



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 3193, **Version:** 1

Subject:

CBH Properties Melbourne, LLC (Bruce Moia) requests a change of zoning classification from BU-1, with an existing BDP, to BU-2 and an amendment to the existing BDP. (21Z00012) (Tax Account 3022324) (District 4)

Fiscal Impact:

None

Dept/Office:

Planning & 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 (General Retail Commercial), with an existing BDP (Binding Development Plan), to BU-2 (Retail, Warehousing, and Wholesale Commercial) and an amendment to the existing BDP.

Summary Explanation and Background:

The applicant is requesting a change of zoning classification from BU-1 with a BDP to BU-2 with an amended BDP for the purpose of expanding the use of minor automotive repairs to include major automotive repairs.

The existing BDP includes the following stipulations:

- A cross-access easement and construct a driveway to connect to the existing cross-access easement to the north in the event that the property be subdivided in the future. The cross-access easement and driveway shall connect to all of the created development lots within the boundaries of the parent tract (Original area has been divided into 3-lots);
- Limits uses to no gas stations and/or convenience stores; fast food restaurants shall be limited to no more than 10,000 square feet of total cumulative floor area over the entire original area; the overall Floor Area Ratio shall be limited to 0.3;
- Traffic access improvements shall be provided relative to the existing median openings in Wickham Road that is within the property frontage to a directional median opening, other median modification improvements, and/or driveway limitations per acceptable engineering access standards, as approved by county staff, as warranted, based upon current and projected traffic patterns;
- A pedestrian easement and connection to the remaining multi-family residential parent property shall be provided.

The proposed BDP includes the following stipulations:

- The property shall remain in conformance with the terms and provisions of the approved BDP, as recorded in ORB 8345, Page 662.

- The approved uses shall be limited to those permitted uses in BU-1 and major automotive repairs only.
- Parts and materials shall be stored in the rear of the shop, out of view from Wickham Road.

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

The abutting parcels to the north, and west are zoned BU-1. The properties to the North are being developed as retail and restaurant. The property lying West of Wickham Road is the long-standing commercial center identified as Suntree's Healthplex Center. Property to the east and south is zoned RU-2-15 and is being developed as an apartment complex.

The parcel is provided public water by Cocoa Utilities. A sewer connection can be provided by Brevard County.

The Board may wish to consider whether the request is consistent and compatible with the surrounding area, and whether the proposed BDP limitations mitigate the potential impacts of the requested BU-2 zoning classification.

On July 26, 2021, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

Upon receipt of resolution, please execute and return to Planning and Development.