



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

21Z00004

Robert Van Horn and Gerald K. Houck

RU-1-9 (Single-Family Agricultural) to BU-2 (Retail, Warehousing, and Wholesale Commercial)

Tax Account Number: 2501307
 Parcel I.D.: 25-36-02-CM-2-18
 Location: South side of Cone Road, approximately 898 feet west of S Plumosa Street
 in the North Cocoa area (District 1)
 Acreage: 0.53 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 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	RU-1-9	BU-2
Potential*	2 single-family units	23,087 sq. ft. based on FAR
Can be Considered under the Future Land Use Map	YES NC	NO NC**

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. ** The applicant has submitted a companion Small Scale Comprehensive Plan Amendment (**21PZ00001**) to change the FLU from NC to CC.

Background and Purpose of Request

The applicant is requesting a change of zoning classification from RU-1-9 (Single-Family Residential) to BU-2 (Retail, Warehousing, and Wholesale Commercial) on a 0.53 acre lot. The applicant currently has no plans to develop the site, but wishes to change the zoning and FLU to match the surrounding area. The surrounding area is primarily BU-2 zoning with CC FLU designation. The site is located within the Merritt Island Redevelopment Area (MIRA) and approximately 500 feet north of the Merritt Island Airport.

BU-2 zoning allows for intensive retail and wholesale businesses, as well as heavy repair services and warehousing activities. Conditional uses in BU-2 include overnight commercial parking and automobile sales and storage (under one acre in MIRA). The applicant has stated medical offices/clinic, retail, or light manufacturing as potential uses.

The original zoning for the parcel was RU-1 as established by Brevard County in 1958. Zoning action **Z-2980** replaced RU-1 zoning with new zoning classifications, changing this parcel to RU-1-9 on June 1, 1972.

Land Use

The subject property retains the NC (Neighborhood Commercial) FLU designation. The current zoning of RU-1-9 on the subject property is consistent with the NC FLU per 62-1255 (2). The proposed zoning of BU-2 is not consistent with the NC FLU designation per 62-1255 (2). The companion application, a Small Scale Comprehensive Plan Amendment changing the FLUM from NC to CC (**20PZ00001**), must be approved in order for this zoning to be considered.

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 abutting parcels to the west and south have the FLU designation of CC (Community Commercial). Abutting the parcel to the north and east are Cone Road and Oleander Drive, respectively. The proposed zoning change from RU-1-9 to BU-2 is not consistent with the NC FLU designation. The companion application, a Small Scale Comprehensive Plan Amendment changing the FLUM from NC to CC (**21PZ00001**), must pass in order for this zoning request to be considered.

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

The subject parcel is currently developed with a single-family residence built in 1954 that is not currently in use. The home would be removed in the event the site is redeveloped.

The abutting parcels to the west are zoned BU-2 and are developed with a 3,492 sq. ft. warehouse/flex space on the northwestern parcel and a 13,456 sq. ft. office building on the southwestern parcel. The abutting parcel to the south is an undeveloped BU-2 parcel. The parcel is abutted by roads on the north and east sides.

The current RU-1-9 zoning classification permits a single-family residence on 6,600 sq. ft. lots, with a minimum lot width of 66 feet and a minimum lot depth of 100 feet. The minimum house size in RU-1-9 is 900 square feet.

The proposed BU-2 classification permits intensive retail and wholesale businesses, as well as heavy repair services and warehousing activities. Conditional uses in BU-2 include overnight commercial parking and automobile sales and storage (under one acre in MIRA). Contractors' offices, plants, and

storage yards are permitted with the condition that storage yards must be enclosed with a six-foot opaque wall or fence. Automobile repairs must be done in an enclosed structure with no bay door openings located in the front face of the building. At this time, the applicant has not indicated a proposed use for the property.

Surrounding Properties

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

The Merritt Island Airport is located approximately 500 feet to the south of the property. The most common uses on the BU-2 parcels in the area are warehouse/flex space, multi-tenant office buildings, and automobile repair. Across Cone Road to the north is a subdivision zoned RU-1-9. Generally, the parcels to the north of Cone Road are residential while the parcels on the south side are commercial. This lot is one of only two residential lots in the area.

Environmental Constraints

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

Preliminary Concurrency

The closest concurrency management segment to the subject property is Cone Road, between S Courtenay and Plumosa, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 38.46% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.52%. With the maximum development potential from the proposed rezoning, the corridor is anticipated to operate at 38.98% of capacity daily (LOS D). The proposal is not anticipated to create a deficiency in LOS.

The parcel is serviced by Brevard County sewer.

The parcel is serviced by City of Cocoa water.

For Board Consideration

The Board may wish to consider the existing development trends of the surrounding area, as this lot is one of only two residential lots in the area, which is primarily zoned BU-2.

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

Item # 21Z00004

Applicant: Van Horn - Houck

Zoning Request: RU-1-9 to BU-2

Note: Applicant wants BU-2

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

Tax ID Nos: 2501307

- 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:

- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- Protected Species

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

Land Use Comments:

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 an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

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 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. The applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities. Land clearing is not permitted without prior authorization by NRM. Applicant should contact Merritt Island Redevelopment Agency (MIRA) at 321-454-6610 for other landscape requirements.

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.