



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 2296, **Version:** 1

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### **Subject:**

4725 Fay Blvd Land Trust (Carmine Ferraro) requests a change of zoning classification from BU-1-A with a BDP, to BU-1 and an amendment to existing BDP. (20Z00031) (Tax Account 2309941) (District 1)

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning and Development

### **Requested Action:**

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from BU-1-A (Restricted Neighborhood Commercial) with a Binding Development Plan, to BU-1 (General Retail Commercial) and an amendment to existing BDP.

### **Summary Explanation and Background:**

The applicant is requesting a change of zoning classification from BU-1-A to BU-1 and to amend an existing BDP for the purpose of developing a hardware store with an outdoor garden center. BU-1 zoning classification is considered to be consistent with CC (Community Commercial) FLU (Future Land Use) designation. There is a companion SSCPA application to change the FLU designation from NC to CC.

The applicant is also seeking to amend the existing BDP. The existing BDP, which includes the Family Dollar property, prohibits the following uses: adult entertainment, package liquor stores, gaming rooms, adult arcade, internet cafe, billiard hall, single family residence, group homes, foster homes, resort dwellings, coin laundromat. These uses will remain prohibited in the amended BDP. The existing BDP also limits ingress and egress as follows: A.) Close existing Adams Place driveway permanently, which is located on the southwest corner of property; and B.) Construct full access driveway on Adams Place to line up with the driveway on the adjacent property to the west (Gas Station/ Convenience Store). The Family Dollar drive aligns with the gas station / convenience store. The amended BDP will allow the Adams Place driveway to be re-opened on the SW corner of the property.

The closing of the existing driveway on the southwest corner of Adams Place as stated in the existing BDP was to limit traffic on Adams Place because of children and pedestrians accessing the public school on Balfern Street just south of the parcel.

The applicant has submitted a concept plan in support of this zoning request showing a 10,000 sq.ft hardware store with a 2,000 sq. ft. garden center. The concept plan does not meet the minimum requirements of the County's Site Plan Code and cannot be used to satisfy that requirement. Also, interdepartmental reviews have

not been conducted and the feasibility of layout cannot be confirmed without a formal site plan review. Staff has prepared an Addendum to the Staff Comments outlining their preliminary comments.

BU-1-A zoning allows for limited retail shops and personal services to serve the needs of nearby low-density residential neighborhoods, and does not permit retail items to be displayed outdoors. The BU-1 zoning classification encompasses land devoted to general retail shopping, offices and personal services, and allows for more intensive retail uses than BU-1-A. BU-1 also allows retail items of substantial size to be displayed outdoors. Such retail items include, but are not limited to motor vehicles, utility sheds, nursery items such as plants and trees, and boats.

The developed character of the area is a mixture of residential, residential professional, neighborhood commercial, and institutional.

The Board may wish to consider whether this request to BU-1 is consistent and compatible with the surrounding area and whether the proposed BDP mitigates the potential impacts of the request. The Board may also wish to consider the 2018 Port St. John SAS recommendations.

On November 18, 2020, the Port St. John Dependent Special District Board heard the request and voted 6:1 for denial.

On November 23, 2020, the Planning and Zoning Board heard the request and unanimously recommended approval with the additional stipulation in the BDP that a gate be placed at the Adams Place driveway/service entrance.

### **Clerk to the Board Instructions:**

When resolutions are received, please execute and return to Planning and Development.