



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.2.

10/3/2024

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### Subject:

Put It In Me Storage, LLC. requests a change of zoning classification from IU to BU-2. (24Z00010) (Tax Account 2322557) (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 IU (Light Industrial) to BU-2 (Retail, Warehousing and Wholesale Commercial).

### Summary Explanation and Background:

The applicant is requesting a change of zoning classification from IU (Light Industrial) on 2.46 acres to BU-2 to build a RV and boat storage yard and a mini warehouse. The applicant states the current IU zoning classification restricts the location of storage areas. In IU zoning all storage areas shall be located to the rear of the primary structures. The BU-2 zoning does not have these storage area restrictions. BU-2 zoning classification requires a building of at least 300 sq. ft. as the principal structure. The subject parcel has access to Curtis Blvd., a County maintained roadway.

Companion application 24SS00004 changing the FLUM designation from IND to CC was approved by the Board on July 11, 2024. The proposed BU-2 zoning is consistent with this FLUM designation.

The developed character of the surrounding area on the east side of Curtis Blvd. is commercial uses with IU zoning. To the east of the parcel is the Florida East Coast Railway. To the west across Curtis Blvd are commercial uses with BU-2 zoning.

The original zoning was GU (General Use). The current IU zoning classification permits light industrial land uses within enclosed structures. IU zoning allows all uses permitted in the BU-1 and BU-2 classification, except, single-family residence. The minimum lot size is 20,000 square feet, with a minimum width of 100 feet and a minimum depth of 200 feet. The proposed BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic, and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats, and mobile homes.

On June 5, 2024, the Special District Board of Port Saint John heard the request and unanimously recommended approval.

On July 22, 2024, the request was continued at the Planning and Zoning meeting due to the applicant not being present.

On August 1, 2024, the request was continued at the Board of County Commissioners Meeting due to the applicant not being present at the July 22, 2024, Planning and Zoning meeting.

This application was re-advertised for the September 16, 2024, Planning and Zoning meeting and October 3, 2024, Board of County Commissioners meeting.

On September 16, 2024, the Planning and Zoning Board heard the request and unanimously recommended approval.

The Board may wish to consider whether the proposed request is consistent and compatible with the surrounding area.

**Clerk to the Board Instructions:**

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

**Resolution 24Z00010**

On motion by Commissioner Pritchett, seconded by Commissioner Feltner, the following resolution was adopted by a unanimous vote:

**WHEREAS, Put It In Me Storage, LLC (Vaheed Teimouri)** requests a change of zoning classification from IU (Light Industrial) to BU-2 (Retail, Warehousing and Wholesale Commercial), on property described as Lot 5, Block B, Port St. John Center, as recorded in ORB 9748, Pages 337 – 338, of the Public records of Brevard County, Florida. **Section 13, Township 23, Range 35.** (2.46 acres) Located on the east side of Curtis Blvd., approx. 1,735 ft. north of Fay Blvd. (3840 Curtis Blvd., Cocoa); and

**WHEREAS,** a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved; and

**WHEREAS,** the Board, after considering said application and the Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved as recommended; now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from IU to BU-2, be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

**BE IT FURTHER RESOLVED** that this resolution shall become effective as of October 03, 2024.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

Rita Pritchett, Vice Chair  
Brevard County Commission

As approved by the Board on October 03, 2024.

ATTEST:

RACHEL SADOFF, CLERK

(SEAL)

P&Z Board Hearing – September 16, 2024

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**

## **ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT**

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

### **Administrative Policy 1**

The Brevard County zoning official, planners and the Director of the Planning and Development, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

### **Administrative Policy 2**

Upon Board request, members of the Brevard County planning and zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan amendments, vested rights, or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

#### **Criteria:**

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For development applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

### **Administrative Policy 3**

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

#### **Criteria:**

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:
  - 1. historical land use patterns;
  - 2. actual development over the immediately preceding three years; and
  - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

#### **Administrative Policy 4**

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

##### **Criteria:**

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
  - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
  - 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
  - 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

#### **Administrative Policy 5**

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the

use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following:

**Criteria:**

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

**Administrative Policy 6**

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

**Administrative Policy 7**

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

**Administrative Policy 8**

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application."

#### **CONDITIONAL USE PERMITS (CUPs)**

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in

support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.
  - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
  - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
  - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:



- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

### **FACTORS TO CONSIDER FOR A REZONING REQUEST**

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

“The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.”

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

## DEFINITIONS OF CONCURRENCY TERMS

**Maximum Acceptable Volume (MAV):** Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

**Current Volume:** Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

**Volume with Development (VOL W/DEV):** Equals Current Volume plus trip generation projected for the proposed development.

**Volume/Maximum Acceptable Volume (VOL/MAV):** Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

**Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV):** Ratio of volume with development to the Maximum Acceptable Volume.

**Acceptable Level of Service (CURRENT LOS):** The Level of Service at which a roadway is currently operating.

**Level of Service with Development (LOS W/DEV):** The Level of Service that a proposed development may generate on a roadway.



BOARD OF COUNTY COMMISSIONERS

## Planning and Development Department

2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940  
(321)633-2070 Phone / (321)633-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

### STAFF COMMENTS 24Z00010

**Put It In Me Storage LLC (Vaheed B. Teimouri, P.E.)**

**IU (Light Industrial) to BU-2 (Retail, Warehousing and Wholesale Commercial)**

Tax Account Number: 2322557  
Parcel I.D.: 23-35-13-RT-B-5  
Location: East side of Curtis Blvd., 1,735 feet north of Fay Blvd.  
(District 1)  
Acreage: 2.46 acres

Port St. John Board: 6/05/2024  
Planning and Zoning Board: 9/16/2024  
Board of County Commissioners: 10/03/2024

#### Consistency with Land Use Regulations

- Current zoning cannot 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)

	CURRENT	PROPOSED
<b>Zoning</b>	IU	BU-2
<b>Potential*</b>	FAR of 2.46	FAR of 1.0 73 dwelling units**
<b>Can be Considered under the Future Land Use Map</b>	Yes IND	Yes CC

\* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

\*\* Development potential at 30 units per acre pursuant to F.S. 125.01055 (Live Local Act).

#### Background and Purpose of Request

The applicant is requesting a change of zoning classification from IU (Light Industrial) on 2.46 acres to BU-2 to build a RV and boat storage yard and a mini warehouse. The applicant states the current IU zoning classification restricts the location of storage areas. In IU zoning all storage areas shall be located to the rear of the primary structures. The BU-2 zoning does not

have these storage area restrictions. BU-2 zoning classification requires a building of at least 300 sq. ft. as their principal structure. The subject parcel has access to Curtis Blvd., a County maintained roadway.

There is also a Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, **24SS00004** to change the Future Land Use Element from Industrial (IND) to Community Commercial (CC).

The original zoning was GU (General Use).

On October 04, 1962, zoning action **Z-836** rezoned the parcel from GU to IU (Industrial Use).

On March 07, 1974, zoning action **Z-3594** rezoned from IU to IU-1 (Heavy Industrial) with a CUP (Conditional Use Permit) for storage of explosives.

On July 24, 1990, zoning action **Z-8630** Administrative rezoned from IU-1 to IU.

On November 06, 2003, zoning action **Z-10859(2)** removed the **CUP Z-3594** (Conditional Use Permit) for storage of explosives.

The subject parcel is located on the east side of Curtis Blvd., a county-maintained roadway.

#### Surrounding Area

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	Business office	IU	IND
<b>South</b>	Vacant	IU	IND
<b>East</b>	Railroad	NA	NA
<b>West</b>	Vacant west side of Curtis Blvd.	BU-2	CC

The developed character of the surrounding area on the east side of Curtis Blvd is commercial uses with IU zoning. To the east of the parcel is the Florida East Coast Railway. To the west across Curtis Blvd is commercial uses with BU-2 zoning.

The current IU zoning classification permits light industrial land uses within enclosed structures. IU zoning allows all uses permitted in the BU-1 and BU-2 classification, except, single-family residence. The minimum lot size is 20,000 square feet, with a minimum width of 100 feet and a minimum depth of 200 feet.

The proposed BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most

intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic, and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

**There have been no zoning actions within a half-mile of the subject property within the last three years.**

### **Future Land Use**

The subject property is currently designated as Industrial (IND) FLUM. The existing IU zoning classification can be considered consistent with the IND FLUM designation. The proposed BU-2 zoning is not consistent with the existing IND FLUM designation.

**FLUE Policy 2.2** - The zoning process regulates the types and intensities of uses for a parcel of land. Criteria which aid in assessing zoning compatibility, shall include consideration of the following standards:

#### **Criteria:**

A. Permitted/prohibited uses;

**BU-2 Retail, Warehousing and Wholesale Commercial zoning classification encompasses lands devoted to general retail and wholesale business, contracting and heavy repair services and warehousing activities. Retail items of substantial size or which of necessity must remain outside of a building may be permitted to be displayed outside the building. Storage yards must be enclosed with a six-foot wall, louvered fence, or chain-link fence.**

B. Existing commercial zoning trends in the area;

**Curtis Blvd. is an existing commercial corridor located from Fay Blvd. north to where Curtis Blvd. turns west.**

C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;

**The area along Curtis Blvd. is a mixture of commercial and industrial use zoning classifications. The applicant's request can be considered compatible with the proposed uses in the area.**

D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;

**The preliminary concurrency analysis did not indicate that the proposed development has the potential to cause a deficiency in the transportation adopted level of service.**

**The subject property is in the City of Cocoa's access for potable water and on septic.**

- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and

The following land use issues were identified:

There is a large area of mapped Florida Scrub Jay occupancy adjacent to the property, and there may be Gopher Tortoises onsite. 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 (FWC), and/or U.S. Fish and Wildlife Service, as applicable.

- F. Other issues which may emerge specific to a particular property which may be addressed through performance-based zoning criteria.

**This property will need to comply with Brevard County Performance Standards noted within Section 62-1482 of Brevard County Code. The proposed use is not anticipated to require performance standards beyond the zoning criteria.**

### **Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.**

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

**The applicant is requesting a change of zoning classification from IU (Light Industrial) to BU-2 to build a RV and boat storage yard and a mini warehouse. A proposed concept plan has not been provided. This would be a down zoning to the intensity of use for the parcel. The hours of operation, lighting and traffic is not anticipated to affect the quality of life in the existing neighborhood. There is no anticipation of odor, noise level or site activity more so than already exists. However, CC FLU allows for an array of light manufacturing, warehouse, retail, personal and professional uses which may. This property will need to comply with Brevard County Performance Standards noted within Section 62-1483 and 62-1833.5 of Brevard County Code.**

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

**Only a certified MAI (Member Appraisal Institute) appraisal can determine if material reduction has or will occur due to the proposed request.**

C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns;

**There are undeveloped and developed commercial and industrial parcels in the surrounding area along the Curtis Blvd. from Fay Blvd. to where Curtis Blvd. turns west. The developed character of the surrounding area on the east side of Curtis Blvd. to the north is commercial. To the east is the Florida East Coast Railway. To the south of the subject property is vacant industrial and further south is commercial. To the west across Curtis Blvd. is developed with Commercial along with vacate commercial parcels.**

2. actual development over the immediately preceding three years; and

**There has been no new development within 0.5 miles of the subject property within the last three years.**

3. development approved within the past three years but not yet constructed.

**There has not been any development approved within this area in the preceding three (3) years that has yet to be constructed.**

D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

**Only a certified MAI (Member Appraisal Institute) appraisal can determine if material reduction has or will occur due to the proposed request.**

#### **Analysis of Administrative Policy #4 - Character of a neighborhood or area.**

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

##### **Criteria:**

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic, parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.



**Staff analysis indicates the request is located along an existing commercial and industrial neighborhood with buffering from the Florida East Coast Railway property along the east.**

**The BU-2 zoning classification is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted (i.e., major auto-repair facilities, paint and body shops, and contractor storage yards). Off-site impacts such as noise, light, traffic, and other potential nuisance factors associated with BU-2 activities should be considered.**

**A preliminary concurrency evaluation did not indicate that the proposal has the potential to cause a deficiency in the transportation adopted level of service; however, the maximum development potential from the proposed rezoning increases the percentage of MAV by 0.43%.**

**B. In determining whether an established residential neighborhood exists, the following factors must be present:**

- 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.**

**The area has development of roads, open spaces, and similar existing features. It is not located in a residential neighborhood or subdivision but is along a commercial and industrial corridor.**

- 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.**

**Staff analysis indicates that the area to the east of the Florida East Coast Railway is residential in character.**

- 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.**

**The subject parcel is located along a commercial and industrial corridor. The subject parcel is proposed to be rezoned from IU to BU-2. As the immediate area is commercial the proposed uses maintain the commercial integrity of the area.**

**The closest BU-2 zoning classification is located directly across Curtis Blvd. to the west of the subject property, along the west side of Curtis Blvd.**

## **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Fay Blvd., between Carol Avenue and Highway US-1, which has a Maximum Acceptable Volume (MAV) of 33,800 trips per day, a Level of Service (LOS) of D, and currently operates at 46.07% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.43%. The corridor is anticipated to operate at 46.50% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be addressed at the time of site plan review. This is only a preliminary review and is subject to change.

No school concurrency information has been provided as the proposed project is a commercial development and not intended for residential uses.

The subject property has availability to the City of Cocoa potable water and on septic.

### **Environmental Constraints**

- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. There is a large area of mapped Florida Scrub Jay occupancy adjacent to the property, and there may be Gopher Tortoises onsite. 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 (FWC), and/or U.S. Fish and Wildlife Service, as applicable. There was a 1996 FWC permit related to the gopher tortoises. The applicant should call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FLFWC to ensure permit compliance. Additional consultation with USFWS NRM is required if FL Scrub Jays utilize the property.

### **For Board Consideration**

The Board may wish to consider whether the proposed zoning request is consistent and compatible with the surrounding area.

## **NATURAL RESOURCES MANAGEMENT DEPARTMENT**

### **Zoning Review & Summary**

#### **Item No. 24Z00010**

**Applicant:** Vaheed Teimouri, P.E. (Owners: Put It In Me Storage LLC)

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

**Note:** To be able to put mini storage with boat & RV storage without IU storage requirements

**PSJ Hearing:** 06/05/2024; **Zoning Hearing:** 06/10/2024; **BCC Hearing:** 7/11/2024

**Tax ID No.:** 2322557

- 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.**

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

- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. There is a large area of mapped Florida Scrub Jay occupancy adjacent to the property, and there may be Gopher Tortoises onsite. 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 (FWC), and/or U.S. Fish and Wildlife Service, as applicable. There was a 1996 FWC permit related to the gopher tortoises. The applicant should call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FLFWC to ensure permit compliance. Additional consultation with USFWS NRM is required if FL Scrub Jays utilize the property.

### **Land Use Comments:**

#### **Aquifer Recharge Soils**

This property contains Pomello sand, classified as an aquifer recharge soil. Mapped topographic elevations indicate the soils may consist of Type 2 Aquifer Recharge soils that have impervious area restrictions. **The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.**

#### **Protected and Specimen Trees**

Protected ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  inches in diameter) trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

**Protected Species**

Information available to NRM indicates that federally and/or state protected species may be present on the property. There is a large area of mapped Florida Scrub Jay occupancy adjacent to the property, and there may be Gopher Tortoises onsite. 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 (FWC), and/or U.S. Fish and Wildlife Service, as applicable. There was a 1996 FWC permit related to the gopher tortoises. The applicant should call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FLFWC to ensure permit compliance. Additional consultation with USFWS NRM is required if FL Scrub Jays utilize the property.

## PORT ST. JOHN DEPENDENT SPECIAL DISTRICT BOARD MINUTES

The Port St. John Dependent Special District Board met in regular session on Wednesday, June 5, 2024, at 6:00 p.m., at the Port St. John Library, 6500 Carole Ave., Port St. John, Florida.

Board members present were: Vaughan Kimberling, Chair; Kevin Shropshire, Vice Chair; Frank Robb; and Wendy Porter-Hyde.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager.

The meeting was called to order by the Chair at 6:00 p.m.

**Approval of the January 8, 2024, Minutes was deferred to the next meeting.**

**(24SS00004) Put It In Me Storage, LLC (Vaheed Teimouri)** requests a Small-Scale Comprehensive Plan Amendment (24S.04), to change the Future Land Use Designation from IND (Industrial Light) to CC (Community Commercial), on 2.46 acres, located on the east side of Curtis Blvd., approx. 1,735 ft. north of Fay Blvd. (3840 Curtis Blvd., Cocoa)

**(24Z00010) Put It In Me Storage, LLC (Vaheed Teimouri)** requests a change of zoning classification from IU (Light Industrial) to BU-2 (Retail, Warehousing and Wholesale Commercial), on 2.46 acres, located on the east side of Curtis Blvd., approx. 1,735 ft. north of Fay Blvd. (3840 Curtis Blvd., Cocoa)

Vaughan Kimberling read the application into the record.

Vaheed Teimouri, 32 East New Haven Ave., Melbourne,

Jeffrey Ball informed the Board that these are actually companion applications and they can be read into the record together and discuss them together, but they will need a separate motion for each.

Vaughan Kimberling stated that he was just going to go one at a time if that's okay and Jeffrey Ball replied that it was.

Vaughan Kimberling asked the Board members if they were able to review the agenda and did they have any questions. He then asked Mr. Teimouri to explain a little of what his applications are for.

Vaheed Teimouri stated that the property was purchased because his client would like to do boat and RV storage, however the County's code states that all storage must be behind the principal building, which doesn't make sense to him. He stated that staff informed him this would be the zoning that this property needs for that use. It was previously zoned commercial and rezoned to industrial, now we're asking to go back to commercial to be able to RV and boat storage and maybe sometime in the future, mini storage.

Vaughan Kimberling asked what the intent with the property is and Mr. Teimouri replied that it's for RV and boat storage, and **some** mini storage.

Vaughan Kimberling asked if the applicant is aware there might be scrub-jays on the property and Mr. Teimouri replied that yes, they're aware of all of that. Regardless of what zoning it is, we still have to go through all of the development process. This is just a permitted use in that zoning. We'll still have to go through the applications with Natural Resources and FWC to ensure there's nothing there. This is a platted subdivision, and it was addressed at that point as well.

Vaughan Kimberling asked what they would do if it is present and Mr. Teimouri stated that it will have to be dealt with, with the proper permits for mitigation, but it has nothing to do with the zoning, only development.

Public comment:

Carmine Ferraro, Crossover Commercial Group, is here as one of the three remaining vacant parcels on Curtis, part of the original plat. We did all of the development on Curtis, and we were able to sell this property to his client.

It was always intended during the plat when we did it that this would be the commercial hub of Port St. John. It's received that kind of support over the years. We've attracted the business and we've got more businesses coming, which we're excited about. I will speak to the scrub-jays though, because I can bring a little additional clarity to that. When we platted the subdivision, we were required by the County to mitigate for the entire 14 lots. So, we did a final mitigation through the Army Corp of Engineers and paid the appropriate fees and contributed to the scrub-jay reserves. All the lots were platted as they were having already been mitigated for scrub-jays. We're just hear to ask the Board to support the application as it's good for more businesses in Port St. John.

Motion by Vaughan Kimberling to approve the Small-Scale Comprehensive Plan Amendment (24S.04), to change the Future Land Use Designation from IND to CC. The motion passed unanimously.

Motion by Vaughan Kimberling to approve a change of zoning classification from IU to BU-2. The motion passed unanimously.

Upon consensus, the meeting was adjourned at 6:07 p.m.

## **PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, September 16, 2024**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Henry Minneboo, Vice-Chair (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Robert Brothers (D5); Ana Saunders (D5), and John Hopengarten (BPS).

Staff members present were: Tad Calkins, Director (Planning and Development); Rachel Genera, Public Works Engineering Manager; Alex Essee, Deputy County Attorney; Trina Gilliam, Planner; Paul Body, Planner; Desirée Jackson, Planner; and Kristen Champion, Special Projects Coordinator.

Mark Wadsworth stated that if any Board Member has had an ex-parte communication regarding any application, please disclose so now.

### **Excerpt of complete agenda.**

**Item H.4. Put It In Me Storage, LLC (Vaheed Teimouri) requests a change of zoning classification from IU (Light Industrial) to BU-2 (Retail, Warehousing and Wholesale Commercial), on property described as Lot 5, Block B, Port St. John Center. (2.46 acres) Located on the east side of Curtis Blvd., approx. 1,735 ft. north of Fay Blvd. (3840 Curtis Blvd., Cocoa) (Tax Account 2322557) (24Z00010) (District 1)**

Paul Body read the item into the record and noted this item was continued from the July P&Z Meeting.

Vaheed Teimouri presented on behalf of the applicant.

No public comment.

Motion to recommend approval of this item by Ron Bartcher, second by Robert Sullivan. The motion passed 8 to 1.



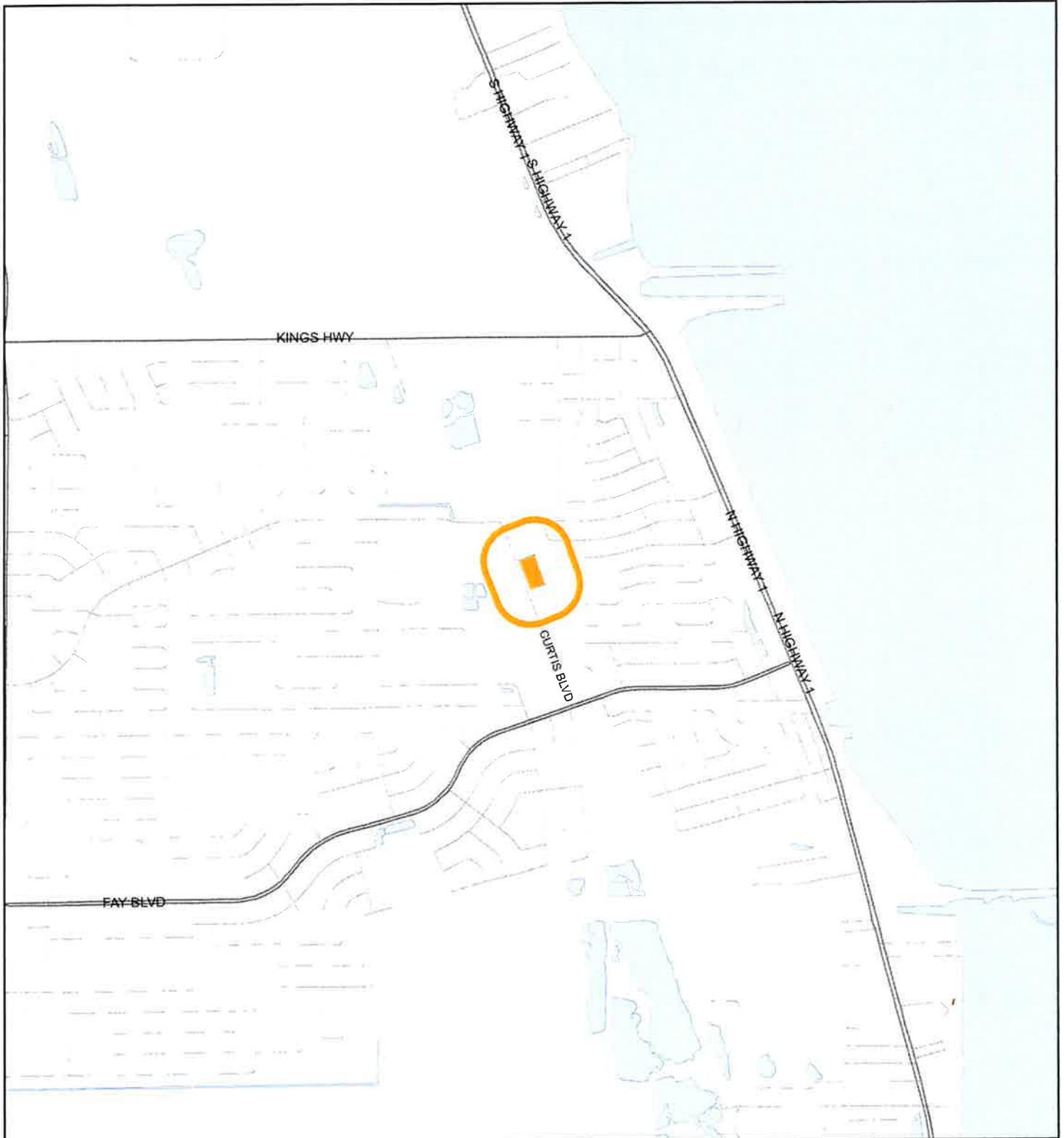
**DESCRIPTION: LOT 5, BLOCK B, PORT ST. JOHN CENTER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 45, PAGES 59-60, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.**



# LOCATION MAP

PUT IT IN ME STORAGE LLC

24Z00010



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

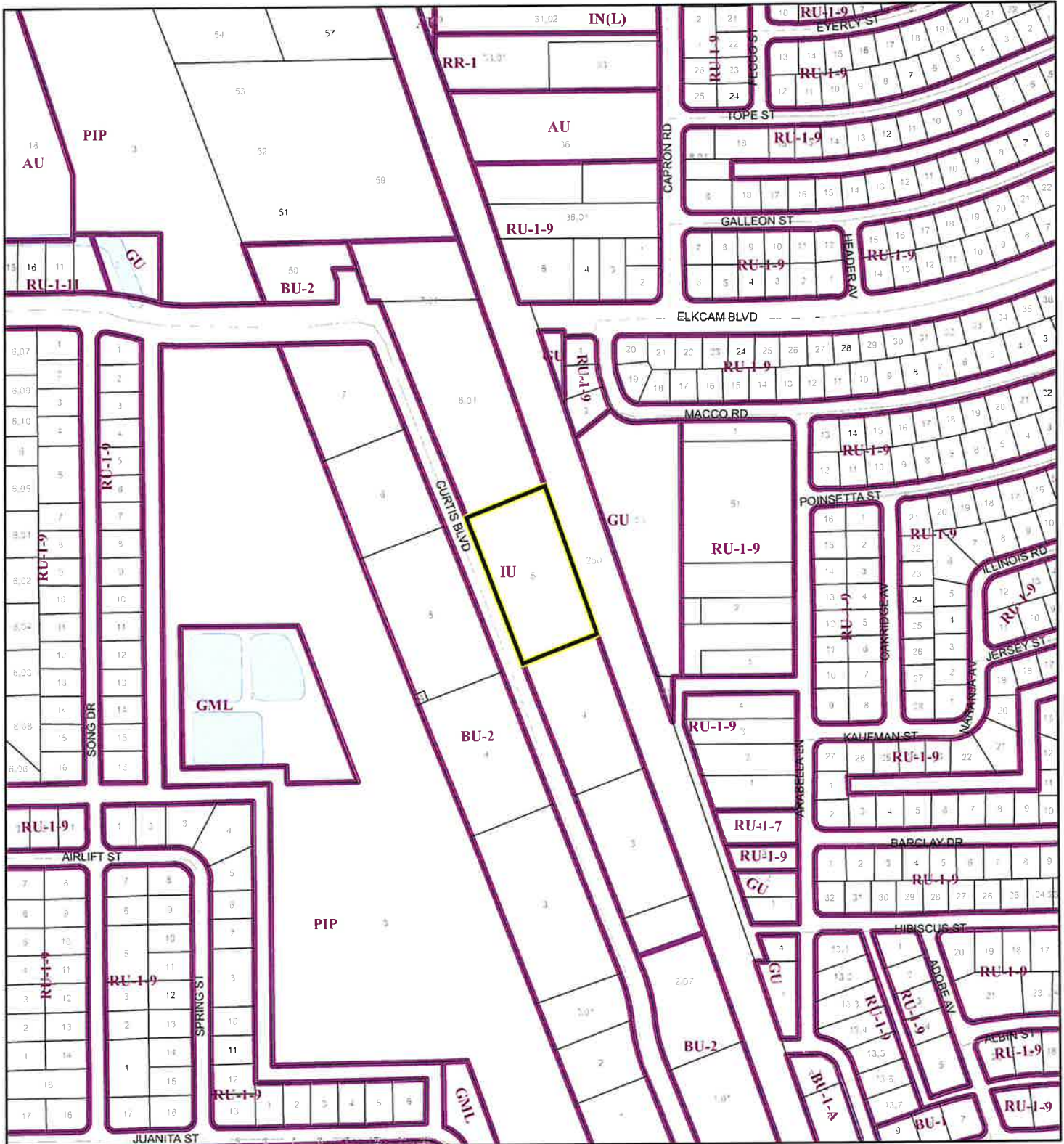
Produced by BoCC - GIS Date: 2/26/2024

Buffer  
Subject Property

# ZONING MAP

## PUT IT IN ME STORAGE LLC

### 24Z00010



1:4,800 or 1 inch = 400 feet

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Subject Property

Parcels

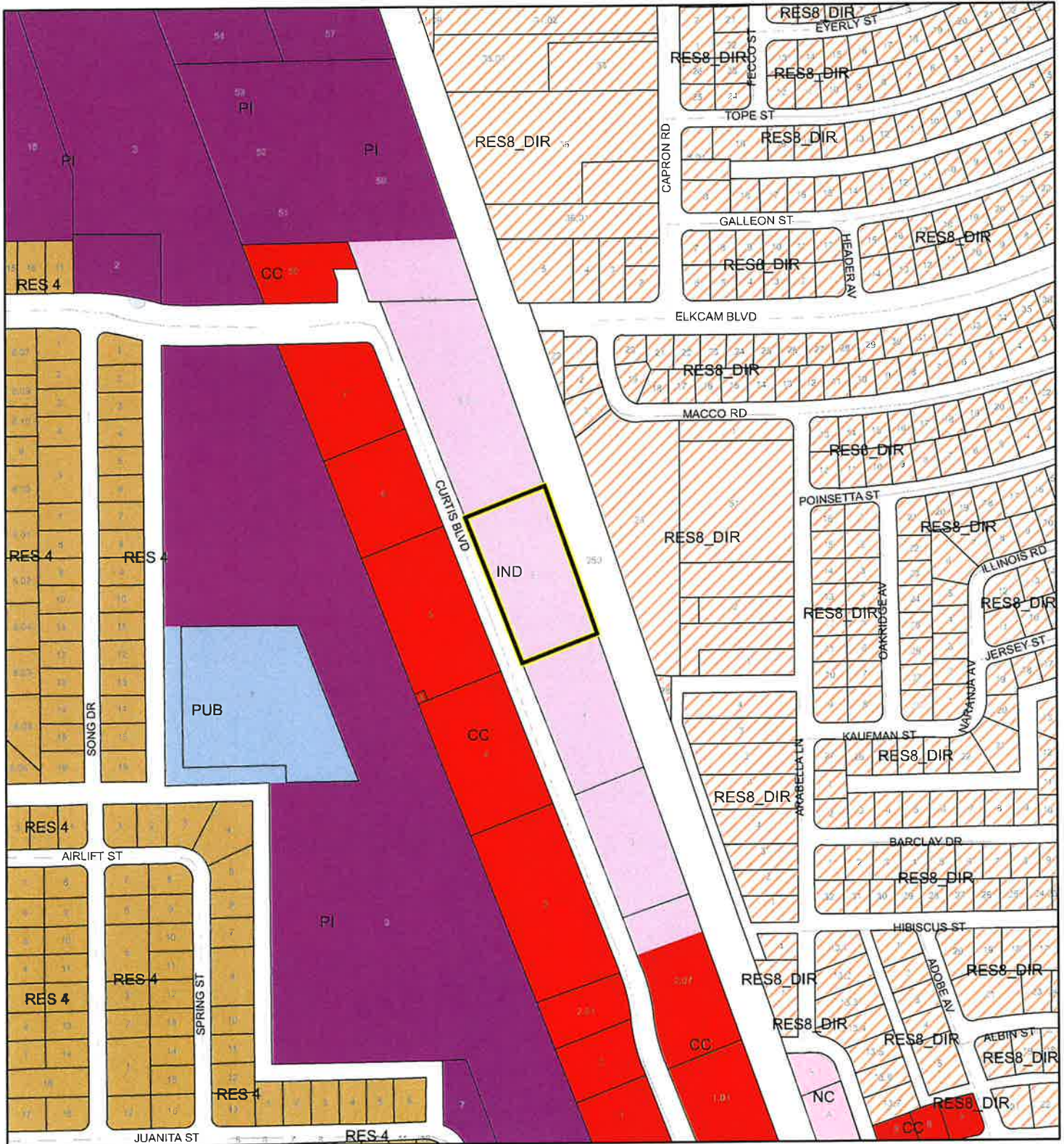
Zoning



# FUTURE LAND USE MAP

PUT IT IN ME STORAGE LLC

24Z00010



1:4,800 or 1 inch = 400 feet

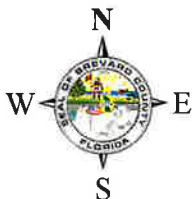
— Subject Property  
 □ Parcels

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Produced by BoCC - GIS Date: 2/26/2024



AERIAL MAP  
PUT IT IN ME STORAGE LLC  
24Z00010



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2023

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 Subject Property

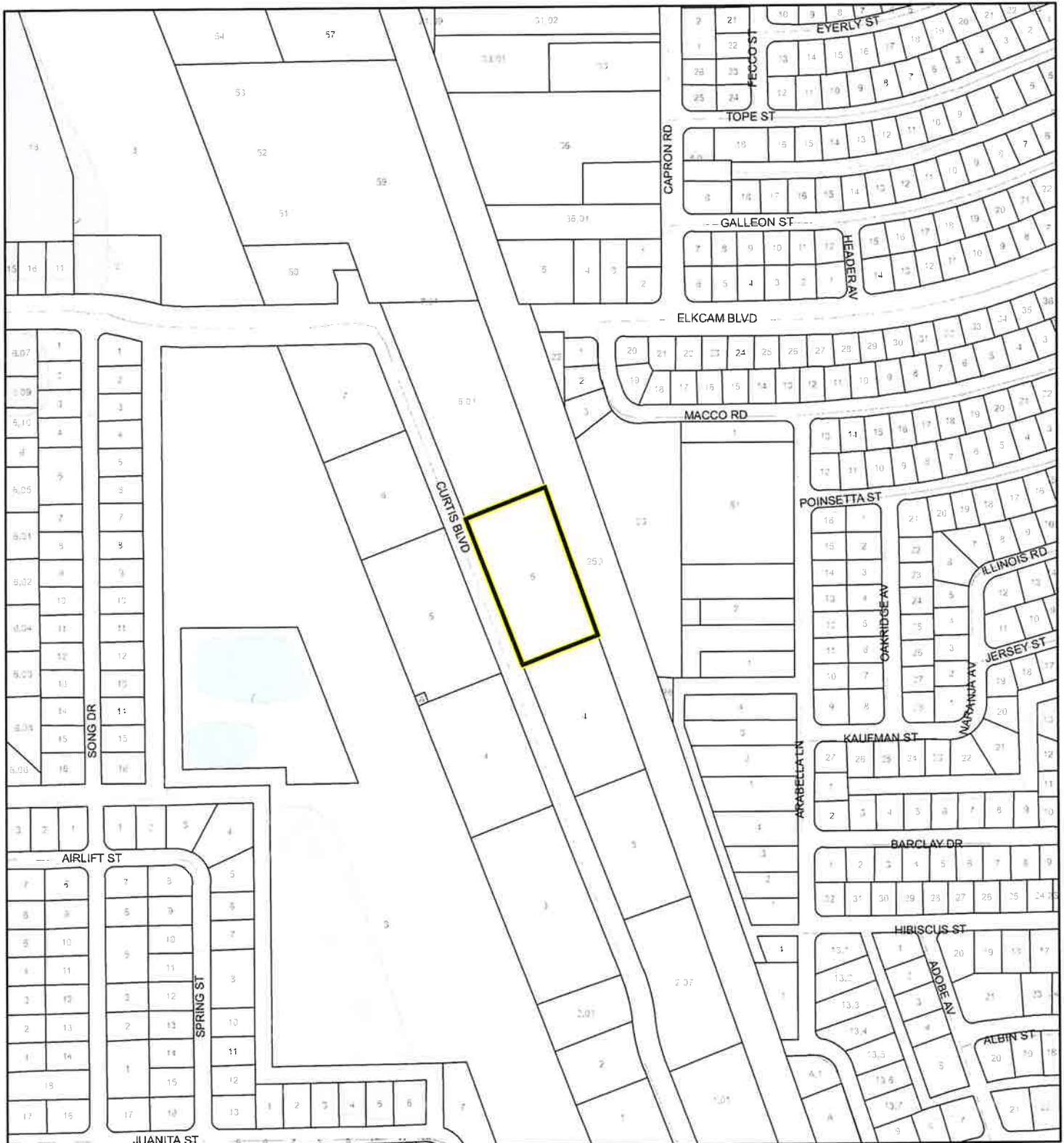
 Parcels



# NWI WETLANDS MAP

PUT IT IN ME STORAGE LLC

24Z00010



1:4,800 or 1 inch = 400 feet

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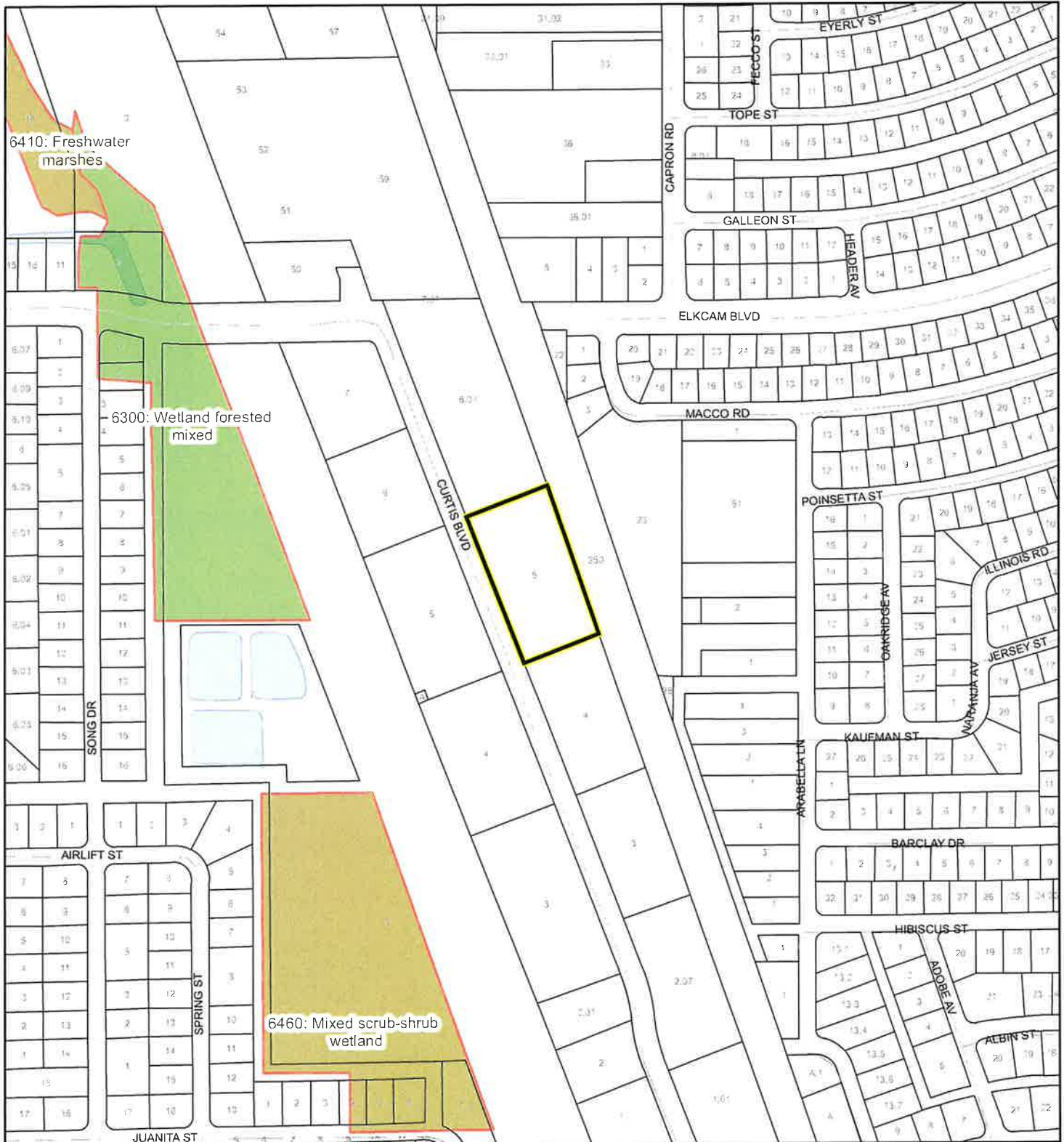
## National Wetlands Inventory (NWI)

Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
Freshwater Emergent Wetland	Other
Freshwater Forested/Shrub Wetland	Riverine
Subject Property	
Parcels	

# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

PUT IT IN ME STORAGE LLC

24Z00010



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/26/2024

## SJRWMD FLUCCS WETLANDS

- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property

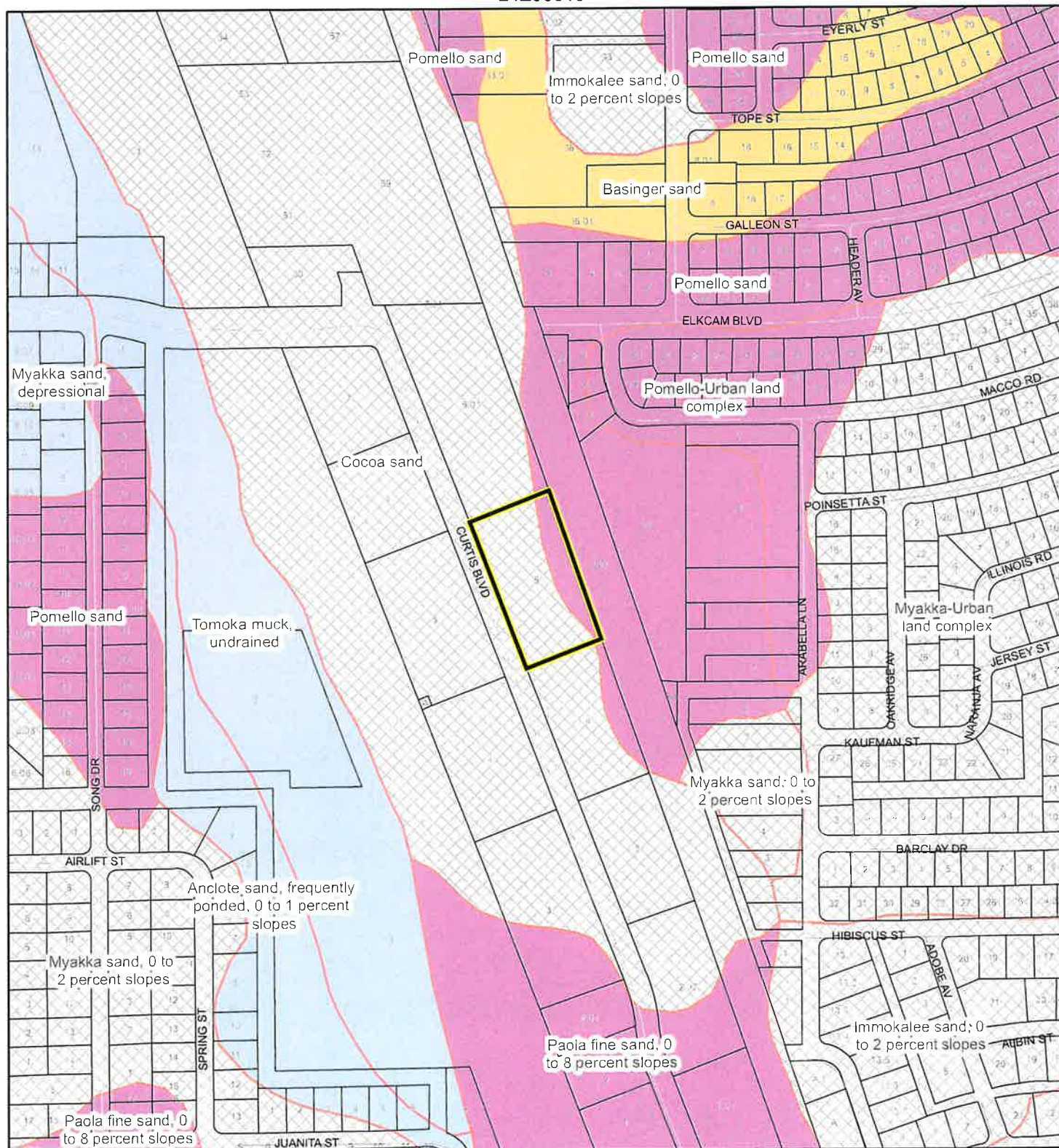
Parcels



# USDA SCSSS SOILS MAP

PUT IT IN ME STORAGE LLC

24Z00010



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/26/2024

## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

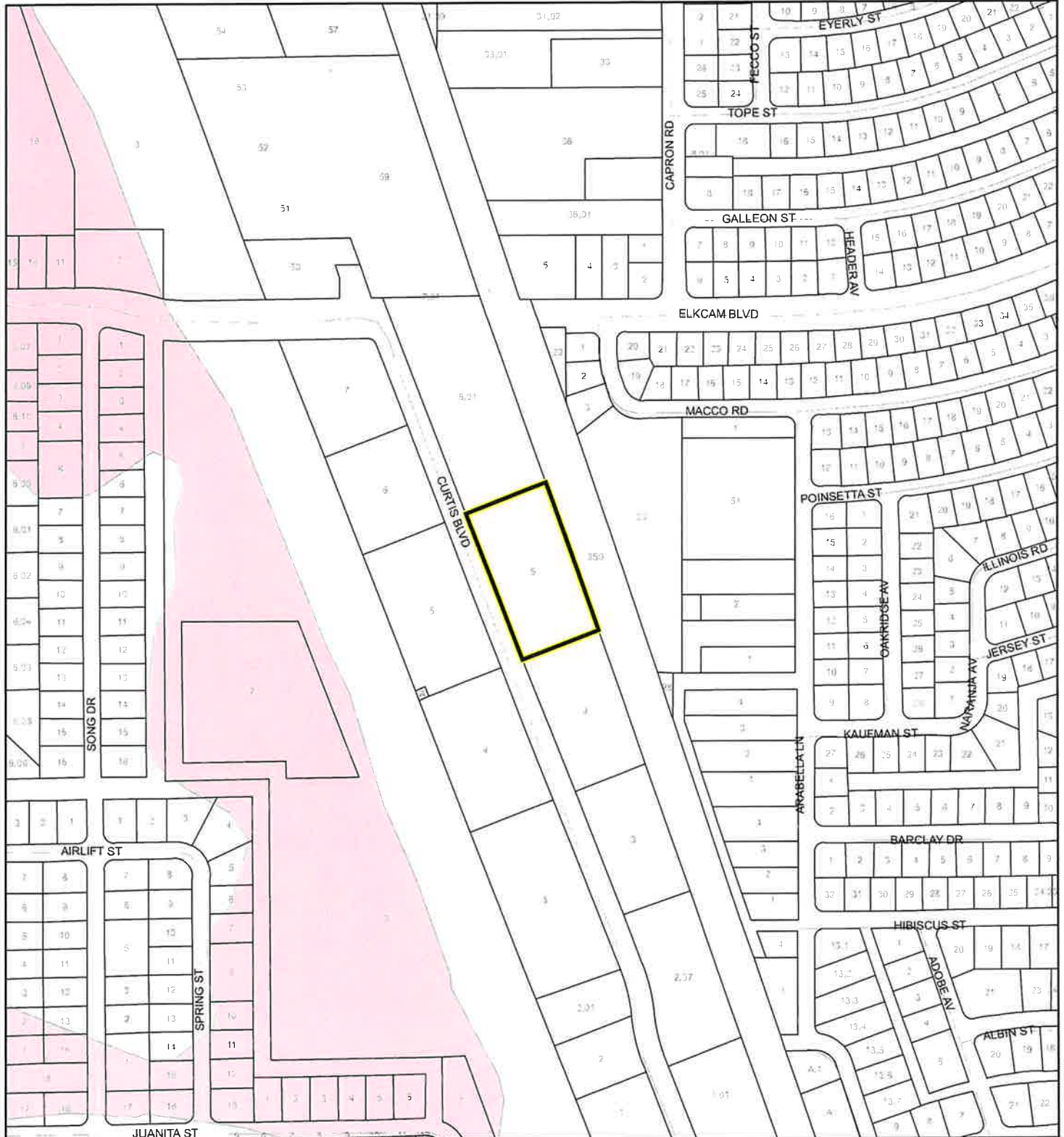
- Subject Property
- Parcels



# FEMA FLOOD ZONES MAP

PUT IT IN ME STORAGE LLC

24Z00010



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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## FEMA Flood Zones

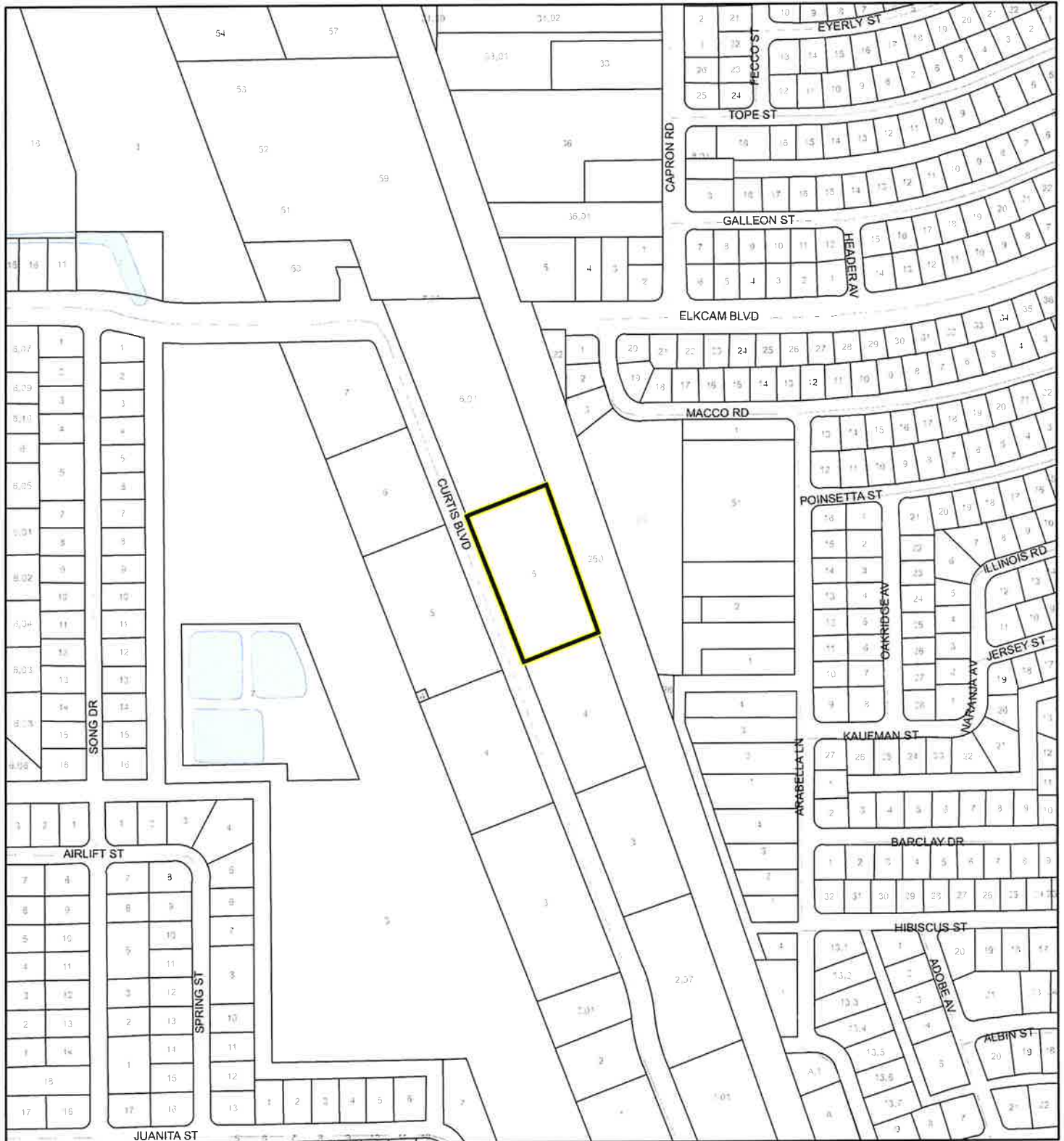
- |                  |            |   |
|------------------|------------|---|
| A                | AO         | X |
| AE               | Open Water |   |
| AH               | VE         |   |
| Subject Property | Parcels    |   |



# COASTAL HIGH HAZARD AREA MAP

PUT IT IN ME STORAGE LLC

24Z00010



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 2/26/2024

 Subject Property

 Parcels

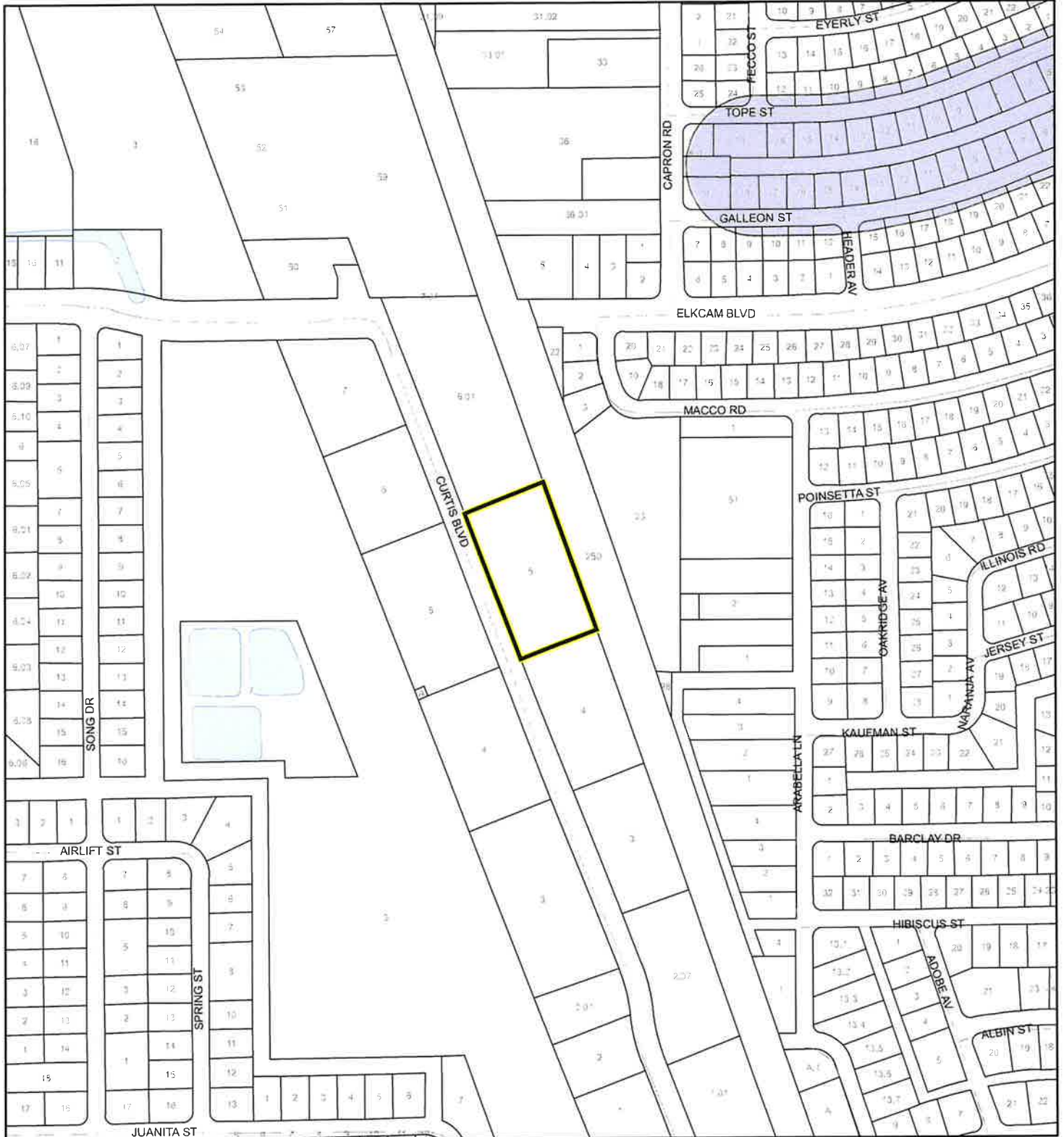
**Coastal High Hazard Area**

 SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

PUT IT IN ME STORAGE LLC

24Z00010



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/26/2024

 Subject Property

 Parcels

## Septic Overlay

 40 Meters

 60 Meters

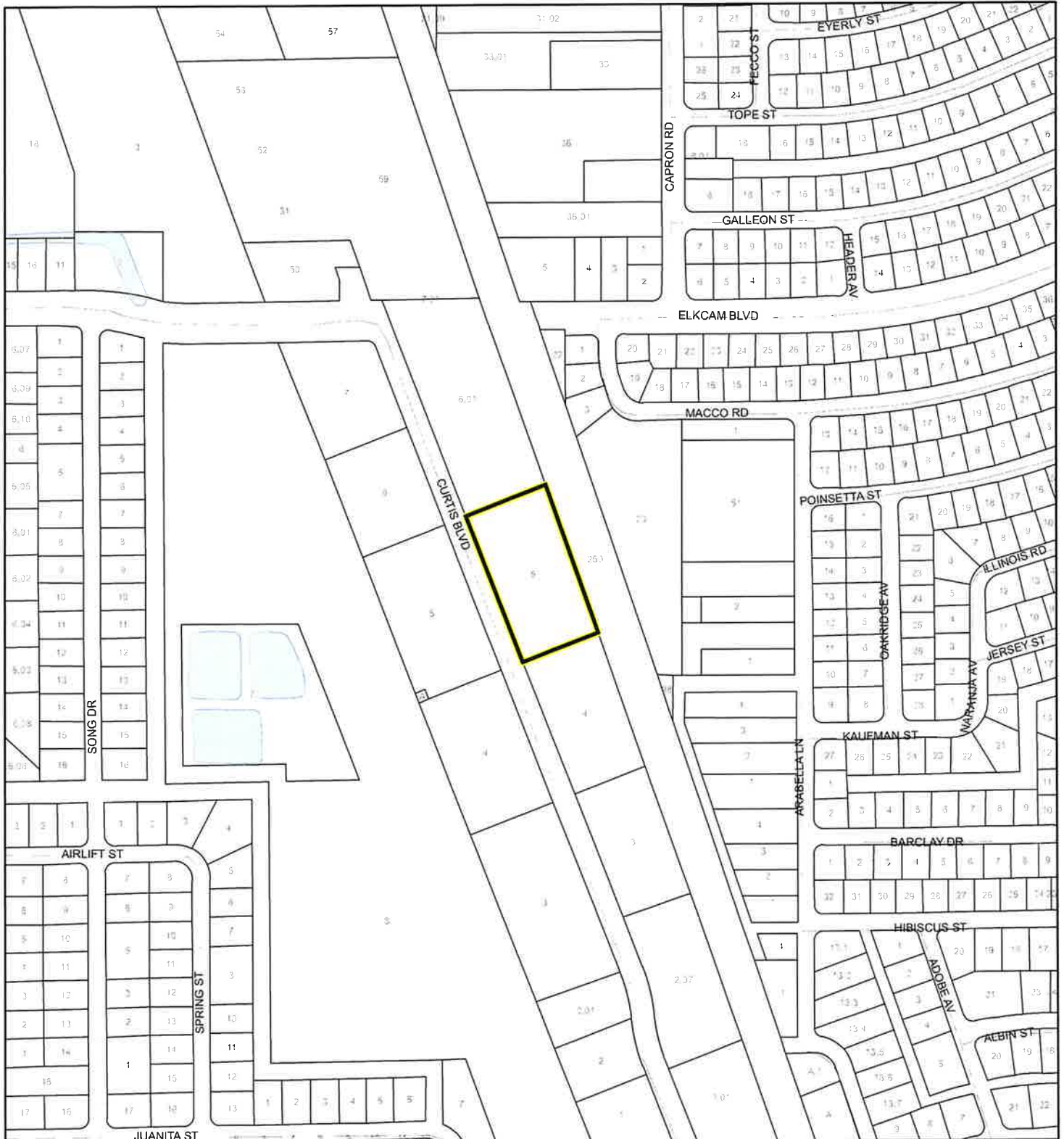
 All Distances



# EAGLE NESTS MAP

PUT IT IN ME STORAGE LLC

24Z00010



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/26/2024

 Subject Property

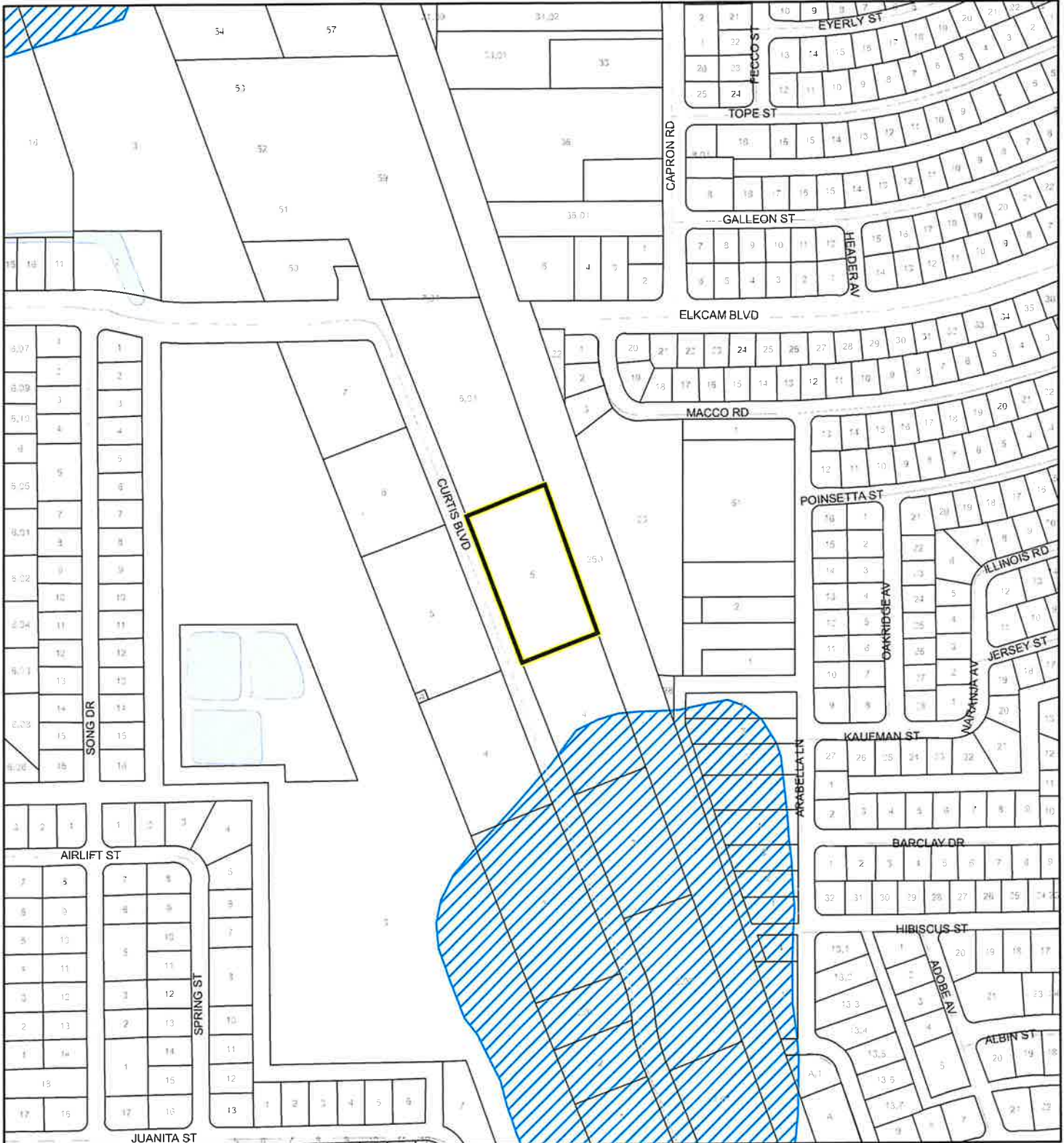
 Parcels

 Eagle Nests FWS

# SCRUB JAY OCCUPANCY MAP

PUT IT IN ME STORAGE LLC




24Z00010



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/26/2024

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy



# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

PUT IT IN ME STORAGE LLC

24Z00010



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/26/2024

## SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property  Parcels