



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 4836, **Version:** 1

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### **Subject:**

Andrea Bedard and Nicholas Boardman (Ronald Treharne) request a change of zoning classification from AU to BU-1. (22Z00015) (Tax Account 2511124) (District 2)

### **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 AU (Agricultural Residential) to BU-1 (General Retail Commercial).

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

The applicant requests to rezone the 1.02-acre subject property from AU to BU-1 for the purpose of expanding the existing motel on the adjacent lot, or develop a complementary business to the motel. According to the Property Appraiser's record, the parcel is developed with a single-family residence built in 1951 and an accessory building. The BU-1 zoning classification encompasses uses devoted to retail shopping, offices, and personal services to serve the community on minimum 7,500 square foot lots. It does not permit warehousing or wholesaling. Section 62-1844.5 provides that motels may be permitted in BU-1 zoning in areas designated as Community Commercial on the Future Land Use map.

The Future Land Use on the subject property is currently designated as NC (Neighborhood Commercial) and RES 4 (Residential 4). The proposed BU-1 zoning is not consistent with the NC and RES 4 designations. A companion request, 22SS00004, proposes to change the Future Land Use designation to CC (Community Commercial).

The developed character of the surrounding area is primarily single-family residences to the east of the subject property with zoning classifications of EU and EU-2. There is also limited commercial development along US Highway 1 with a zoning classification of BU-1 and BU-2. An existing motel to the west is owned by the applicant. This property has a zoning classification of TU-1(16). TU-1 zoning is a commercial zoning classification devoted to general tourist-related activities and recognizes the need for higher densities for motels and hotels. Also, a limitation of kitchen facilities is specified to prevent the conversion of motel and hotel units to permanent residential use. To the north of the subject property is a vacant property, zoned AU. To the south is a retail store zoned BU-1 and AU.

On July 18, 2022, the Planning and Zoning Board heard the request and unanimously recommended denial.

On July 27, 2022, the applicant amended their rezoning request from the BU-1 General Retail commercial zoning to RU-2-4 Low Density multi-family zoning. While Section 62-1151 allows the Board to consider a less intense zoning classification during the public hearing, this amendment may not be less intense, since it changes zoning category. Given that the amendment was received 8 days prior to the August 4, 2022, public hearing, staff may not have sufficient time to evaluate the amendment.

The Board may wish to consider remanding this request back to Planning and Zoning for staff to provide an appropriate analysis of this amendment.

**Clerk to the Board Instructions:**

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