



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>

BOARD OF COUNTY COMMISSIONERS

STAFF COMMENTS

20Z00043

All Space Storage, Inc.

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

Tax Account Number: 2317234
 Parcel I.D.: 23-36-30-03-*-A
 Location: 5175 N. Highway 1, Cocoa 32927, on the southwest corner of Highway US-1 and MacArthur Circle, in the North Cocoa area (District 1)
 Acreage: 1.7 acre

Planning and Zoning Board: 03/08/2021
 Board of County Commissioners: 04/15/2021

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 maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

| | CURRENT | PROPOSED |
|--|-----------------------------------|-----------------------------------|
| Zoning | BU-1 | BU-2 |
| Potential* | 74,052 sq. ft. | 74,052 sq. ft. |
| Can be Considered under the Future Land Use Map | Yes, CC (Community Commercial) | Yes, CC (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) on 1.7 acres. The applicant requests the zoning change for the purpose of having a storage yard for storage containers and converting the existing commercial building into an Ice making facility.

The applicant has not provided a site plan showing the location of the storage yard. However, the applicant did provide a survey of the parcel dated 12/03/2003.

The parcel was rezoned from Trailer Subdivision and GU (General Use) to BU-1 (Neighborhood Retail Commercial per zoning action **Z-855** on November 8, 1962. The parcel is currently developed with 4,485 sq. ft. of commercial buildings.

Land Use

The subject property retains the CC (Community Commercial) FLU designation. The current BU-1 zoning on the subject property and the proposed BU-2 zoning are consistent with the CC (Community Commercial) FLU per 62-1255 (2).

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 #3 - Compatibility between this site and the existing or proposed land uses in the area.

The parcel to the north directly across MacArthur Circle and the abutting parcel south have FLU designation of CC (Community Commercial). The abutting subdivision to the west, MacArthur Heights, has a FLU designation of RES8 DIR (Residential 8 Directive). The proposed zoning change from BU-1 to BU-2 may be considered consistent with the CC (Community Commercial) FLU designation.

Policy #3C Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development approved within the past three year but not yet constructed.

There has been a commercial site plan (18SP00010) and commercial building permit (19BC18715) approved for development of The Coastal Septic Office Facility on the parcel to the north directly across MacArthur Circle. This parcel was rezoned from BU-1 to BU-2 on December 06, 2018 per zoning application **18PZ00101**.

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

The subject parcel is currently developed with BU-1 zoning.

The parcel to the north directly across MacArthur Circle is zoned BU-2 and has a commercial site plan (18SP00010) and commercial building permit (19BC18715) approved for development of The Coastal Septic Office Facility. The abutting parcel to the east is Highway US-1. The abutting parcel to the south is zoned BU-2 and is developed with a Church and Church related amenities. The abutting parcel to the west is zoned TR-1 a Single-Family Mobile Home zoning classification developed with a 732 sq. ft. mobile home.

The area to the north and south of the subject parcel has a FLU (Future Land Use) designation of CC (Community Commercial which is consistent with the current BU-1 zoning and proposed BU-2 zoning classification. The abutting TR-1 parcel to the west has a FLU (Future Land Use) designation of RES8 DIR (Residential 8 Directive).

The current BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots with a lot width and lot depth of 75 feet. The BU-1 classification does not permit warehousing or wholesaling.

The proposed BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots with a lot width and lot depth of 75 feet.

TR-1 is a single family residential mobile home zoning classification which permits mobile homes or residences of standard construction on lots of 7,500 square feet (minimum) with lot width of 65 feet and lot depth of 100 feet.

Surrounding Properties

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

On December 06, 2018, application **18PZ00101** changed the zoning classification from BU-1 to BU-2. This parcel is located on the northwest corner of N. Highway US-1 and MacArthur Circle, directly across MacArthur Circle, 50 feet north of the subject property.

On December 13, 2019, application **19PZ00079** changed the zoning classification from RU-2-10 (Multi-Family Medium Density) and RU-1-13 (Single-Family Residential) to RU-2-12 (Multi-Family Medium Density) on four separate parcels. These parcels are located on the east side of N. Highway US-1 and, 140 feet directly east of the subject property across Highway US-1.

On December 03, 2020, application **20PZ00032** approved an amended to an existing PUD zoning as follows, approved third access, with two additional waivers to reduce the active open space acreage requirement, and partial waiver of the subdivision code's 15-foot perimeter landscape/buffer tract requirement with the previously approved waivers to lot width and lot area. This parcel is located on the west side of N. Highway US-1, 317 feet north of the subject property.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway US-1, between Camp Road and Broadway Blvd., which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 72.48% of capacity daily. The development potential from the proposed rezoning increases the percentage of MAV utilization by 0.63%. With the development potential request from the proposed rezoning, the corridor is anticipated to operate at 73.11% 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 or the City of Cocoa sewer. The closest available Brevard County sewer line is located approximately 5,967 feet north of the parcel on the east side of Highway US-1.

The parcel is serviced by City of Cocoa water.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- 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 for BU-2 is consistent and compatible with the surrounding area and the potential impacts caused by the request.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item # 20Z00043

Applicant: John Campbell for Bob Brozman

Zoning Request: BU-1 to BU-2

Note: Applicant needs storage yard.

P&Z Hearing Date: 03/08/21; **BCC Hearing Date:** 04/15/21

Tax ID No: 2317234

- 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:

- 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:

Aquifer Recharge Soils

The entire subject parcel is mapped with aquifer recharge soils (Paola-Urban land complex) 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 exist on the 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. Specifically, gopher tortoises can be found in areas of aquifer recharge soils. 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.