



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 2420, **Version:** 1

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### **Subject:**

Brevard Tower Communications, Inc. (Bruce Moia) requests a change of zoning classification from GU to BU-2. (20Z00015) (Tax Accounts 2802674 and 2802676) (District 5)

### **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 GU (General Use) to BU-2 (Retail, Warehousing, and Wholesale Commercial).

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

The applicant is requesting a change of zoning classification from GU (General Use) with a Conditional Use Permit (CUP) for Towers and Antenna to BU-2 (Retail, Warehousing and Wholesale Commercial) and the removal of the CUP for Towers and Antenna. The applicant's request is for the development of a storage facility which could be performed under the BU-2 request pursuant to Section 62-1833.5 Contractors' offices, plants and storage yards.

The existing tower is located to the north and outside of this zoning action's legal description. The applicant does not wish to retain the CUP over this property description. The property is also known to contain an unlicensed landfill. Brevard County entered into a Settlement Agreement on March 25, 1991 to close the site. The landfill operation ran from January 1984 through December 1991.

The subject property contains the NC (Neighborhood Commercial) and RES 2 (Residential 2) FLU (Future Land Use) designations. Although the existing GU zoning is consistent with both FLU designations, the proposed BU-2 zoning requires the CC (Community Commercial) FLU designation. A companion LSCPA request proposed under 20PZ00072 has been submitted to amend the current FLU designations to CC. If that request is approved, this request can be heard.

The developed character of the surrounding area is mostly vacant/unimproved land. To the north is a developed single-family lot zoned AU (Agricultural Residential). There is also a developed communication tower on GU zoning. To the east is a vacant GU zoned parcel and city zoned parcels which are vacant/unimproved. To the south is the Norfolk Parkway road right-of-way. To the west is a large retention tract/lake for the Sawgrass Lakes community. The four adjacent city zonings abutting this area allow for residential, intuitional and commercial use.

On January 11, 2021, the applicant submitted a BDP with the following stipulations: 1.) to develop the property as a boat and RV storage facility and related ancillary services and facilities; 2.) to provide a 50-foot buffer along the west and north boundaries of the property, in lieu of a 6-foot wall; 3.) to limit the number of outdoor storage spaces to 350; 4.) to limit ingress and egress to Norfolk Parkway; 5.) the site shall be developed as a Boat & RV storage facility and related ancillary service and facilities; 6.) to prohibit a sewage dump station unless public sewer connection is obtained; 7.) to limit outdoor lighting to 17 feet in height from grade to bottom of light fixture; 8.) to provide a traffic study detailing any required roadway improvements including, but not limited to a right turn lane, at the time of site plan submittal. If an improvement is warranted, and approved by the City of West Melbourne, it shall be constructed accordingly; 9.) to prohibit residing and overnight stays within the stored vehicles.

On January 11, 2021, the Planning and Zoning Board heard the request and unanimously recommended approval with a BDP as presented, and further stipulated that the developer/owner comply with the FDEP Guidance for Disturbance and Use of Old Closed Landfills or Waste Disposal Areas in Florida.

The Board may wish to consider whether this request is consistent and compatible with the surrounding area and the whether the proposed BDP limitations mitigate potential impact.

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

Once resolution is received, please execute and return to Planning and Development.