding Development Plan recorded in ORB 7620, Pages 1574 through 1583, dated May 20, 2016 which limited the uses of the property. The Board, concerned with speculative development as no proposed use was identified, requested the applicant limit some of the higher intensity uses of the BU-1 zoning classification with a BDP.

The applicant's response to this request was to submit a BDP which precludes the following BU-1 uses from being allowed on the site: Aquariums; Auditoriums; Automobile repairs, minor; Automobile

sales and storage; Automobile tires and mufflers (new), sales and service; **Automobile washing**; Bait and tackle shop; Billiard rooms and electronic game arcades; Bowling alleys; Cafeterias; Ceramics and pottery; Civic, philanthropic or fraternal organizations; Coin laundromats; Colleges and universities; Commercial schools offering instruction in dramatic, musical or other cultural activity, including martial arts; Conservatories; Dancing halls and academies; Dog and pet hospitals and beauty parlors; Dyeing and carpet cleaning; Fraternities and sororities; Foster homes; Fruit stores; Funeral homes and mortuaries; Furriers; Group homes, levels I and II; Hat cleaning and blocking; Hospitals; Laboratories; Laundries; Lawn mower sales; Meat, fish and seafood markets; Motorcycle sales and service; Nursing homes; Pawnshops; Pet shops; Plant nurseries; Resort dwellings; Schools, private or parochial; Soft drink stands; Telephone and telegraph stations and exchanges; Television and broadcasting stations, including studios, transmitting stations and towers and other incidental uses usually pertaining to such stations; Theaters, but no drive-ins; Ticket offices and waiting rooms for common carriers; Upholstery shops; Automobile and motorcycle repair (major) and paint and body work; Boat sales and service; Cabinetmaking and carpentry; Dry cleaning plants; Farm machinery sales and service; Manufacturing, compounding, processing, packaging, storage, treatment or assembly of certain products; Outside sale of mobile homes; Substations, and transmission facilities; Security mobile home; Treatment and recovery facility; Completely enclosed lumber sales are permitted as an accessory use to hardware and supply stores; A roadside stand; Change of nonconforming agricultural use; Commercial entertainment and amusement enterprises (small scale and large scale); Commercial/recreational and commercial/industrial marinas; Plant nurseries (with outside bulk storage of mulch, topsoil, etc.); Security mobile home; Substantial expansion of a preexisting use; Trailer and truck rental; Wireless telecommunication facilities and broadcast towers.

Land Use

The subject property is currently designated Community Commercial. The existing BU-1 zoning classification is consistent with this Future Land Use designation. The proposed BDP does not alter this zoning classification's consistency with the Community Commercial FLU designation.

Environmental Constraints

The subject parcel contains mapped National Wetlands Inventory (NWI) wetlands and hydric soils. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial or industrial land development activities along Mitigation Qualified Roadways (MQRs). North Courtenay Parkway is an MQR at this location. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Board approval may be required for impacts. 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. A wetland delineation will be required prior to any site plan design, land clearing activities, or building permit submittal.

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of alternative septic systems designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required.

Preliminary Concurrency

The closest concurrency management segment to the subject property is N. Courtenay Parkway, between Crockett Boulevard and Pioneer 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 67.67% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 97.61%. The corridor is anticipated to continue to operate at 165.28% of capacity daily. 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 can be serviced by potable water from the City of Cocoa. Sewer can be provided by Brevard County. There is a force main on the east side of N. Courtenay Parkway which could be utilized.

Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 of the Future Land Use Element.

FLUE 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;
- B. Existing commercial zoning trends in the area;
- C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;
- D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;
- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and
- F. Other issues which may emerge specific to a particular property which may be addressed through performance-based zoning criteria.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area. As the base zoning classification, BU-1, is not changing, this request may be considered to be compatible with the Community Commercial FLU designation.

This parcel lies adjacent to the corner lot which is being processed under site plan review, **19SP00030**, for a Starbucks. This parcel is also under review of site plan # **20SP00032** for review of a proposed 93-bed Assisted Living Facility and the creation of two outparcels. One of the outparcels is the location of the proposed automobile washing site – Twin’s Car Wash. Due to the large development potential, the applicant may wish to limit the scale of the proposed automobile washing facility and other retained commercial uses to reduce the potential concurrency impacts. The property owner has also requested a waiver from the Section 62-3202 (h)(10) under waiver **20WV00022**. This waiver in process is to remove the requirement for a 6’ high masonry or solid wall to buffer the adjacent residential zonings. Car washes have a higher potential of Code Enforcement complaints than other commercial businesses. The proposed BDP does not offer additional noise mitigation.

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The surrounding area can be characterized as a mix of commercial and residential uses. To the north across Pioneer Road is an established medical facility in AU zoning. The SE corner lot is being developed for a Starbucks coffee shop. To the east, lies vacant Single-family residential (RU-1-11) zoning. To the south, abutting Courtney Parkway is a commercial use, a child-care facility, on BU-1-A zoned property with a Conditional Use Permit (CUP) for a Child Care Center under a Binding Site Plan (**Z-7297**) which was approved by the Board on October 21, 1985 prior to the requirement of formally recording the document into the public record. Further to the east, behind this use is a developed 56-unit single-family subdivision also zoned RU-1-11.

Surrounding Area

The BU-1-A classification permits restricted neighborhood retail and personal service uses to serve the needs of nearby low-density residential neighborhoods. Minimum lot size of 7,500 square feet is required with minimum width and depth of 75 feet. Conditional uses such as child care centers and private clubs are also permitted in this classification.

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 RU-1-11 classification permits single family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

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

For Board Consideration

The Board may wish to consider whether the proposed BDP restrictions mitigate the potential development impacts and is consistent and compatible with the surrounding neighborhoods. The Board may also wish to consider the environmental constraints of the property.

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

Item # 20Z00042

Applicant: Jake Wise, PE for Pioneer Pointe, LLC

Zoning Request: Amendment to BDP

Note: Applicant wants to add car wash use.

P&Z Hearing Date: 02/08/21; **BCC Hearing Date:** 03/04/21

Tax ID No: 3022346

- 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:

- NWI Wetlands
- Hydric Soils
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- Protected Species

The subject parcel contains mapped National Wetlands Inventory (NWI) wetlands and hydric soils. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial or industrial land development activities along Mitigation Qualified Roadways (MQRs). North Courtenay Parkway is an MQR at this location. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Board approval may be required for impacts. 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. A wetland delineation will be required prior to any site plan design, land clearing activities, or building permit submittal.

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of alternative septic systems designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required.

Land Use Comments:

Wetlands

The subject parcel contains mapped NWI (Freshwater forested shrub wetlands), and hydric soils (Myakka sand depressional) as shown on the NWI Wetlands and USDA Soil Conservation Service Soils Survey maps, respectively; indicators that wetlands may be present on the property. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial or industrial land development activities along Mitigation Qualified Roadways (MQRs). North Courtenay Parkway is an MQR at this location. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Board approval may be required for impacts. 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. A wetland delineation will be required prior to any site plan design, land clearing activities, or building permit submittal.

A wetland delineation will be required prior to any land clearing activities.

Indian River Lagoon Nitrogen Reduction Overlay

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of alternative septic systems designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required.

Protected and Specimen Trees

The entire parcel is mapped within the SJRWMD FLUCCS code 4340-Upland Mixed Coniferous/Hardwood trees. Protected Trees (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) are included in this FLUCCS code, and may be found on the project area. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen trees. In addition, per Section 62-4341(18), 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. A tree survey will be required at time of site plan submittal, and is recommended prior to any site plan design. 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.