



BOARD OF COUNTY COMMISSIONERS

## Planning and Development Department

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<https://www.brevardfl.gov/PlanningDev>

### STAFF COMMENTS

**21Z00034**

**EH Cocoa, LLC**

#### **BU-1 (General Retail Commercial) to BU-2 (Retail, warehousing and wholesale commercial)**

Tax Account Number: 2442707 and 2442708  
Parcel I.D.: 24-36-07-00-32 and 24-36-07-00-33  
Location: 3635 N. Highway US-1 Cocoa, FL 32926. The west side of Highway US-1, approximately 4,200 feet north of Highway 528 (District 1)  
Acreage: 3.83 acres

Planning and Zoning Board: 11/15/2021

Board of County Commissioners: 12/02/2021

#### **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)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	BU-1	BU-2
<b>Potential*</b>	77,980 square feet of commercial use	108,152 square feet of commercial use
<b>Can be Considered under the Future Land Use Map</b>	YES CC	YES CC

\* 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) zoning for the purpose of redeveloping the parcels with a 108,152 total sq. ft. two-story self-storage mini-warehouses. There are currently 2, two story 77,980 total sq. ft. retail buildings on the parcels.

The applicants state that the conditions in BU-1 zoning classification limits the height of self-storage mini-warehouses to the heights of adjacent off-site buildings to the side or rear of the property. They also state they would like to utilize a metal building which would not be allowed in the BU-1 zoning but allowed in BU-2.

There is a site plan submitted, 21SP00028, for the self-storage mini-warehouses and demolition of the existing 2 two story retail buildings on the parcels. The applicant did not provide staff with a Binding Development Plan (BDP) that would limit the development potential or offer other mitigations with this application.

May 28, 1959, zoning action **Z-189** changed the zoning from AU (Agricultural Residential) to BU-1 and Drive-In-Theatre.

## **Land Use**

The subject property is currently designated as Community Commercial (CC) Future Land Use FLU designation. Both BU-1 and the proposed BU-2 zoning classifications are consistent with the CC FLU designation.

## **Applicable Land Use Policies**

Future Land Use Policy 2.14 A, states that non-retail commercial land uses shall be limited to those areas where non-retail commercial or industrial characteristic are established or planned so as to protect residential areas from their influence. Additionally, under the roadway access requirements subsection, the policy states: Convenient access to a major transportation corridor or along a railroad corridor with visual buffering from such corridors.

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.**

This parcel is located with frontage along the west side of Highway US-1. This site and the area lying north and south of the subject parcels are all within the Community Commercial (CC) Future Land Use (FLU) designation. Abutting to the west is Residential 4 (RES 4) FLU designation. This FLU designation allows for a residential density of 4 units per acre. The proposed site plan 21SP00028 shows a 6 feet masonry screening wall buffering the adjacent single-family mobile home subdivision to the west.

**Analysis of Administrative Policy #4 - Character of a neighborhood or area.** The developed character of the surrounding area is a mixture of BU-1, BU-2, and TR-1 (Single-Family Residential Mobile Home) zoning. The recent trend in this area is commercial mixed use retail-center to the north and a vacant commercial parcel abutting the south along with commercial office uses and auto sales further south. Abutting to the west is a developed mobile home subdivision.

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 and prohibits outdoor storage.

BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 permits outdoor storage with conditions.

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.

There has been one zoning action within a half-mile radius of the subject property within the last three years.

On March 03, 2021, application **20Z00039** changed the zoning classification from AU (Agricultural Residential) to RRMH-1 (Rural Residential Mobile Home). This parcel is located on the west side of Railroad Avenue, 630 feet westerly of the subject property.

### **Surrounding Area**

The abutting parcel to the North is zoned BU-2. The properties to the North are developed as mix-use and retail. The abutting parcel to the south is undeveloped BU-1. The developed BU-2 properties further to the south are auto sales and offices. Property to the west is zoned TR-1 and is developed as a mobile home subdivision.

### **Environmental Constraints**

#### **Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Aquifer Recharge Soils
- Land Clearing and Landscape Requirements
- 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. The subject parcels are currently in site plan review process under 21SP00028. Any natural resource issues will be addressed during the review process.

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Highway US-1, between State Road 528 and Canaveral Groves 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 67.19% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 0.29%. The corridor is anticipated to operate at 67.48% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

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 4.1 miles north of the parcel on the east side of Highway US-1.

The parcel is serviced by City of Cocoa water.

### **For Board Consideration**

The Board may wish to consider whether this request for BU-2 is consistent and compatible with the surrounding area.

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

**Item # 21Z00034**

**Applicant:** Potts for Howell

**Zoning Request:** BU-1 to BU-2

**Note:** Applicant wants to redevelop existing buildings on parcels for BU-2 use.

**P&Z Hearing Date:** 11/15/21; **BCC Hearing Date:** 12/02/21

**Tax ID Nos:** 2442707 & 2442708

- 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.**

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**Land Use Comments:**

**Aquifer Recharge Soils**

The subject property may contain mapped Type 2 aquifer recharge soils that are found within aquifer recharge areas with elevations greater than or equal to 30 feet mean sea level (NGVD 1929). Per Section 62-3636, within Type 2 aquifer recharge soils, the maximum impervious surface shall be 35 percent, private lakes shall be prohibited, and land alteration shall not alter the recharge or storage characteristics of the area. Site plan comments indicate that no impervious coverage is being proposed within the aquifer recharge areas.

**Land Clearing and Landscape Requirements**

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.