



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.2.

5/5/2022

Subject:

Storsafe of Rockledge, LLC (Nathan Lee) requests a change of zoning classification from AU and BU-1 to BU-2. (22Z00004) (Tax Accounts 2511096, 2511103, 2511119) (District 2)

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 AU (Agricultural Residential) and BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial).

Summary Explanation and Background:

The applicants are requesting to change the zoning of a 12.19-acre property from BU-1 and AU to BU-2 in order to develop a self-storage facility with outdoor boat and RV storage. The applicants included a non-binding concept plan in their application showing two 62,000 sq. ft. buildings, two ponds, and associated parking. The concept plan was provided as a courtesy, and is not a requirement for rezoning. The concept plan has not been reviewed for compliance with the land development codes or reviewed by other County departments. The Board's approval of the rezoning would not include the concept plan. The BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots.

The character of the area is defined by a mix of developed and undeveloped commercial parcels along S. Highway 1 and an established residential area directly to the east of the property along Rockledge Drive. The commercial development on the eastern side of S. Highway 1, where the subject property is located, consists primarily of retail and office buildings. Development on the western side of S. Highway 1 and along Barnes Blvd. includes heavy commercial and industrial uses in addition to a residential subdivision within the city limits of Rockledge. The established residential neighborhood to the east directly abuts the subject property and includes lots that vary in size but are mostly a half-acre or larger and zoned EU, EU-2, and AU. The subject property currently has AU zoning in most areas where it borders these residential lots.

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

On April 18, 2022, the Planning and Zoning Board voted 10:1 to recommend approval with a BDP containing the following conditions: 1.) the use of the property shall be for self-storage only; 2.) outdoor storage shall be

prohibited; 3.) any buildings on the property shall be limited to single-story; 4.) no lighting elements shall face the residential properties; 5.) a 20-foot landscape buffer shall be required in accordance with code requirement; 6.) a finished 8-foot masonry wall shall be required along the edge of the improvements in accordance with code requirements.

Clerk to the Board Instructions:

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

Prepared by: _____

Address: _____

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of _____, 20__ between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and _____, a _____ corporation (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the BU-2 zoning classification(s) and desires to develop the Property as Self Storage mini-warehouse, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impacts on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. Recitals. The above recitals are true and correct and are incorporated into this Agreement by their reference.
2. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
3. Developer/Owner shall limit the use of the Property to self-storage use only.
4. Outdoor storage shall be prohibited on the Property.
5. Any buildings on the Property shall be limited to single-story.
6. No lighting elements shall face residential properties.
7. Developer/Owner shall provide a 20 foot landscape buffer in accordance with code requirements.
8. A finished 8-foot masonry wall shall be required along the edge of the improvements, such wall to be in accordance with code requirements.
9. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This Agreement provides no vested rights against changes to the Brevard County Comprehensive Plan or land development regulations as they may apply to this Property.
10. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court all costs of recording this Agreement in the Public Records of Brevard County, Florida.
11. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the

(Please note: You must have two witnesses and a notary for each signature required. The notary may serve as one witness.)

(STORSAFE OF ROCKLEDGE, LLC)

WITNESSES:

as DEVELOPER/OWNER

(Witness Name typed or printed)

(Address) _____

(President)

(Witness Name typed or printed)

(Name typed, printed or stamped)

STATE OF _____ §

COUNTY OF _____ §

The foregoing instrument was acknowledged before me, by means of _____ physical presence or _____ online notarization, this _____ day of _____, 20____, by _____, President of _____, who is personally known to me or who has produced _____ as identification.

My commission expires

Notary Public

SEAL

Commission No.:

(Name typed, printed or stamped)

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 staff, 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 Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all 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 re-zoning 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:

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

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Viera, Florida 32940
(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

22Z00004

Storsafe of Rockledge, LLC

BU-1 (General Retail Commercial) and AU (Agricultural Residential) to BU-2 (Retail, Warehousing, and Wholesale Commercial)

Tax Account Numbers: 2511096, 2511103, & a portion of 2511119 (east of U.S. Highway 1)
Parcel I.D.s: 25-36-23-00-251, 25-36-23-00-256, & a portion of 25-36-23-00-500
Location: On the east side of U.S. Highway 1 approximately 192 feet north of Barnes Boulevard (District 2)
Acreage: 12.19 acres

Planning & Zoning Board: 3/14/2022

Board of County Commissioners: 4/07/2022

Consistency with Land Use Regulations

- Current zoning can 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
Zoning	BU-1 and AU	All BU-2
Potential*	<ul style="list-style-type: none">• 1 SFR unit• 384,417 sq. ft. of commercial	530,996 sq. ft. of commercial (using 1.0 FAR for CC)
Can be Considered under the Future Land Use Map	YES CC, NC, & RES 4	YES** CC

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. **Approval is pending approval of companion request **21PZ00083** which proposes to change the Future Land Use Designation from Community Commercial (CC), Neighborhood Commercial (NC), and Residential 4 (RES 4) to all Community Commercial (CC).

Background and Purpose of Request

The applicants are requesting to change the zoning of a 12.19-acre property from BU-1 (General Retail Commercial) and AU (Agricultural Residential) to all BU-2 (Retail, Warehousing, and Wholesale Commercial) in order to develop a self-storage facility with outdoor boat and RV storage. BU-2 zoning is necessary for their proposed use, as the existing AU zoning does not permit a storage facility, and the BU-1 zoning classification only permits self-storage facilities if the conditions of Sec. 62-1837.5 are met.

The most recent use on the property was an orange orchard, processing facility for the oranges, and associated offices. These uses have been discontinued. The area to be rezoned is currently three separate parcels that the owners intend to combine into one. The 0.7-acre portion of tax account 2411119 on the western side of S. Highway 1 is not included in the rezoning and is to remain zoned GU with a FLU designation of NC.

The applicants included a concept plan in their application showing two 62,000 sq. ft. buildings, two ponds, and associated parking. Please note, the concept plan included in the application was provided as a courtesy. This is not a requirement for rezoning and has not been reviewed for compliance with the land development codes and other County departments. The concept plan is non-binding.

Each of the AU portions of the property retain their original zoning. The BU-1 portion on tax account 2511103 is the original zoning. The BU-1 portion of tax account 2511096 was rezoned from AU to BU-1 on August 26, 1968, as zoning action **Z-2332**. The BU-1 portion of tax account 2511119 was rezoned from AU to BU-1 in June 1966 as zoning action **Z-1923**. There is a variance, **V-2163**, that permits 23 ft. from the required 25 ft. front setback in BU-1. However, this rezoning will result in this variance becoming void, as this portion of the property will no longer be zoned BU-1.

Land Use

The subject property is currently designated as Community Commercial (CC), Neighborhood Commercial (NC), and Residential 4 (RES 4) FLU. The proposed BU-2 zoning is consistent with the existing Community Commercial (CC) FLU designation, but not with the existing Neighborhood Commercial (NC) or Residential 4 (RES 4) FLU designations. A companion application, **21PZ00083**, if approved, would change the Future Land Use designation on the NC and RES 4 portions of the parcel to all CC.

Applicable Land Use Policies

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;

The applicant wishes to develop a self-storage facility with outdoor boat/RV parking. This use needs BU-2 zoning as outdoor storage is not permitted under the AU and BU-1 zoning classifications.

B. Existing commercial zoning trends in the area;

There have not been any other commercial rezoning requests in the surrounding area within the BU-1 or BU-2 zoning classification within the last three years.

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

The property is adjacent to residential properties on the north, east, and south. The closest developed BU-2 lot on the eastern side of S. Highway 1 is approximately 950 feet to the north – it is currently developed with a retail store.

- 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 indicate that the proposed development has the potential to cause a deficiency in the transportation adopted level of service. The subject site is within the City of Cocoa's service area for potable water. The subject parcel is located within the City of Rockledge centralized sewer system. Specific concurrency issues will be addressed at the time of Site Plan review.

- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and
No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

- 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 Sections 62-2251 through 62-2272 of Brevard County Code.

Policy 2.3 – Land development regulations provide performance standards for evaluating the acceptability of proposed commercial development activities. Criteria include:

Criteria:

- A. Integration of vehicular and non-vehicular access into the site and access management features of site in terms of driveway cuts and cross access between adjacent sites, including use of frontage roads and/or shared access, where feasible, as determined by Brevard County;

This will be reviewed at the site plan stage.

- B. Buffering from adjacent existing/potential uses;

The concept plan submitted is non-binding. It does not identify the distance between the proposed structures and the residential lots.

- C. Open space provisions and balance of proportion between gross floor area and site size;
Open space development is not required for this type of commercial usage. Building type and floor area ratio will be reviewed at the site plan stage.

- D. Adequacy of pervious surface area in terms of drainage requirements;

Drainage requirements will be reviewed at the site plan stage.

- E. Placement of signage;
Sign location has not been identified on the submitted survey or concept plan.
- F. Adequacy of site lighting and intrusiveness of lighting upon the surrounding area;
External site lighting height has been proposed; however, lighting will need to comply with Section 62-2257 of Brevard County Code and will be reviewed at the site plan review stage.
- G. Safety of on-site circulation patterns (patron, employee and delivery vehicles), including parking layout and drive aisles, and points of conflict;
Review will be performed at the site plan review stage.
- H. Landscaping, as it relates to the requirements of the Comprehensive Plan and Land Development Regulations;
Review will be performed at the site plan review stage.
- I. Unique features and resources which may constrain site development, such as soils, existing vegetation and historic significance; and
No noteworthy comments have been identified by the NRMD review. Review will be performed at the site plan review stage.
- J. Performance based zoning requirements which may serve as a substitute for or accompany land development regulations in attaining acceptable site design.
Nothing in the form of waivers, administrative approvals or variances have been applied for at this time.

Policy 2.7 – Community Commercial (CC) development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses. Development activities which may be considered within the Community Commercial (CC) Future Land Use designation, provided that the guidelines listed in Table 2.2 are met.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 of the Future Land Use Element.

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 has stated a specific commercial use of a self-storage facility with outdoor boat and RV storage. The applicant has not provided hours of operation, a lighting plan, or a traffic analysis. The proposed use is not anticipated to generate odor or noise that would diminish the quality of life of the existing neighborhood along Rockledge Drive. Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan review stage should the zoning and Future Land Use change be approved.

- 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 appraisal can determine if material reduction has or will occur due to the proposed use.

- 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;

U.S. Highway 1 is a commercial corridor with CC Future Land Use designations along the majority of it to provide an array of services for local, sub-regional and regional neighborhoods.

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

There has not been any actual development within this area in the preceding three (3) years.

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

There have not been any development approvals within the past three (3) years.

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

In general, the character of the area is defined by a mix of developed and undeveloped commercial parcels along S. Highway 1 and an established residential area directly to the east of the property along Rockledge Drive. The commercial development on the eastern side of S. Highway 1, where the subject property is located, consists primarily of retail and office buildings on lots with BU-1, TU-1, and RP zoning. Development on the western side of S. Highway 1 and along Barnes Blvd. includes heavy commercial and industrial uses on lots with BU-2 and IU zoning in addition to a residential subdivision within the city limits of Rockledge. Both sides of S. Highway 1 contain several undeveloped commercial parcels.

There is an established residential neighborhood to the east that directly abuts the subject property. The lots vary in size but are mostly a half-acre or larger and are zoned EU, EU-2, and AU. The subject property currently has AU zoning in most areas where it borders these residential lots. On the

eastern side of Rockledge Drive are small parcels fronting the Indian River that are utilized as river access for the lots on the western side of Rockledge Drive.

If the zoning is approved, the subject property would be the largest parcel with BU-2 zoning in the surrounding area at 12.19 acres. There are no comparable properties with the same zoning along this segment of S. Highway 1. The closest developed BU-2 lot on the eastern side of S. Highway 1 is located approximately 950 feet to the north and contains a retail store on 1.24 acres. While the applicants are proposing a self-storage facility, the BU-2 zoning classification also permits other commercial activity of a higher intensity than BU-1 and AU. Consideration should be given to uses permitted in BU-2 that have the potential to impact the residential area adjacent to the subject parcel. Such uses in BU-2 include major automobile repairs (permitted by right), the manufacturing and assembly of certain products (permitted with conditions), and overnight commercial parking (conditional use).

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence	AU	CC & RES 4
South	Motel & single-family residence	TU-1 & AU	NC
East	Single-family residences, vacant residential land, multi-family residences	AU, EU, EU-2	NC
West	Retail & vacant commercial	GU & BU-1	NC & CC

BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

AU zoning classification permits single-family residences and agricultural uses on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. Possible incompatibilities are due to the intensive nature of commercial activities permitted by the BU-2 classification and possible noise, light, traffic and other nuisance factors potentially associated with BU-2 activities.

EU zoning classification is an estate single family residential zoning classification. The minimum lot size is 15,000 square feet with a minimum lot width and depth of 100 feet. The minimum living area is 2,000 square feet.

EU-2 zoning classification is an estate single family residential zoning classification. The minimum lot size is 9,000 square feet with a minimum lot width of 90 feet and depth of 100 feet. The minimum living area is 1,500 square feet.

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

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Highway 1, between Viera Blvd. to Barnes Blvd., which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 67.67% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 227.34%. The corridor is anticipated to operate at 295.01% of capacity daily. The proposal is anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review.

No school concurrency information has been provided as the development proposal is for commercial and not residential use.

The subject parcel is within the City of Cocoa's service area for potable water. The subject parcel is located within the City of Rockledge centralized sewer system.

Environmental Constraints

- Hydric Soils/Wetlands
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

For Board Consideration

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

Please note: The concept plan included in the application was provided as a courtesy. This is not a requirement for rezoning and has not been reviewed for compliance with the land development codes and other County departments. The concept plan is non-binding.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review & Summary
Item # 22Z00004**

Applicant: Lee for Harvey

Zoning request: BU-1 & AU to BU-2

Note: Applicant wants self-serve storage facility with outdoor boat and RV storage.

P&Z Hearing Date: 03/14/22; **BCC Hearing Date:** 04/07/22

Tax ID Nos: East portions of 2511096, 2511103, & 2511119

- 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:

- Hydric Soils/Wetlands
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- Protected Species

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Land Use Comments:

Hydric Soils/Wetlands

The subject parcel with Tax Account ID # 2511119 contains a small area of mapped hydric soils (Tomoka muck) as shown on the USDA Soil Conservation Service Soils Survey map, an indicator that wetlands may be present on the property. An environmental report, prepared by Bio-Tech Consulting, Inc. on November 29, 2021, did not find any wetlands onsite. The report will be verified at the time of site plan submittal. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). Highway 1 is an MQR at this location. The applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. Although not a part of the zoning request, and not included in the environmental report, the parcel with Tax Account ID # 2511119 has mapped wetlands on the west side of Highway 1.

Indian River Lagoon Nitrogen Reduction Overlay

A small portion of the northmost parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required within the overlay. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Protected and Specimen Trees

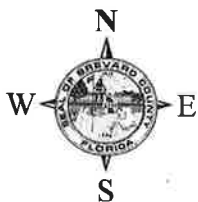
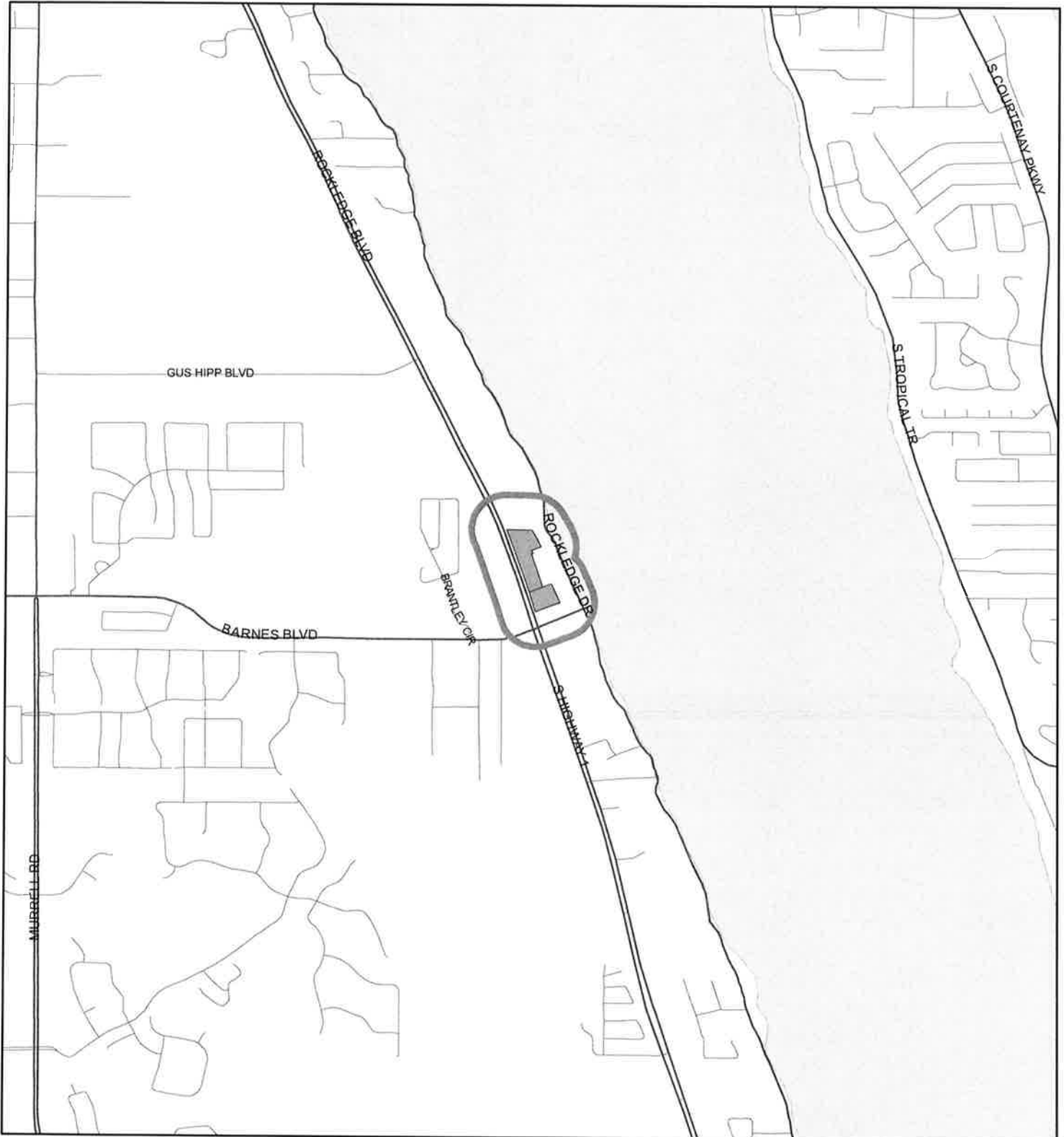
Aerials indicate that Protected (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) may reside on subject property. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Protected and Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. 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 and/or U.S. Fish and Wildlife Service, as applicable.

LOCATION MAP

HARVEY REALTY CORPORATION, AND HARVEY'S INDIAN RIVER GROVES, INC.
22Z00004



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

Buffer Distance: 500 feet

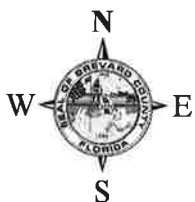
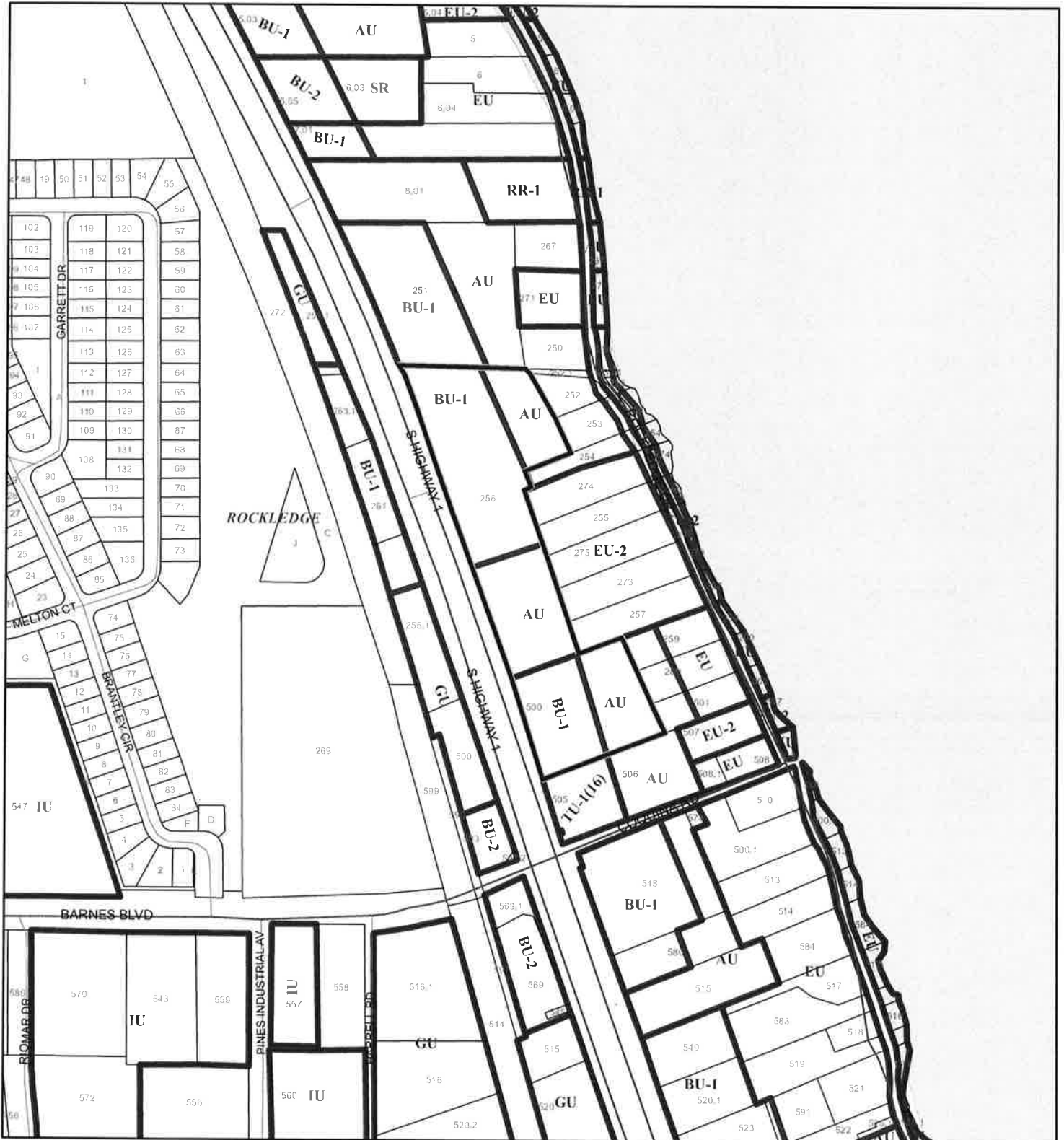
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/18/2022

Buffer
Subject Property

ZONING MAP




HARVEY REALTY CORPORATION, AND HARVEY'S INDIAN RIVER GROVES, INC.
22Z00004



1:4,800 or 1 inch = 400 feet

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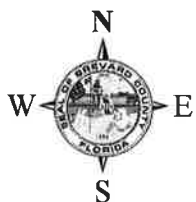
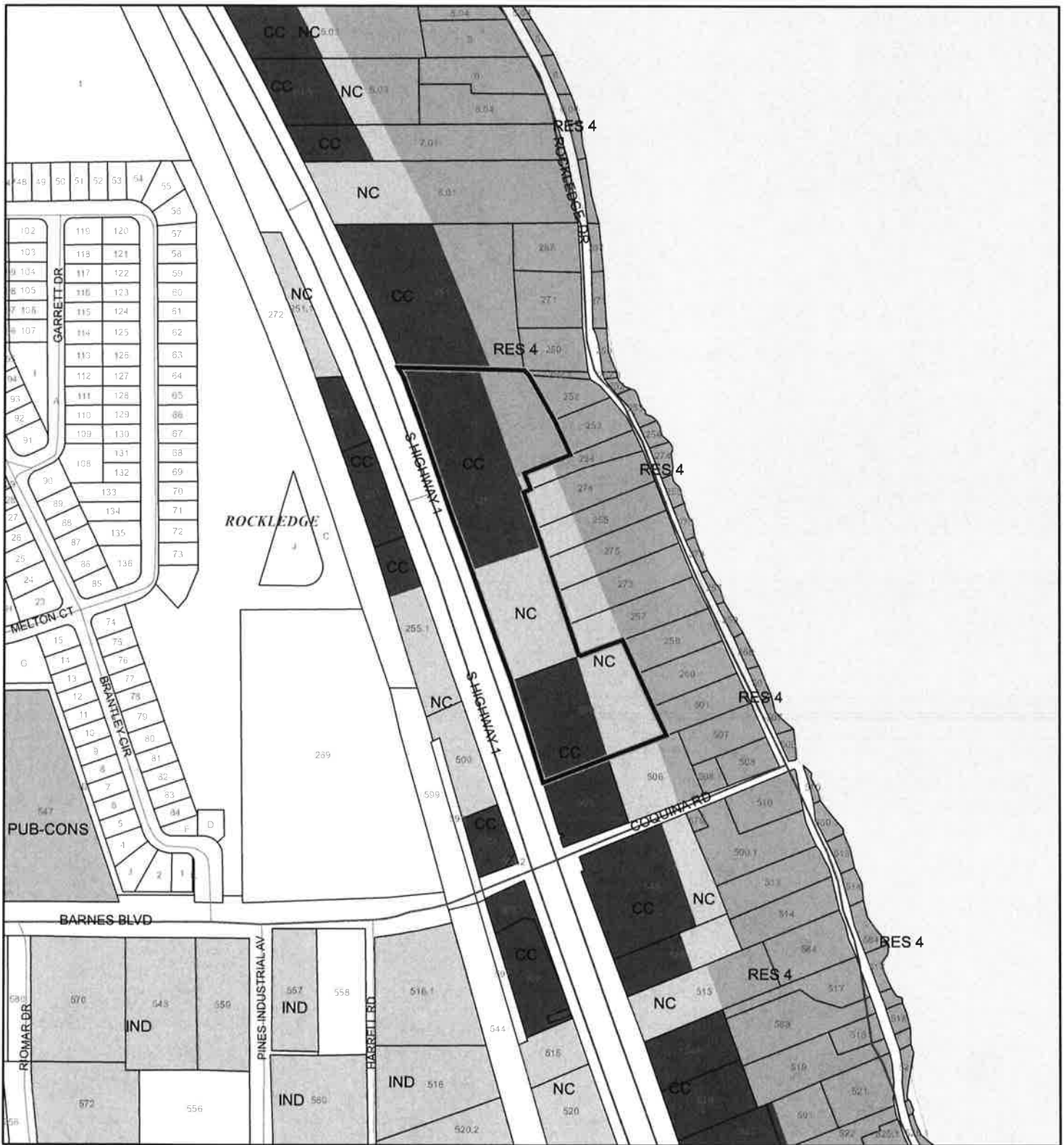
Produced by BoCC - GIS Date: 1/19/2022

-  Subject Property
-  Parcels
-  Zoning

FUTURE LAND USE MAP

HARVEY REALTY CORPORATION, AND HARVEY'S INDIAN RIVER GROVES, INC.

22Z00004



1:4,800 or 1 inch = 400 feet

Subject Property

Parcels

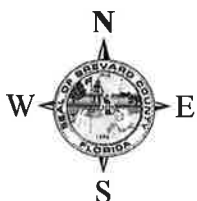
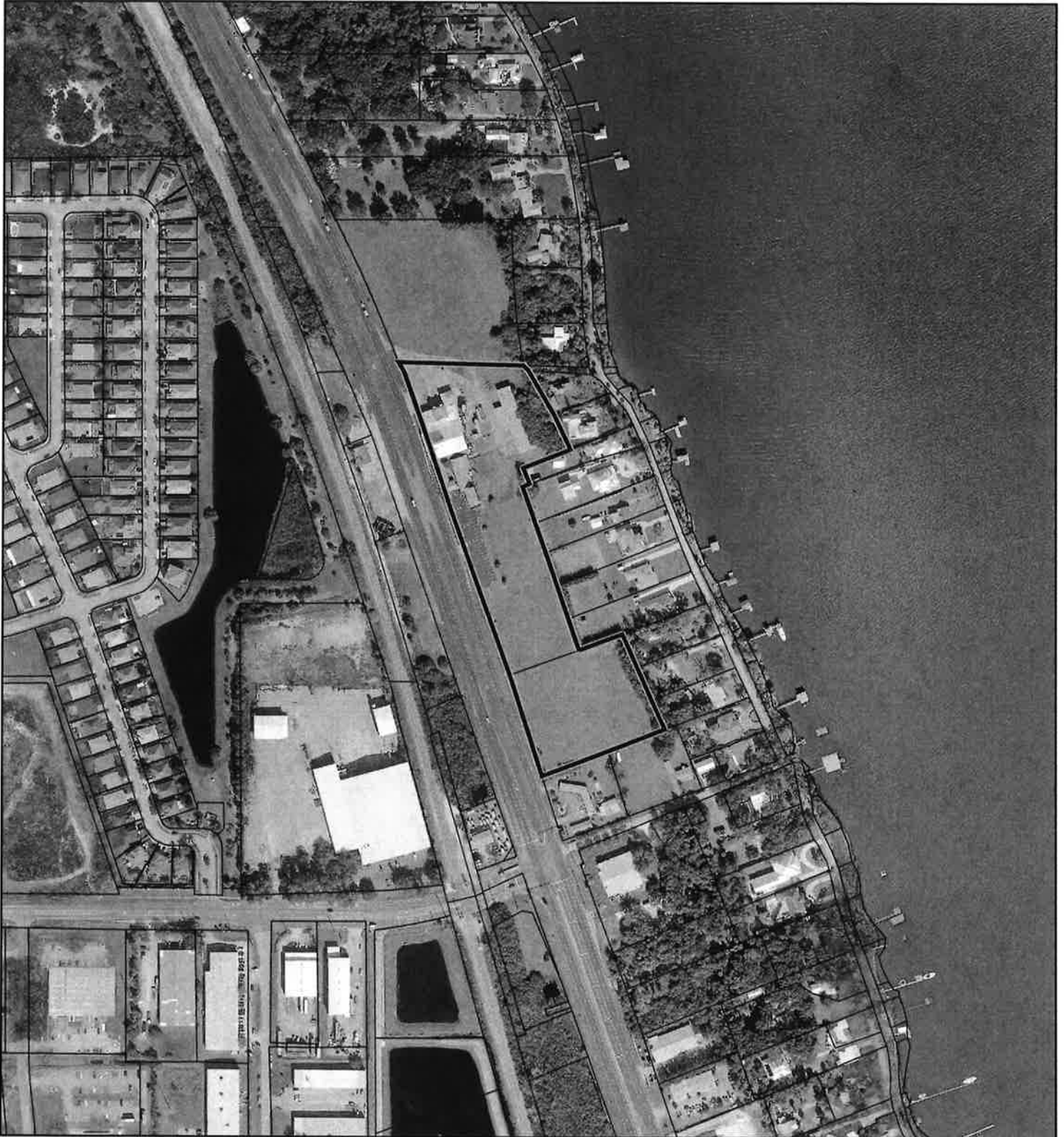
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/13/2022

AERIAL MAP

HARVEY REALTY CORPORATION, AND HARVEY'S INDIAN RIVER GROVES, INC.

22Z00004



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2021

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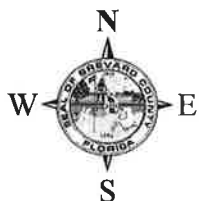
— Subject Property

□ Parcels

NWI WETLANDS MAP

HARVEY REALTY CORPORATION, AND HARVEY'S INDIAN RIVER GROVES, INC.

22Z00004



1:4,800 or 1 inch = 400 feet

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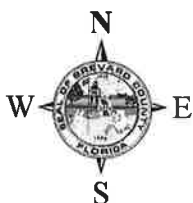
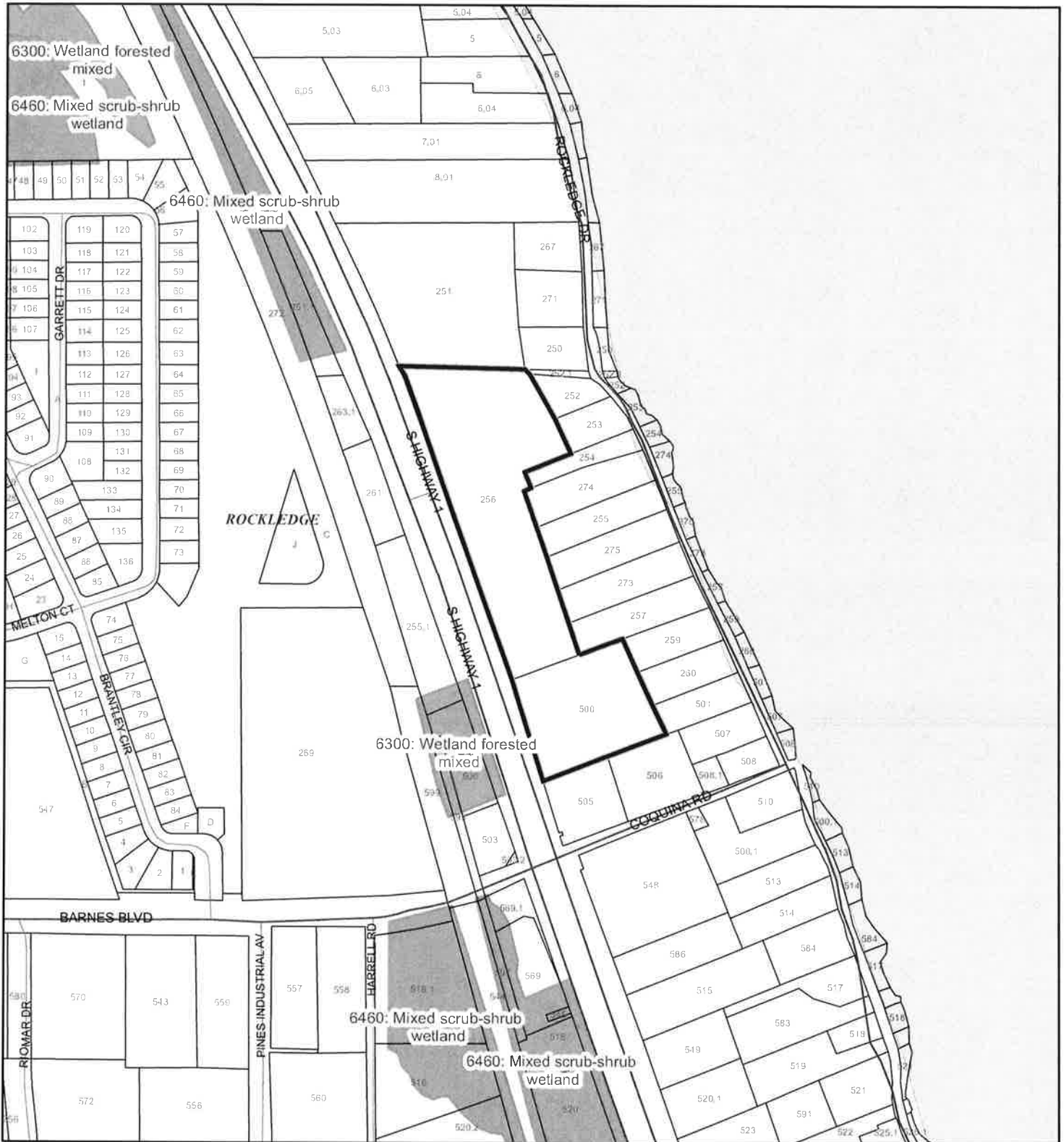
National Wetlands Inventory (NWI)

	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

HARVEY REALTY CORPORATION, AND HARVEY'S INDIAN RIVER GROVES, INC.

22Z00004



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/13/2022

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

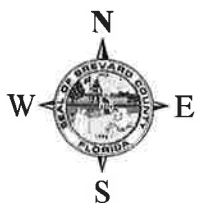
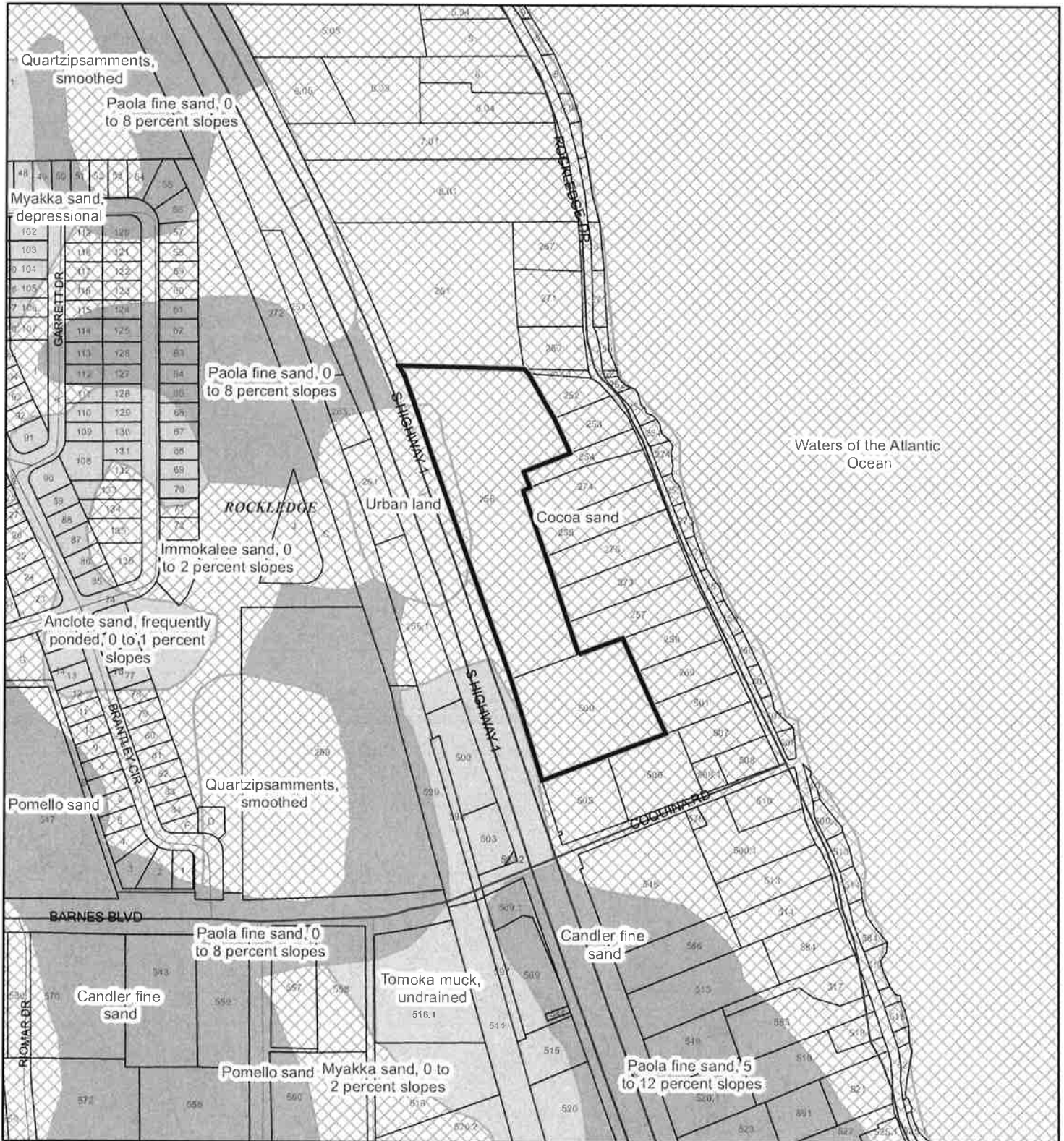
Subject Property

Parcels

USDA SCSSS SOILS MAP

HARVEY REALTY CORPORATION, AND HARVEY'S INDIAN RIVER GROVES, INC.

22Z00004



1:4,800 or 1 inch = 400 feet

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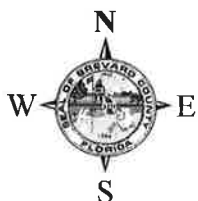
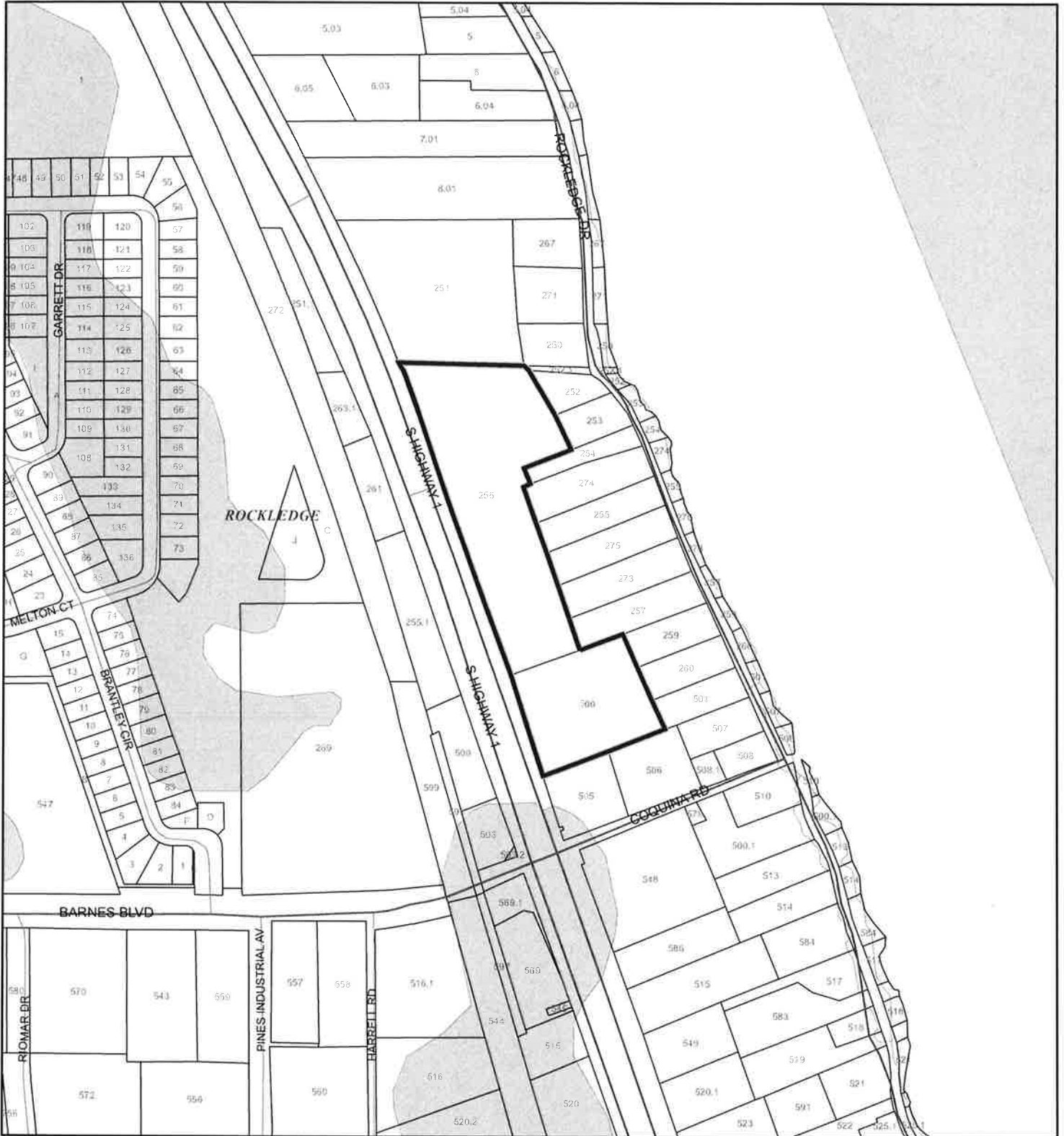
USDA SCSSS Soils

	Aquifer and Hydric		Subject Property
	Aquifer		Parcels
	Hydric		
	None		

FEMA FLOOD ZONES MAP

HARVEY REALTY CORPORATION, AND HARVEY'S INDIAN RIVER GROVES, INC.

22Z00004



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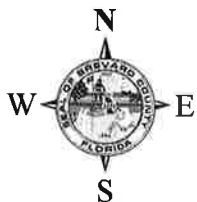
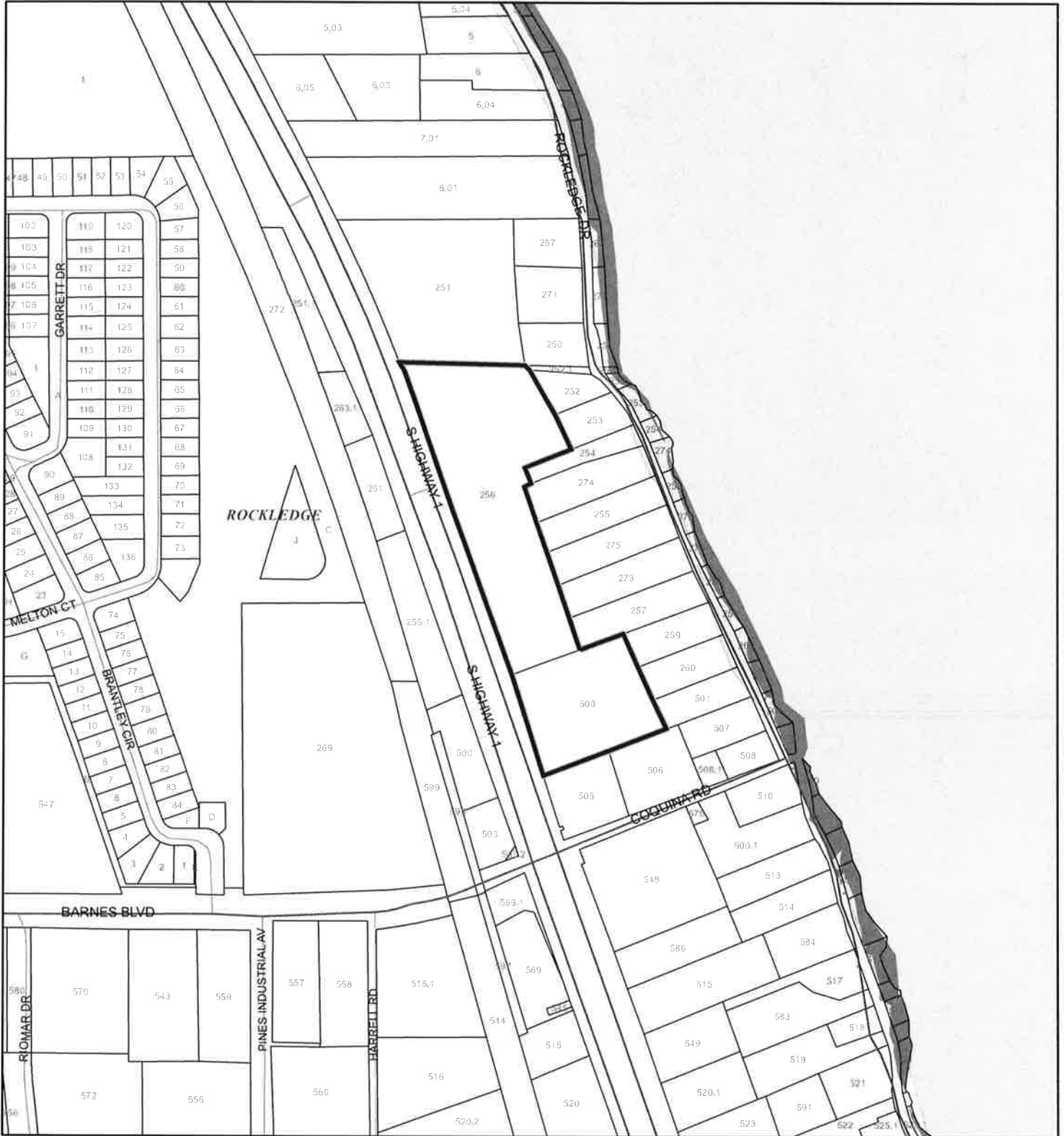
FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

HARVEY REALTY CORPORATION, AND HARVEY'S INDIAN RIVER GROVES, INC.

22Z00004



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Produced by BoCC - GIS Date: 1/13/2022

— Subject Property

□ Parcels

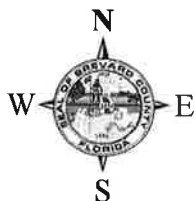
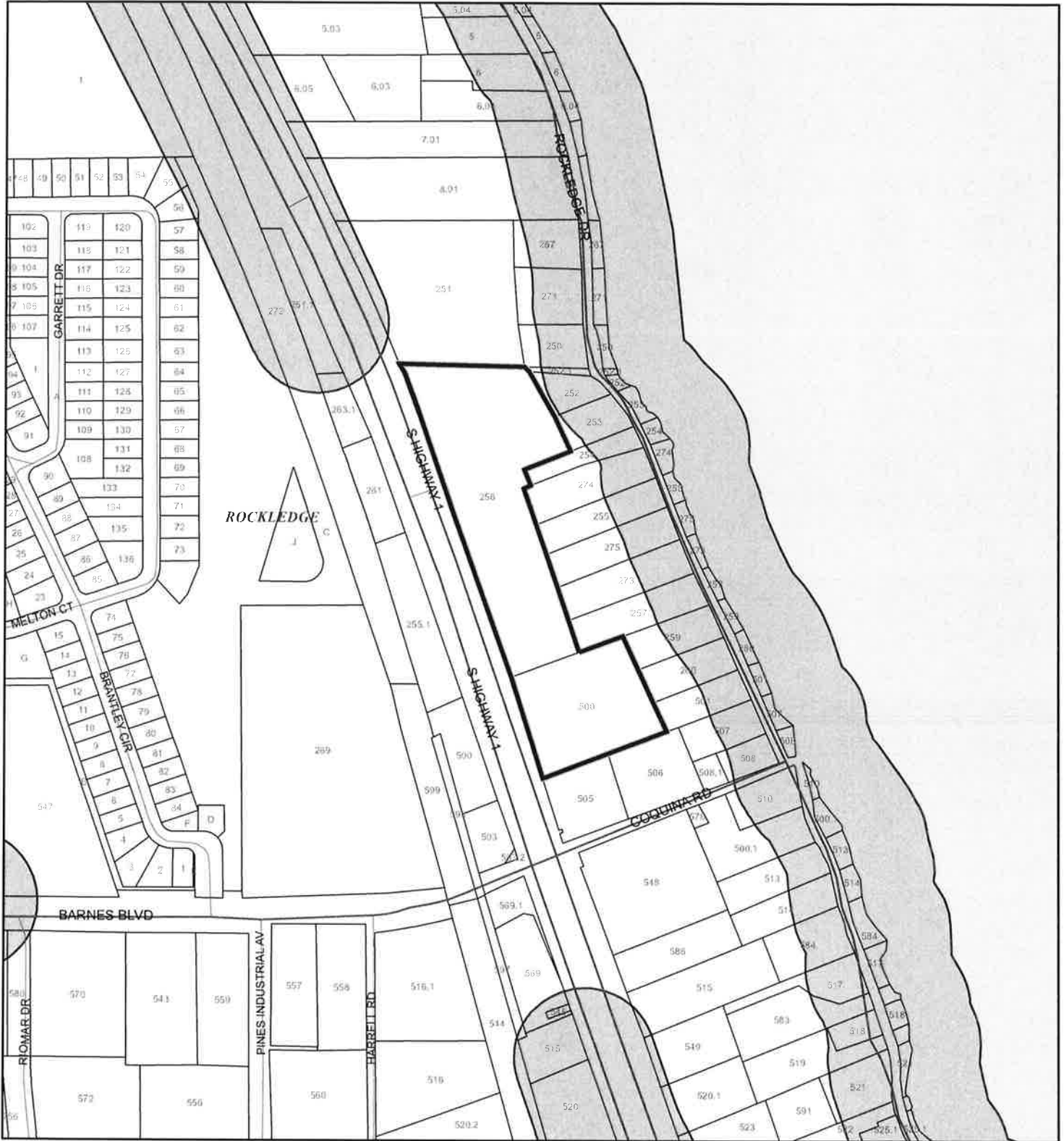
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

HARVEY REALTY CORPORATION, AND HARVEY'S INDIAN RIVER GROVES, INC.

22Z00004



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 Subject Property

 Parcels

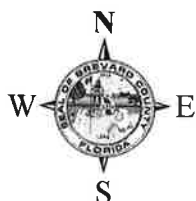
Septic Overlay

 40 Meters

 60 Meters

 All Distances

22Z00004



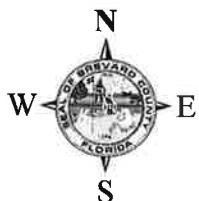
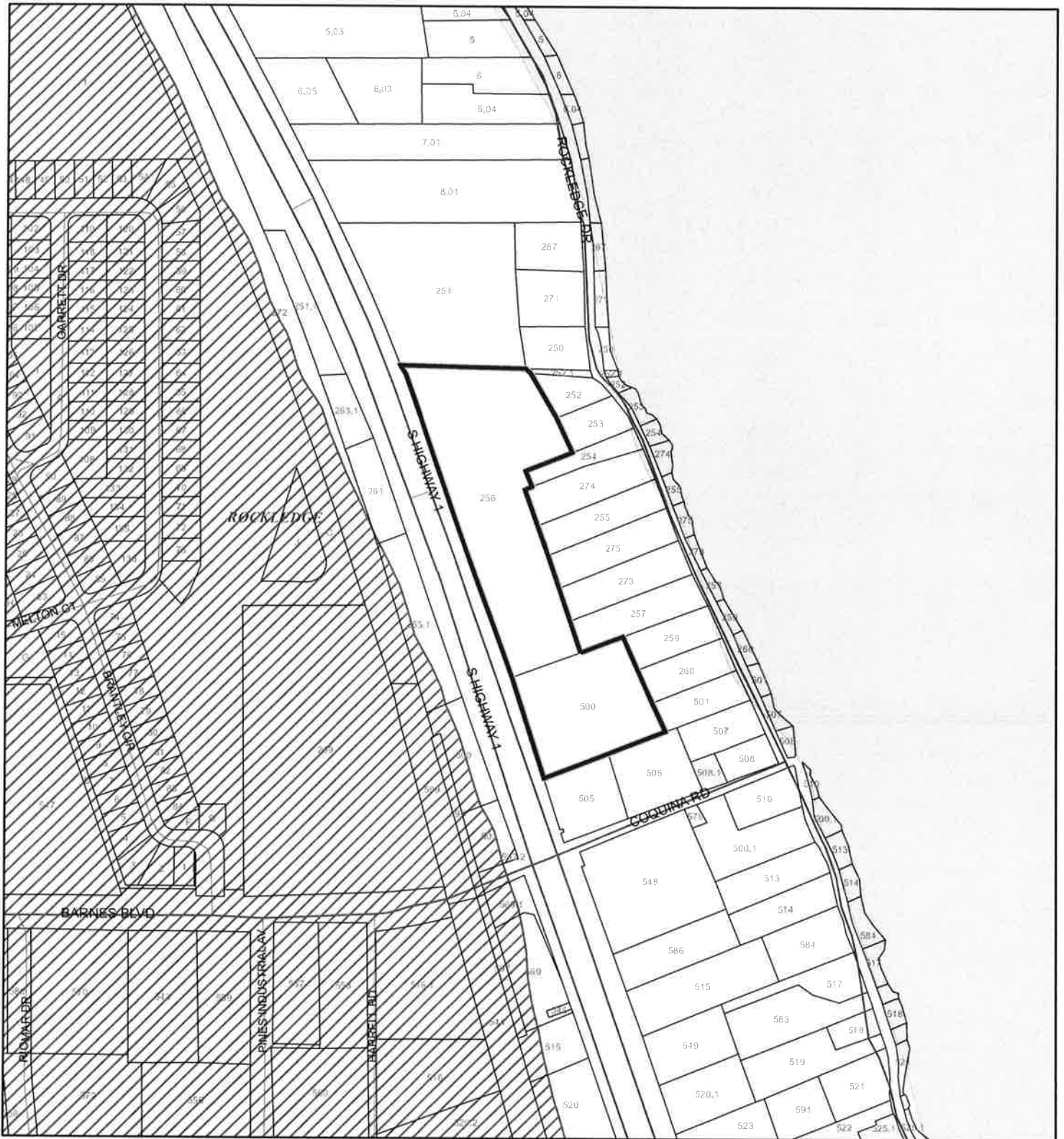
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Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

HARVEY REALTY CORPORATION, AND HARVEY'S INDIAN RIVER GROVES, INC.




22Z00004



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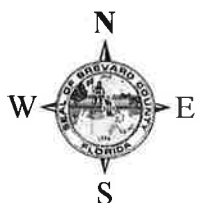
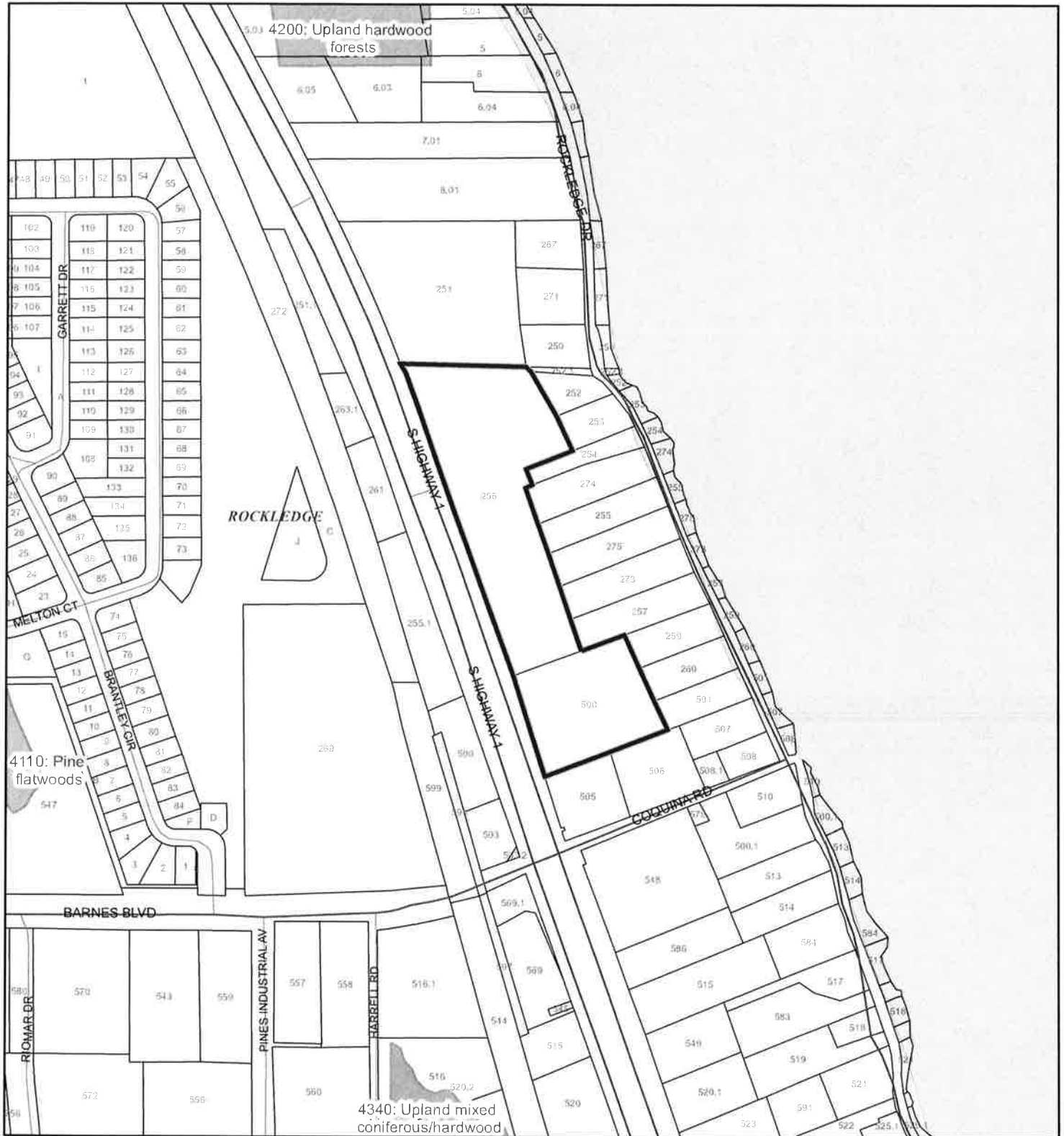
Produced by BoCC - GIS Date: 1/13/2022

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

HARVEY REALTY CORPORATION, AND HARVEY'S INDIAN RIVER GROVES, INC.

22Z00004







1:4,800 or 1 inch = 400 feet

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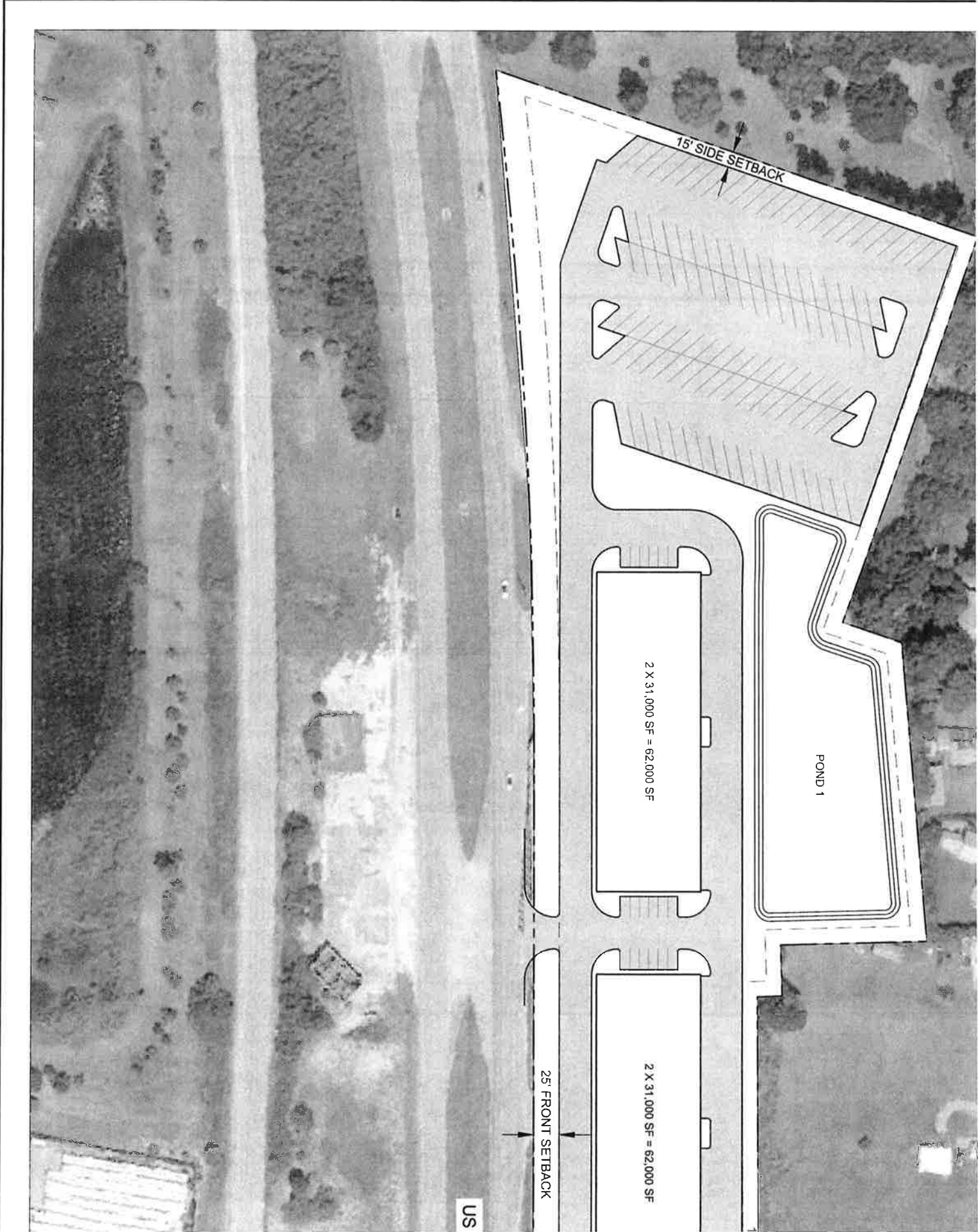
Produced by BoCC - GIS Date: 1/13/2022

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







Bio-Tech Consulting Inc.
Environmental and Permitting Services

Environmental Report
22Z00004
Storsafe

info@bio-techconsulting.com
www.bio-techconsulting.com

November 29, 2021

Austin Anderson
10043 W Dublin Street
Crystal River, Florida 33428

Proj: Brevard Storage – Brevard County, Florida
Sections 23 Township 25 South, Range 36 East
(BTC File #597-24)
Re: Environmental Assessment Report

Dear Mr. Anderson:

During November of 2021, Bio-Tech Consulting, Inc. (BTC) conducted an environmental assessment of the approximately 12.83-acre Brevard Storage property. The site is located east of US-1 South, and north of Coquina Road, within Section 23, Township 25 South, Range 36 East, Brevard County, Florida (Figures 1, 2 & 3). This environmental assessment includes the following elements:

- general review of site topography;
- review of soil types mapped within the site boundaries;
- evaluation of land use types/vegetative communities present;
- field review for occurrence of protected flora and fauna, and
- permitting summary.

Orlando: Main Office
3025 East South Street
Orlando, FL 32803

Vero Beach Office
4445 N A1A
Suite 221
Vero Beach, FL 32963

Jacksonville Office
1157 Beach Boulevard
Jacksonville Beach, FL 32250

Tampa Office
6011 Benjamin Road
Suite 101 B
Tampa, FL 33634

Key West Office
1107 Key Plaza
Suite 259
Key West, FL 33040

Aquatic & Land
Management Operations
3825 Rouse Road
Orlando, FL 32817

407.894.5969
7894.5969
894.5970 fax

Orlando

Vero Beach

Jacksonville

Tampa

Key West

24

SOILS

According to the Soil Survey of Brevard County, Florida, prepared by the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), three (3) soil types exist within the subject site (Figure 4). These soil types include the following:

- **Cocoa sand (#15)**
- **Tomoka muck, undrained (#67)**
- **Urban land (#69)**

The following presents a brief description of each of the soil types mapped for the subject property:

Cocoa sand (#15) this is a nearly level and gently sloping, well-drained, sandy soil over coquina rock. These are undulating soils on low ridges. The surface layer is dark-brown sand about 6 inches thick. The water table is below a depth of 6 feet all the time. The permeability is rapid in all layers of this soil series.

Tomoka muck, undrained (#67) is a nearly level, very poorly drained muck soil in broad flat marshes, small depressions, and swamps. Sandy and loamy layers are at a depth of 16 to 40 inches. The water table is within a depth of 10 inches for 9 to 12 months in most years, and water is frequently above the surface. In dry periods it is between 10 and 30 inches.

Urban Land (#69) consists of areas that are 60 to more than 75 percent covered with streets, buildings, large parking lots, shopping centers, industrial parks, airports, and related facilities. Unoccupied areas, mostly lawns, parks, vacant lots, and playgrounds, are Astatula, Paola, Myakka, St. Lucie, Immokalee, Pomello, Cocoa, and Canaveral soils in tracts too small to be mapped separately.

The Florida Association of Environmental Soil Scientists (FAESS) considers the components of Tomoka muck, undrained (#67) to be hydric in nature. This information can be found in the Hydric Soils of Florida Handbook, Third Edition (March, 2000).

LAND USE TYPES/VEGETATIVE COMMUNITIES

The subject site currently supports two (2) land use types/vegetative communities (Figure 5). These land use types/vegetative communities were identified utilizing the Florida Land Use, Cover and Forms Classification System, Level III (FLUCFCS, FDOT, January 1999). The on-site upland land use types/vegetative communities are classified as Industrial (150) and Open

Land (190). No wetland/surface water land use types were found on site. The following provides a brief description of the on-site land use types/vegetative communities:

Uplands:

150 Industrial

The property contains an abandoned warehouse with a store and a parking lot that is most consistent with the Industrial (150) FLUCFCS code. Vegetative species identified include Brazilian pepper (*Schinus terebinthifolia*), lantana (*Lantana strigocamara*), Spanish needles (*Bidens alba*), Mexican clover (*Richardia brasiliensis*), switchgrass (*Panicum virgatum*), and bahiagrass (*Paspalum notatum* var. *notatum*).

190 Open Land

Surrounding the warehouse on either side are fields with no structures being most consistent with the Open Land (190) FLUCFCS code. Vegetative species identified include live oak (*Quercus virginiana*), cabbage palm (*Sabal palmetto*), slash pine (*Pinus elliottii*), Australian pine (*Casuarina equisetifolia*), golden bamboo (*Phyllostachys aurea*), carrotwood (*Cupaniopsis anacardioides*), chinaberry tree (*Melia azedarach*), golden raintree (*Koelreuteria paniculata*), white lead tree (*Leucaena leucocephala*), saw palmetto (*Serenoa repens*), Mexican clover (*Richardia brasiliensis*), and bahiagrass (*Paspalum notatum* var. *notatum*).

PROTECTED SPECIES

Using methodologies outlined in the Florida's Fragile Wildlife (Wood, 2001); Measuring and Monitoring Biological Diversity Standard Methods for Mammals (Wilson, et al., 1996); and Florida Fish and Wildlife Conservation Commission's (FFWCC) Gopher Tortoise Permitting Guidelines (January 2017); a cursory assessment for "listed" floral and faunal species was conducted at the subject property on November 23, 2021. This assessment included both direct observations and indirect evidence, such as tracks, burrows, tree markings and birdcalls that indicated the presence of species observed. The assessment focused on species that are "listed" by the FFWCC's Official Lists - Florida's Endangered Species, Threatened Species and Species of Special Concern (June 2021) that have the potential to occur in Brevard County (See attached Table 1).

No plant species “listed” by either the state or federal agencies were identified on the subject site during the assessments conducted. The following is a list of those wildlife species identified during the evaluation of the site:

Reptiles and Amphibians

brown anole (*Anolis sagrei*)
green anole (*Anolis caroliniana*)
six-lined racerunner (*Cnemidophorus sexlineatus sexlineatus*)
gopher tortoise (*Gopherus polyphemus*)

Birds

Black Vulture (*Coragyps atratus*)
Blue Jay (*Cyanocitta cristata*)
Mourning Dove (*Zenaida macroura*)
Northern Mockingbird (*Mimus polyglottos*)
Northern Cardinal (*Cardinalis cardinalis*)
Red-shouldered Hawk (*Buteo lineatus*)

Mammals

eastern cottontail (*Sylvilagus floridanus*)
eastern gray squirrel (*Sciurus carolinensis*)
nine-banded armadillo (*Dasypus novemcinctus*)
Virginia opossum (*Didelphis virginiana*)

None of the above wildlife species were identified in the FFWCC’s Official Lists - Florida’s Endangered Species, Threatened Species and Species of Special Concern (June 2021). The following provides a brief description of the species as they relate to the development of the project site.

Gopher Tortoise (*Gopherus polyphemus*)

State Listed as “Threatened” by FFWCC

While the site presently was not observed to have a gopher tortoise (*Gopherus polypemus*) population, updated wildlife surveys should be completed to ensure that future populations do not inhabit the project site and cause construction delays.

Currently the gopher tortoise (*Gopherus polyphemus*) is classified as a "Category 2 Candidate Species" by USFWS, and as of September 2007 is now classified as "Threatened" by FFWCC, and as "Threatened" by FCREPA. The basis of the "Threatened" classification by the FFWCC for the gopher tortoise is due to habitat loss and destruction of burrows. Gopher tortoises are commonly found in areas with well-drained soils associated with the pine flatwoods, pastures and abandoned orange groves. Several other protected species known to occur in Brevard County have a possibility of occurring in this area as these species are gopher tortoise commensal species. These species include the eastern indigo snake (*Drymarchon corais couperi*), Florida mouse (*Peromyscus floridanus*) and the gopher frog (*Rana capito*). However, none of these species were observed during the survey conducted.

Bald Eagle (*Haliaeetus leucocephalus*)

State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)

In August of 2007, the US Fish and Wildlife Service (USFWS) removed the Bald Eagle from the list of federally endangered and threatened species. Additionally, the Bald Eagle was removed from FFWCC's imperiled species list in April of 2008. Although the Bald Eagle is no longer protected under the Endangered Species Act, it is still protected under the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, and FFWCC's Bald Eagle rule (Florida Administrative Code 68A-16.002 Bald Eagle (*Haliaeetus leucocephalus*)).

In May of 2007, the USFWS issued the National Bald Eagle Management Guidelines. In April of 2008, the FFWCC adopted a new Bald Eagle Management Plan that was written to closely follow the federal guidelines. In November of 2017, the FFWCC issued "A Species Action Plan for the Bald Eagle" in response to the sunset of the 2008 Bald Eagle Management Plan. Under the USFWS's management plans, buffer zones are recommended based on the nature and magnitude of the project or activity. The recommended protective buffer zone is 660 feet or less from the nest tree, depending on what activities or structures are already near the nest. As provided within the above referenced Species Action Plan, the USFWS is the regulating body responsible for issuing permits for Bald Eagles. In 2017, the need to obtain a State permit (FFWCC) for the take of Bald Eagles or their nests in Florida was eliminated following revisions to Rule 68A-16.002, F.A.C.. A USFWS Bald Eagle "Non-Purposeful Take Permit" is not needed for any activity occurring outside of the 660-foot buffer zone. No activities are permitted within 330 feet of a nest without a USFWS permit.

In addition to the on-site evaluation for listed species, BTC conducted a review of FFWCC's database and Audubon's Eagle Watch program database for recorded Bald Eagle nests within the surrounding 660 feet of the subject site. This review revealed no Bald Eagle nests, through the 2020-2021 nesting season, located within one (1) mile of the subject site (see attached Bald Eagle Nest Data). Therefore, there will be no development constraints regarding Bald Eagle nests unless a new nest is found.

USFWS CONSULTATION AREAS

The U.S. Fish and Wildlife Service has established "consultation areas" for certain listed species. Generally, these consultation areas only become an issue if USFWS consultation is required, which is usually associated with permitting through the U.S. Army Corps of Engineers. The reader should be aware that species presence and need for additional review are often determined to be unnecessary early in the permit review process due to lack of appropriate habitat or other conditions. However, the USFWS makes the final determination.

Consultation areas are typically very regional in size, often spanning multiple counties where the species in question are known to exist. Consultation areas by themselves do not indicate the presence of a listed species. They only indicate an area where there is a potential for a listed species to occur and that additional review might be necessary. Such review might include the need for species-specific surveys using established methodologies that have been approved by the USFWS.

The following paragraphs include a list of the USFWS Consultation Areas associated with the subject property. Also included, is a brief description of the respective species habitat and potential for additional review:

Florida Scrub-jay (*Aphelocoma coerulescens*) *Federally Listed as "Threatened" by USFWS*

Currently the Florida Scrub-Jay is listed as threatened by the USFWS. Florida Scrub-jays are largely restricted to scattered, often small and isolated patches of sand pine scrub, xeric oak, scrubby flatwoods, and scrubby coastal stands in peninsular Florida (Woolfenden 1978a, Fitzpatrick et al. 1991). They avoid wetlands and forests, including canopied sand pine stands. Optimal Scrub-jay habitat is dominated by shrubby scrub, live oaks, myrtle oaks, or scrub oaks from 1 to 3 m (3 to 10 ft.) tall, covering 50% to 90 % of the area; bare ground or sparse

vegetation less than 15 cm (6 in) tall covering 10% to 50% of the area; and scattered trees with no more than 20% canopy cover (Fitzpatrick et al. 1991).

No Florida Scrub-jays were observed on the subject site during the wildlife survey conducted by BTC. The subject site does contain suitable Live Oak habitat in the eastern portion of the site. As such, no further action should be required pertaining to this species.

Audubon's Crested Caracara (Polyborus plancus audubonii)
Federally Listed as "Threatened" by USFWS

The subject site falls within the USFWS Consultation Areas for the species Audubon's Crested Caracara (*Polyborus plancus audubonii*). Currently the Audubon's Crested Caracara is listed as threatened by the USFWS due primarily to habitat loss. The Audubon's Crested Caracara commonly occurs in dry or wet prairie areas with scattered cabbage palms, lightly wooded areas with saw palmetto, scrub oaks and cypress. The Audubon's Crested Caracara also uses improved or semi-improved pasture with seasonal wetlands. Audubon's Crested Caracaras construct new nests each nesting season, often in the same tree as the previous year.

Although the subject site falls within the USFWS Audubon's Crested Caracara consultation area, no crested caracaras were observed and no suitable habitat for this species exists within the project boundaries. No further action should be required pertaining to crested caracaras.

West Indian Manatee (Trichechus manatus)
Federally Listed as "Threatened" by USFWS

The subject site falls within the USFWS Consultation Area for the West Indian manatee. Currently the West Indian manatee is listed as "Threatened" by the USFWS. Manatees are protected under the Marine Mammal Protection Act, which prohibits the take (i.e., harass, hunt, capture, or kill) of all marine mammals. Manatees are found in marine, estuarine and freshwater environments. The West Indian manatee (*Trichechus manatus*), includes two distinct subspecies, the Florida manatee (*Trichechus manatus latirostris*) and the Antillean manatee (*Trichechus manatus manatus*). While morphologically distinctive, both subspecies have many common features. Manatees have large, seal-shaped bodies with paired flippers and a round, paddle-shaped tail. They are typically grey in color (color can range from black to light brown) and occasionally spotted with barnacles or colored by patches of green or red algae. The muzzle is heavily whiskered and coarse, single hairs are sparsely distributed throughout the body. Adult manatees, on average, are about nine feet long (3 meters) and weigh about 1,000 pounds (200 kilograms). At birth, calves are between three and four feet long (1 meter) and weigh between 40 and 60 pounds (30 kilograms).

As the site is not located within or abutting any surface waters, no future permitting issues should arise as a result of site development.

Piping Plover (Charadrius melodus)

Federally Listed as "Threatened" by USFWS

The subject site falls within the USFWS Consultation Areas for the species Piping Plover (*Charadrius melodus*). Currently the Piping Plover is listed as threatened by the USFWS due primarily to habitat loss. Piping plovers do not breed in Florida, but they spend a large portion of their year "wintering" here. They typically inhabit sandy beaches, sand flats, and mudflats along coastal areas. The main threat to Piping Plovers is habitat loss due to the development of beaches. The Piping Plover is protected by the U.S. Migratory Bird Treaty Act, as well as the Federal Endangered Species Act.

No Piping Plovers were observed on the subject site during the survey conducted by BTC. The subject site does not contain suitable habitat for this species. Therefore, the proposed action will have no effect on the Piping Plover.

ENVIRONMENTAL PERMITTING SUMMARY

There are no wetlands or other surface waters located within or abutting the project site. This site resides in the Northern Indian River Lagoon basin.

St. Johns River Water Management District

An Environmental Resource Permit (ERP) will be required through the SJRWMD to authorize the construction and operation of a stormwater management system for the site. Since the site does not contain any wetlands and/or surface waters, no wetland mitigation will be required by SJRWMD in association with the proposed site development plan. Coordination with the Division of Historical Resources (DHR) and the Florida Fish and Wildlife Conservation Commission (FFWCC) will be necessary as part of the ERP process. However, no wildlife or archeological issues are anticipated as the site has been historically developed.

US Army Corps of Engineers (USACE)

There are no wetlands or other surface waters located within the project boundary. As such, no permitting is required through the ACOE for any development of this site as USACE permits only address wetland impacts and not the stormwater management system. You may, however, request a "No Permit Required" determination from the USACE. However, this process may

take several months to complete as this request would be considered a "low priority" for USACOE to address.

The environmental limitations described in this document are based on observations and technical information available on the date of the on-site evaluation. This report is for general planning purposes only. The limits of any on-site wetlands/surface waters can only be determined and verified through field delineation and/or on-site review by the pertinent regulatory agencies. The wildlife surveys conducted within the subject property boundaries do not preclude the potential for any listed species, as noted on Table 1 (attached), currently or in the future. Should you have any questions or require any additional information, please do not hesitate to contact our office at (407) 894-5969. Thank you.

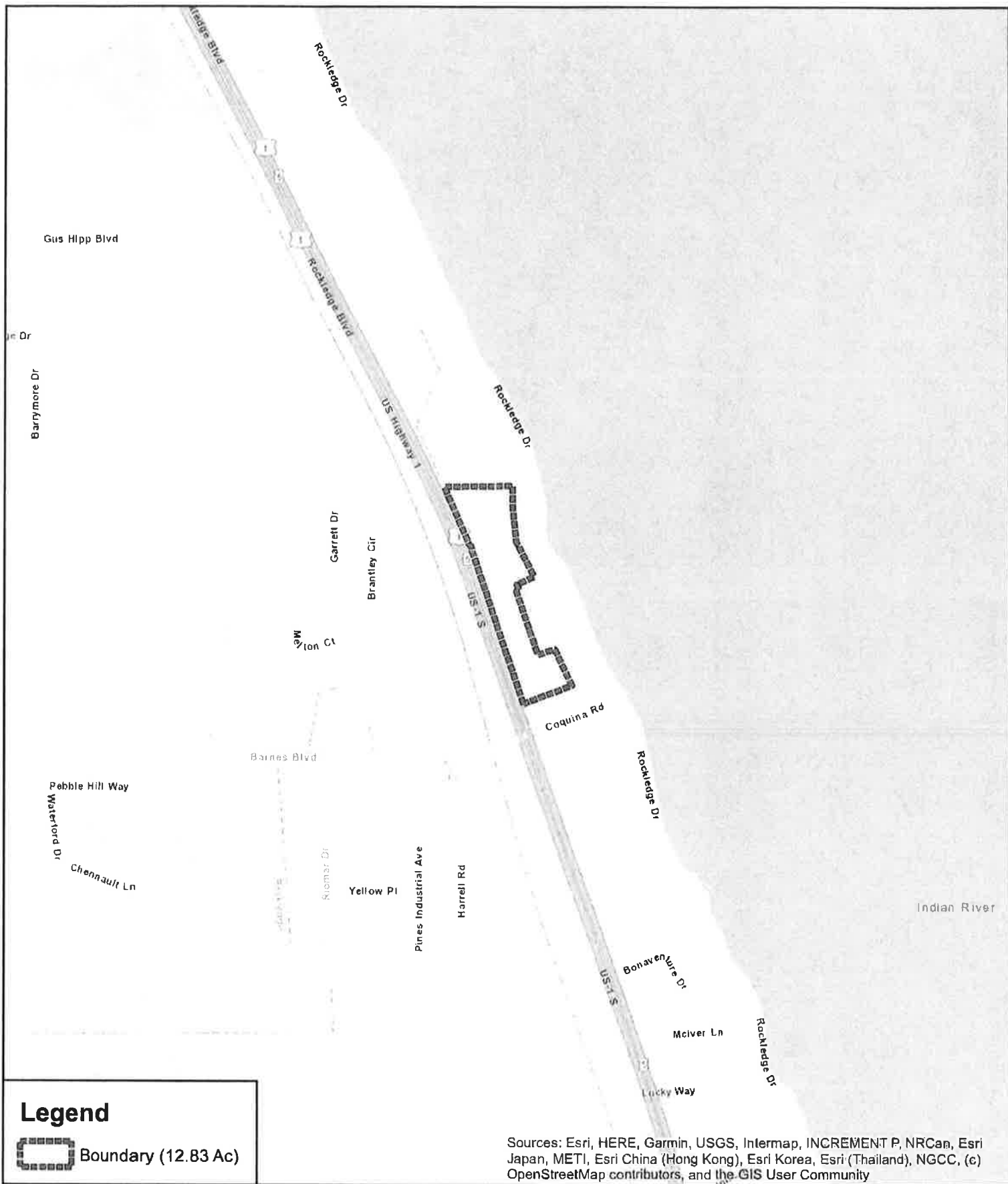
Regards,

Adam Mirajkar

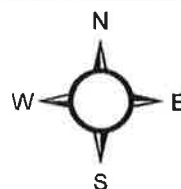
Adam Mirajkar
Field Biologist

Stephanie Salvilla

Stephanie Salvilla
Project Manager



Brevard Storage
Brevard, Florida
Figure 1
Location Map



2,500
Feet

Project #: 597
Produced By: AOM
Date: 11/22/2021

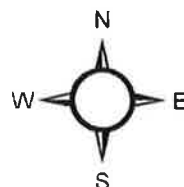


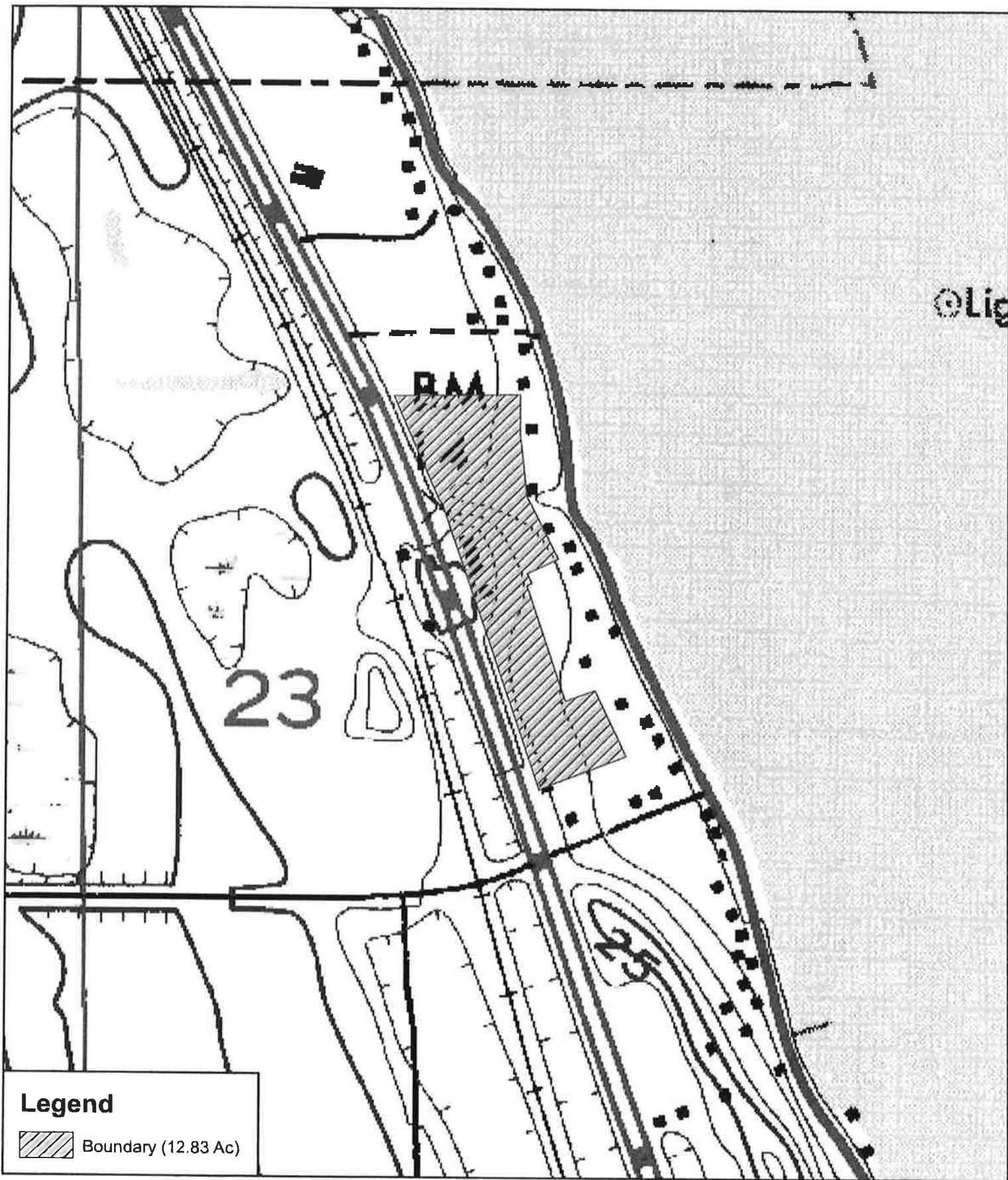
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Boundary (12.83 Ac)

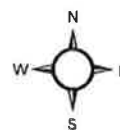
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

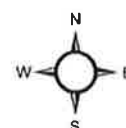
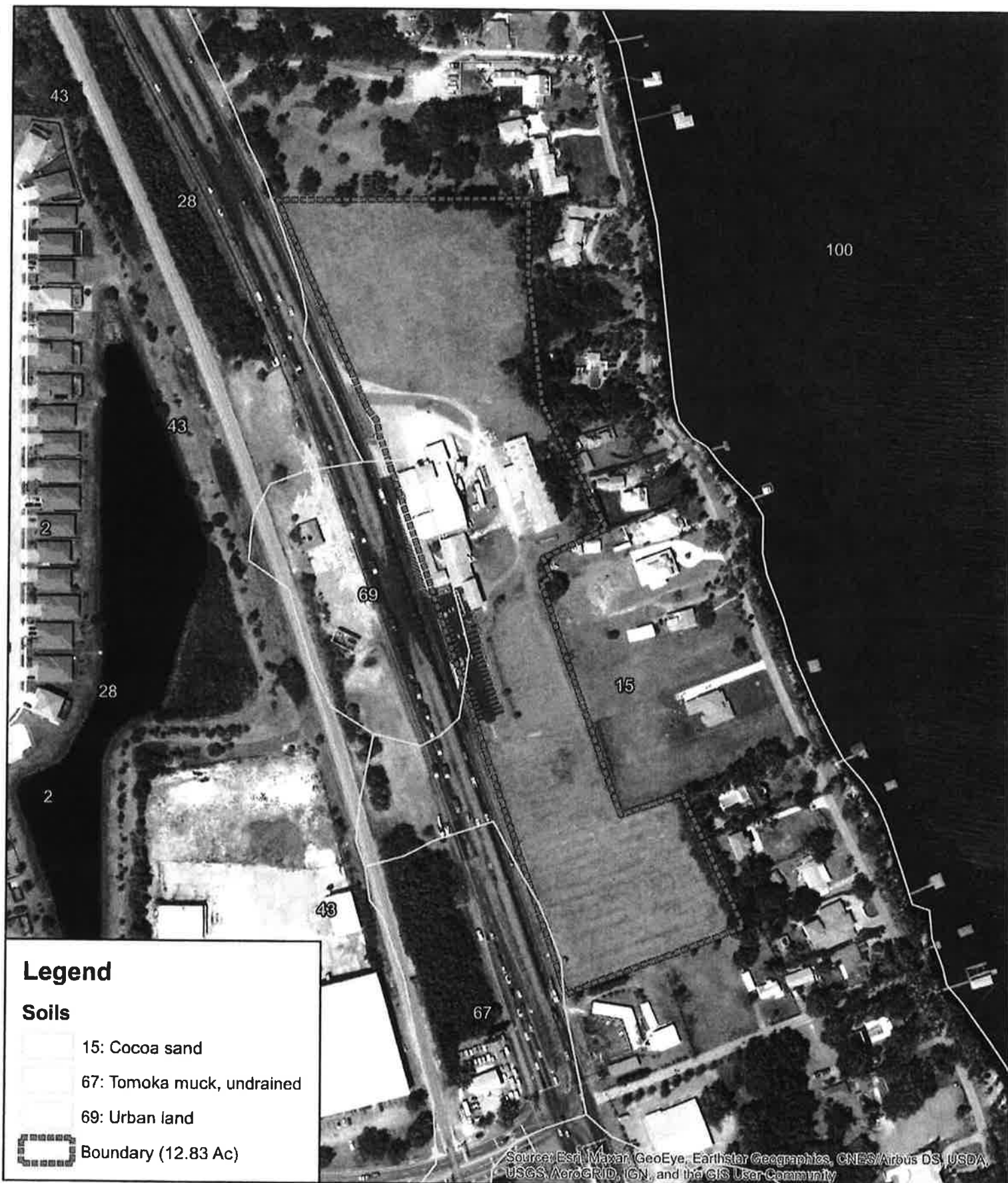


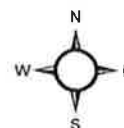


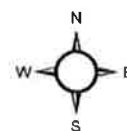
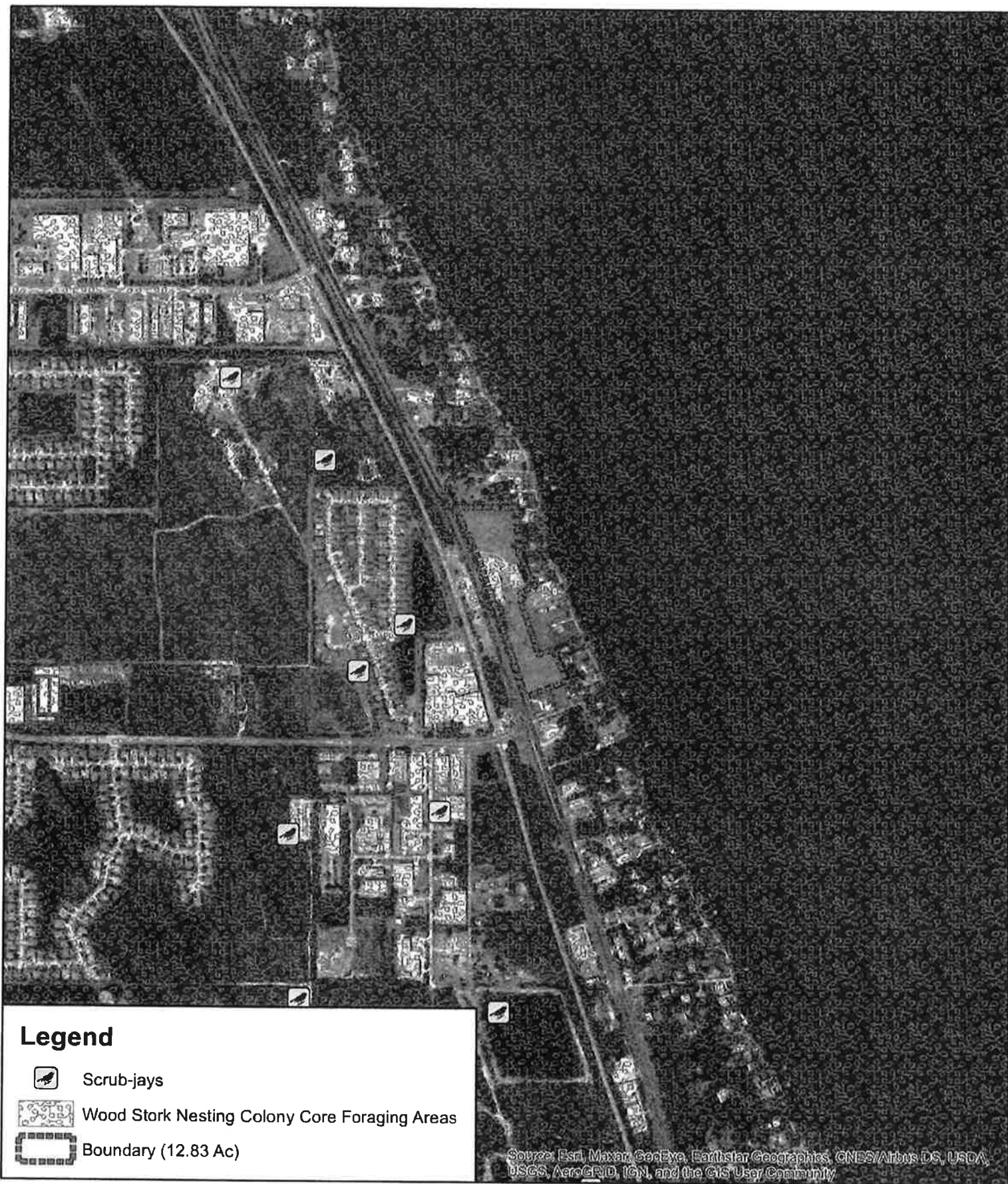
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 Boundary (12.83 Ac)





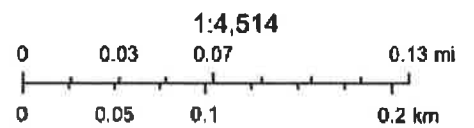




EagleWatch Map



11/24/2021, 12:40:59 PM



© 2021 Microsoft Corporation © 2021 Maxar © CNES (2021) Distribution
Airbus DS © 2021 TomTom

Table 1:

**Potentially Occurring Listed Wildlife and Plant Species in
Brevard County, Florida**

Scientific Name	Common Name	Federal Status	State Status	Occurrence Status
FISH				
<i>Acipenser oxyrinchus</i>	Atlantic sturgeon	LE	FE	C
REPTILES				
<i>Alligator mississippiensis</i>	American alligator	T(S/A)	FT(S/A)	C
<i>Caretta caretta</i>	loggerhead sea turtle	LT	FT	C
<i>Chelonia mydas</i>	green sea turtle	LT	FT	C
<i>Dermochelys coriacea</i>	leatherback sea turtle	LE	FE	C
<i>Drymarchon corais couperi</i>	eastern indigo snake	LT	FT	C
<i>Gopherus polyphemus</i>	gopher tortoise	C	ST	C
<i>Lepidochelys kempii</i>	Kemp's ridley sea turtle	LE	FE	P
<i>Pituophis melanoleucus mugitus</i>	Florida pine snake	N	ST	C
BIRDS				
<i>Platalea ajaja</i>	roseate spoonbill	N	ST	C
<i>Aphelocoma coerulescens</i>	Florida scrub-jay	LT	FT	C
<i>Polyborus plancus audubonii</i>	Audubon's crested caracara	LT	FT	C
<i>Charadrius melodus</i>	piping plover	LT	FT	P
<i>Egretta caerulea</i>	little blue heron	N	ST	C
<i>Egretta rufescens</i>	reddish egret	N	ST	C
<i>Egretta tricolor</i>	tricolored heron	N	ST	C
<i>Falco sparverius paulus</i>	southeastern American kestrel	N	ST	P
<i>Grus canadensis pratensis</i>	Florida sandhill crane	N	ST	C
<i>Haematopus palliatus</i>	American oystercatcher	N	ST	P
<i>Haliaeetus leucocephalus</i>	bald eagle	N	**	C
<i>Mycteria americana</i>	wood stork	LT	FT	C
<i>Pandion haliaetus</i>	osprey	N	SSC*	C
<i>Picoides borealis</i>	red-cockaded woodpecker	LE	FE	C
<i>Rynchops niger</i>	black skimmer	N	ST	C
<i>Athene cunicularia</i>	burrowing owl	N	ST	P
<i>Sterna antillarum</i>	least tern	N	ST	C
MAMMALS				
<i>Eubalaena glacialis</i>	North Atlantic right whale	LE	FE	C
<i>Peromyscus polionotus niveiventris</i>	southeastern beach mouse	LT	FT	C
<i>Sciurus niger shermani</i>	Sherman's fox squirrel	N	SSC	P
<i>Trichechus manatus (Trichechus manatus latirostris)</i>	West Indian manatee (Florida manatee)	E, PT	FE	C

** See Rank and Status Explanations and Definitions, Special Animal Listings - Federal and State Status



County Occurrence Status

Vertebrates and Invertebrates:

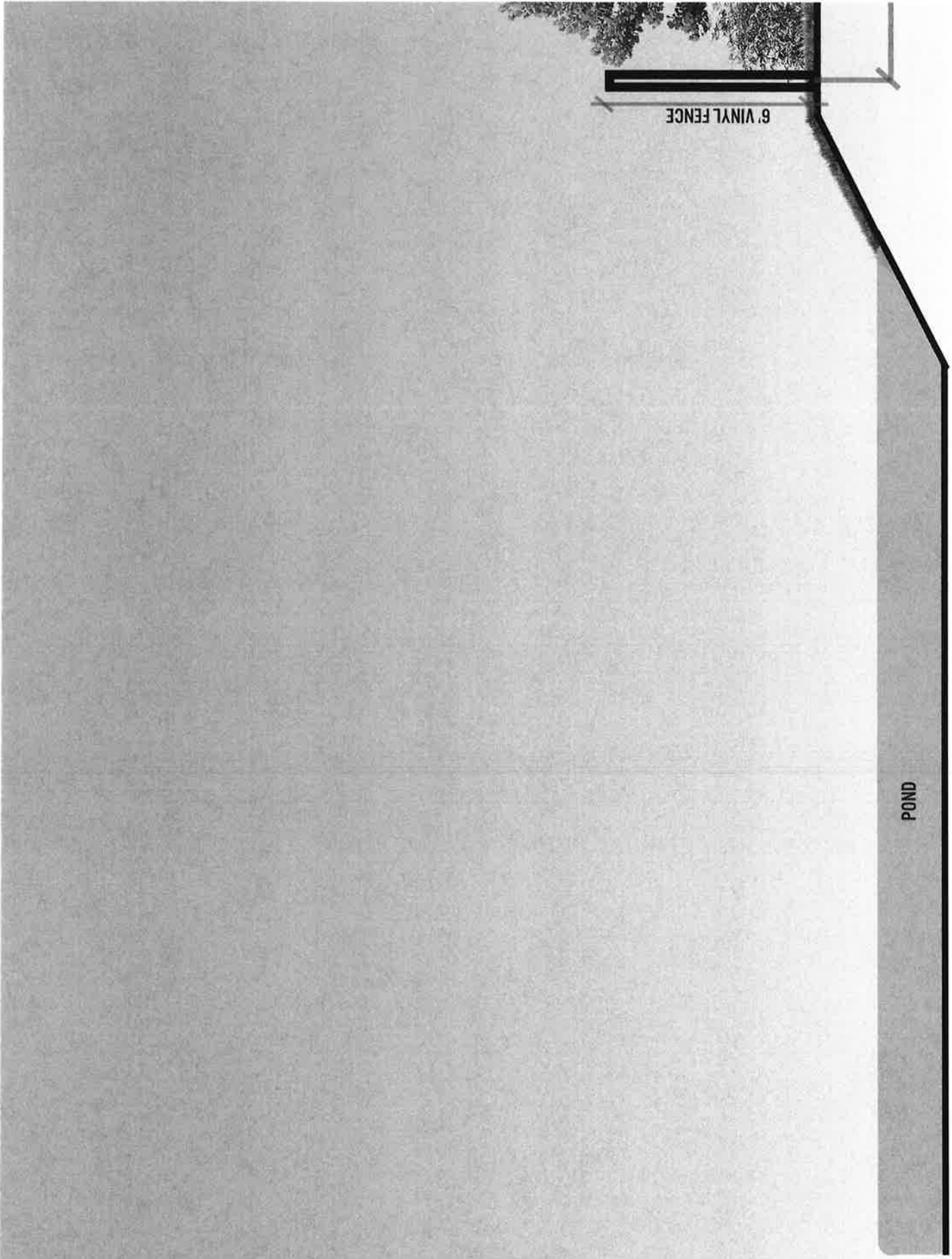
C = (Confirmed) Occurrence status derived from a documented record in the FNAI data base.

P = (Potential) Occurrence status derived from a reported occurrence for the county or the occurrence lies within the published range of the taxon.

N = (Nesting) For sea turtles only; occurrence status derived from documented nesting occurrences.



20' REQUIRED
LANDSCAPE BUFFER



6 VINYL FENCE

POND

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, April 18, 2022**, 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: Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Brian Rodgers (D2); Robert Sullivan (D2); Ben Glover (D3); Mark Wadsworth, Chair (D4); Liz Alward (D4); Logan Luse (Alt. D4); Bruce Moia (D5); David Bassford (Alt. D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Peter Martin, Planner II; George Ritchie, Planner III; Alex Esseeesse, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Agenda

Storsafe of Rockledge, LLC

A Small Scale Comprehensive Plan Amendment (22S.03) to change the Future Land Use designation from RES 4 (Residential 4), NC (Neighborhood Commercial), and CC (Community Commercial) to all CC. The property is 12.19 +/- acres, located on the east side of U.S. Hwy 1, approx. 192 ft. north of Barnes Blvd. (Tax Parcel 251 = No assigned address. In the Rockledge area; Tax Parcel 256 = 3700 S. Hwy 1, Rockledge; Tax Parcel 500 = No assigned address. In the Rockledge area.) (Tax Accounts 2511096, 2511103, 2511119) (District 2) This item was tabled from the 03/14/22 P&Z meeting.

Storsafe of Rockledge, LLC

A change of zoning classification from AU (Agricultural Residential) and BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is 12.19 +/- acres, located on the east side of U.S. Hwy 1, approx. 192 ft. north of Barnes Blvd. (Tax Parcel 251 = No assigned address. In the Rockledge area; Tax Parcel 256 = 3700 S. Hwy 1, Rockledge; Tax Parcel 500 = No assigned address. In the Rockledge area.) (Tax Accounts 2511096, 2511103, 2511119) (District 2) This item was tabled from the 03/14/22 P&Z meeting.

Nathan Lee, Kimley-Horn and Associates, 7391 Office Park Place, Melbourne, stated his client purchased approximately 12 acres along U.S. Highway 1. He said they contacted the County because the property has several different land uses and zonings, and they want to make it consistent with what is north and south along U.S. 1.

Public Comment:

Ed Johnson, 1945 Rockledge Drive, Rockledge, stated he represents eight neighbors who all live directly behind the subject property, which is the old Harvey's Groves building. He said they oppose the BU-2 zoning, but they would not oppose BU-1. He said the applicants want BU-2 so they can store RV's and boats, and his and his neighbors' main concern is that this is their backyard. He said they wouldn't oppose BU-1 if they put up a nice fence like in other communities, such as an 8 -10-foot masonry fence that looks nice. He would like it if they could put up something like that and make sure the lighting isn't in their backyards, along with a 20-foot vegetative buffer. If the board were to approve BU-2, he would ask that there be a restriction on the height of the vehicles and that the fence is high enough to block them. He noted the intersection also has issues, and slow moving vehicles coming out of that location will cause accidents. He said he and his neighbors would not be opposed

to them having three buildings instead of two, instead of the RV's. The storage of vehicles is not in character with the neighborhood. If the board approves and requires a wall, that will keep it out of view.

Henry Minneboo asked if Mr. Johnson has seen the colored map provided by the applicant. Mr. Johnson replied yes, he has. He said the rear setback on the document is 15 feet and the front setback at 25 feet, and he believes the rear should be 25 feet and the front should be 50 feet.

Mr. Minneboo asked if the positive outfall will ultimately go to the river, and if he is aware of the drainage that runs perpendicular across the property. Mr. Lee responded yes, there is a drainage easement to the river as well. Mr. Minneboo asked if it is publicly dedicated. Mr. Lee replied they are checking on title through the property; the County owns the parcel where it goes from the property to the river.

Mr. Minneboo stated the problem is that the water that comes off of that hill is ultimately the only underpass. He said he would like to make sure that it is publicly dedicated if it isn't already, and he would make that part of a binding development plan.

Mr. Lee stated he would ask that it be rerouted in some way, potentially. Mr. Minneboo stated he thinks there needs to be a publicly dedicated easement through there.

Jim Sayegh, Storsafe Principal and Chief Development Officer, 5301 Dempster, Ste 300, Skokie, Illinois, stated he would like to put his neighbors' minds at ease by saying Storsafe is not interested in doing any outdoor parking, not for vehicles or boats. He said he would be happy if the BU-2 zoning was conditionally approved on not having any outdoor vehicle or boat parking, and that way, they can have uniformity of zoning that is appropriate on U.S. 1, and they can be held to architectural standards that are appropriate for self-storage. He said it makes the most sense given what Mr. Minneboo mentioned and some of the things that Kimley-Horn has been working on, to have storm retention, because it's a perfect natural buffer between a low-density use and low-intensity use, which is self-storage. The AU parcel would likely be where they would put storm retention. He said there will be a requirement to have a fence and they would provide a very nice fence there, not masonry, and they will provide a 20-foot landscape buffer. He said the goal is to take the eyesore that is there now and replace it with something that the neighbors don't even know is there. He said he is very eager to be a good neighbor and fit in with the neighborhood. He noted the site plan is very conscious of ensuring that those homes' values are enhanced by what he is doing. He noted he is not here to talk about the details of civil engineering; he has a plan in mind and it will get refined, and he will work with the neighbors, the board, and staff.

Mr. Minneboo asked Mr. Sayegh if he needs BU-2 zoning.

Mr. Sayegh replied yes, it would be a more appropriate use for what they're doing, to be held to the architectural standards of a strip mall or other type of commercial development. He said the most important thing is that it is all one zoning and their strong preference is BU-2.

Mark Wadsworth stated if the board recommends BU-2, a masonry wall can be a condition in a BDP.

Bruce Moia stated a 6-foot wall is required by code when it abuts residential.

Mr. Wadsworth asked if the wall could be 10 feet.

Mr. Sayegh stated the board also has to consider the topography; the site is higher in elevation than the properties to the east, so they may not want a 10-foot wall.

Jeffrey Ball stated a wall would be part of the rezoning request, so if there are any concerns the board has as far as if it doesn't think BU-2 is a good fit, or some other condition that it wants to put on the zoning request, it would through a BDP, which is the legal document that would provide additional conditions or restrictions the board sees fit.

Mr. Moia stated the reason for requesting BU-2 for storage is that it allows height, and asked the height of the proposed storage buildings.

Mr. Sayegh replied they are single-story buildings.

Mr. Moia stated one thing that might be appropriate, and sometimes the code doesn't take everything into consideration because they want a 6-foot concrete wall on the property line, but the property line is where all the existing vegetation is, so in order to put up the wall they have to take down the thick buffer they already have, but if they're going to do single-story units, it is probably best served to make that outer wall the 6-foot fence and have no breaks outside of that wall.

Mr. Sayegh stated it might be more appropriate to take these concerns and handle them during the site plan process because their preliminary engineering indicates they are buffered by a retention pond and landscaping, and the height of the fence is kind of an afterthought because it's so far away from any storage buildings.

Mr. Moia stated it would really make more sense to have that wall where the action is instead of far away, where there will be buffering. He said a BDP on the zoning would be appropriate, but as far as the land use, he doesn't have any concerns.

Mr. Hopengarten asked if the hours of operation will be 24 hours a day.

Mr. Sayegh replied the ability to do that is typically what they get; they own another storage business in Palm Shores that has a resident manager, so typically there wouldn't be a resident manager in two locations so close together. What this would have is an end-cap office for the district manager or staff to meet a customer, and that will not be in operation 24 hours a day. He noted with technology such as Storage Genie, people can access it 24/7, unless by ordinance or otherwise they are told to limit the hours.

Mr. Hopengarten asked about lighting.

Mr. Sayegh replied self-storage businesses have to be well lit for safety, marketing appeal, and as part of operations. He said they do not want to create any more lumens or spectacle for the neighbors than necessary, but it is usually down-lighting and wall-mounted to the buildings

Mr. Hopengarten stated retail and repair shops are allowed in BU-2.

Mr. Sayegh stated Storsafe is not permissive of that, and he is happy to limit that with a condition. He said they don't even do U-Haul's at their sites because they are so distracting to the business of renting storage. He stated they don't want people doing repairs, and they don't want people doing retail operations.

Mr. Hopengarten asked if there are requirements as far as what people can and cannot put in the facility. Mr. Sayegh replied yes, hazardous materials cannot be stored, and renters would be in violation of the contract if it is not honored.

Ms. Alward stated the BU-2 zoning allows those uses, so as part of the BDP she is going to request the board limit the use to self-storage operations only, which will eliminate gas stations or any other use if they decide to sell the site. She said BU-2 allows additional square footage than BU-1, and asked how many buildings are going to be on the site.

Mr. Sayegh replied right now, they plan to have four, 24,000 square-foot buildings and maybe a very small one. The constraint on the site is the topography and storm retention. Another constraint is certain width of a building which makes it viable, and certain width of drive aisles which is required to make the fire marshal happy, and that is typically what limits the number of buildings.

Ms. Alward stated going back to the comprehensive plan and Administrative Policy 4, compatibility of the neighborhood, she disagrees with the consultant because the entire property abuts Residential 4, so they are not shoring up Community Commercial, so she wouldn't say they're making it consistent with what is along U.S. 1. She added, part of the comp plan consideration is hours of operation, lighting, odor, noise, and traffic, so when talking about the lighting in the BDP she'd like for them to consider that none of their lamps can be faced toward the residential neighborhood. She said she would also like to understand the hours of operation so the neighbors have an expectation, if there are going to be garbage trucks picking up at 2:00 a.m.

Mr. Sayegh stated they don't actively put dumpsters on the site so people can just throw their stuff away instead of being customers for years. They will only have one small container to support the small office on site. On lighting, he would like to let the building code, along with some guidance from the board to dictate that, but they do have a minimum requirement to illuminate a drive aisle. Normally, all of the lights shine straight down, so it's not a matter of it being mounted on an elevation that faces the neighborhood, it's a matter of it being a down-light, or a blinder on the light.

Ms. Alward stated that is not what the neighbors have now, and she's trying to look out for their land use rights as well. It sounds like Storsafe wants to be good neighbors. It is currently AU and could be an active farm, but she doesn't think storage facilities have traffic like if it was a Wawa or something else.

Mr. Bartcher stated on the site plan provided by the applicant, there are areas for outdoor storage on the north and south, but Mr. Sayegh said there will not be outdoor storage. He asked if they are going to put buildings in those areas, or if that is for a future development.

Mr. Sayegh replied the current plan is to build buildings to the north first, and then after market absorption, they will design something for the south that would likely be a mirror image of the north.

Mr. Bartcher stated most of the lighting will be around the storage units, and asked if there will be some lights at the front of the facility that are higher, or where people are driving in.

Mr. Sayegh replied the signage and lighting at the front will be a function of engineering and not land use. He doesn't think the neighbors are as concerned with what would happen right there because it's so far away from them.

Mr. Bartcher stated he didn't want to give the impression that the only lighting was only going to be at a 7 or 8-foot level. Mr. Sayegh stated at the entrance there might be one.

Mr. Bartcher asked if the retention ponds are going to be wet or dry. Mr. Lee replied most likely they will be wet retention ponds.

Mr. Bartcher asked what kind of wall will be provided in the back. He noted the board talked about concrete and a vegetative buffer.

Mr. Sayegh stated he would find it appropriate, given that it likely will be invisible, to have 6-foot vinyl fencing, which is their standard. He noted there is a 20-foot landscaping buffer, so the fence is mostly protecting the retention pond and securing the site, which is important. He said he thinks it would work against everyone's interest to go higher. The nominal cost to go 6 feet or 8 feet is not important, but there is already a major topographical difference, and he thinks a 10-foot fence would be a blight. He said it may be more appropriate to have a 6-foot vinyl fence that is hidden behind the landscape buffer.

Mr. Bartcher asked if water will be provided for the vegetation. Mr. Lee replied he will work with staff to possibly incorporate what the existing vegetation is out there in the 20 feet, and come back with something that works for everybody. He noted trees and a fence can be put there, but he doesn't want to take down existing vegetation that is already established.

Mr. Bartcher stated he doesn't want the existing vegetation to be removed unless there are Pepper trees. He said the hours of operation are essentially 24 hours, because the process is automated and people can access their storage units at all hours of the day.

Mr. Sayegh stated that normally doesn't happen unless there is a special situation; it's a low-intense use and people won't be accessing it overnight on a regular basis.

Mr. Bartcher asked if a traffic study has been done and if they have an idea of what kind of turn lanes they will need. Mr. Lee replied they have not done a traffic study at this time, but generally, self-storage is the lowest generator of traffic. Mr. Sayegh noted the site already has very large curb cuts and deceleration lane.

Mr. Ball stated the applicant provided a conceptual plan for review, but staff did not review that plan because it's not part of the zoning request, and it's subject to change. Secondly, there is an ordinance on lighting standards, which basically says light cannot be cast on any adjacent properties, and there can't be a direct lighting source visible from a property line. If there is a wall pack that has the lighting source, there has to be a shield around it. That, along with access and buffering will be reviewed at the site plan stage, which is a staff review process outside of the board. What the board is here today for is a comprehensive plan amendment and a rezoning request. With the rezoning request for the use, if the board sees any offsite impacts that need to be addressed, a BDP would be appropriate in this circumstance.

Mr. Hopengarten asked the largest size unit that someone could rent. Mr. Sayegh replied 10' x 30'.

Mr. Hopengarten asked the drive aisle width. Mr. Sayegh replied 28 or 30 feet depending on the building review process. He noted they clip the corner of the buildings to add the turning radius.

Mr. Moia stated he is looking at the proposed site plan, and asked if they plan on parking a lot of cars on this site.

Mr. Sayegh replied no, that plan is no longer the plan and that's why he's here today. He said they are not going with that plan and that's why he put it on the record that the board can condition the approval on no outdoor car or boat parking.

Mr. Moia stated the layout on the plan is not what he was thinking when he talked about walls and things like that, because he thought it was going to be more like the storage facility in Mims where it's all internal and the buildings are around the perimeter and you drive internal. He said there are drives around the larger buildings where people are going to be backing up into the buildings shining their headlights onto neighbors' properties. He said he doesn't see a lot of buffer preservation on the plan as well, so the board needs to talk about getting the BDP to control some of the buffering. He noted he is familiar with the performance standards on the lighting, so he's not concerned about that.

Mr. Moia stated the board would want to have the stipulation that self-storage is the only allowed use, and that businesses operating out of the units, as well as any maintenance, would be strictly prohibited. He said the board needs to look at how to protect the buffer and where to put the wall, as well as what kind of wall it's going to be. He pointed out that the board can't waive the wall requirement from anything other than a 6-foot masonry wall unless the applicant applies for a separate waiver.

Ms. Alward asked if it is part of the BDP when they say they're going to have future development on the south side, or the north side. Mr. Sayegh replied it is conceptual, but the south side would look something like the north side.

Ms. Alward stated she would include in the BDP that that's all that can be built on the property, so if they sold any of the parcels the BDP would say it was limited to self-storage. She asked how many square feet are planned for the first phase. Mr. Sayegh replied approximately 100,000 square feet. Ms. Alward noted the property would lend about 530,000 square feet. Mr. Sayegh stated 530,000 square feet is not viable.

Ms. Alward stated she doesn't understand why the request isn't for BU-1, because BU-1 would allow 384,000 square feet, as well as the ability to do the self-storage with not outside storage, which the applicant has already said he is not doing.

Mr. Sayegh stated they are trying to have architectural standards that are appropriate for self-storage.

Mr. Lee stated in BU-1 the building has to be stucco or another type of building material.

Mr. Moia stated the buildings can't be metal, and asked if the proposed buildings are metal. Mr. Sayegh replied yes, the buildings are metal.

Mr. Moia asked the height of the buildings from where the trusses meet the wall. Mr. Lee responded it is 9 - 10 feet.

Mr. Moia stated if they put a wall around the entire east and north, around the edge of the road, and wrapped it into the last building, only the wall would be visible. He further stated if they put it up at the

road where the use is, as opposed to the property line where it's 5 or 6 feet lower, if they ran it along the edge of the pavement it would actually have some use to it

Mr. Sayegh stated the buildings are not unattractive.

Mr. Moia stated there are not any penetrations in the back of that building, it's just a solid wall. If they continued that all along the pavement edge all that could be visible is a wall and the neighbors wouldn't see the use at all.

Mr. Sayegh stated the 5,800 square-foot building and the ones facing U.S. 1 do not have doors facing the highway.

Mr. Minneboo pointed out there is a lot of elevation change between the edge of the road and where it falls to the river.

Mr. Ball stated it seems there is a lot of consternation among the board about what it is going to look like and a lot of design questions, as well as hours of operation. He said an option is to present that to the applicant for them to go back and address those and whether it is a BDP, or if they can create a rendering to show what the buildings are going to look like, that is an option for the board to consider.

Ms. Alward stated she is finding it hard to increase the zoning to BU-2 just so that the building can be metal. She noted the applicant is asking for the square footage in BU-1, but he's not doing outdoor storage, and the board is going to increase the density to BU-2, which is much higher, when he only needs it because of the building material. There is a whole list of BDP conditions the board can ask them to bring back, such as no outdoor storage, the 20-foot landscape buffer, including whatever the site plan requires for buffering of the building, it will be single-story, it's going to be limited to a self-storage operation only, not only for what they are planning for Phase 1, but also on the property that will not be built on right away, and the landscape buffer will be maintained by the property owner. She asked how many buildings will be on the property.

Mr. Lee replied four standard buildings and one small one.

Ms. Alward asked Mr. Minneboo if there is anything on drainage he would like to be added to the BDP. Mr. Minneboo replied no, they are aware of the drainage issue, and the easement for drainage will be documented. He stated the board needs to let Public Works be aware of that and then they can handle it.

Mr. Ball stated he would rather do that than make it a BDP condition because if Public Works doesn't like it, it has to go to the County Commission to get amended.

Mr. Moia pointed out that the County won't let them discharge into it if it's not a publicly maintained off site discharge. He asked if the board addressed the wall location and height.

Ms. Alward said whatever requirements that are required by site plan review, so if there is something different, it needs to be added.

Mr. Moia stated he would think the board would want the wall at the edge of the improvements with no penetrations other than maybe a fence for maintenance purposes to be able to maintain the pond, but it would still have to be opaque and 8 feet. He asked if the applicant is taking advantage of the

existing turn lane since now they are moving everything to the north side of the site. Mr. Sayegh replied yes, they are taking advantage of the existing turn lane.

Mr. Sayegh stated on Item H.2., if the board is comfortable with the whole thing being BU-1 and it's the BU-2 causing the heartburn, then he would love to leave today with BU-1 zoning on the whole site. If that is an over-simplification of the board's position, and they're headed toward a BDP with these things being memorialized, as opposed to making some comments to Board of County Commissioners, then the only thing giving him a little bit of heartburn is requiring self-storage only on the whole site. He would like to think about that. If the board wants to lift that, they can talk about other stuff, but that is driven by market and he would need to think about it.

Mr. Moia asked if the future use on the other property could be something different. Mr. Sayegh replied he was just planning today on being more about uniformity of zoning than some of the discussion that has been had. The plan is self-storage on the whole site, but he can live with the conditions if that is what the board wants to do. He stated the board is an advisory body and if those are the things it wants to advise, he can live with these things and have further discussion at County Commission meeting.

Mr. Bartcher stated one of the primary reasons the board wanted the BDP was because they are requesting BU-2, but if they accept BU-1 the board can recommend BU-1 and that will get rid of some of the conditions of the BDP.

Brian Hodgers pointed out they can't do a metal building in BU-1.

Mr. Sayegh stated it's like having to put a façade on two buildings, which is basically 730 square feet of building and it makes his neighbors comfortable. He said he can live with 730 square feet of architectural detail.

Mr. Moia stated he doesn't have a problem with BU-2 as long as they have what the board has talked about. He asked if the board specified the material of the wall, and if it is a finished 8-foot block wall.

Mr. Sayegh stated they will adhere to what is prescribed.

Mr. Glover stated he thinks the BDP is almost like BU-1, it's just giving him the metal building.

Motion by Liz Alward, seconded by Bruce Moia, to recommend approval of a Small Scale Comprehensive Plan Amendment (22S.03) to change the Future Land Use designation from RES 4, NC, and CC to all CC. The motion passed unanimously.

Motion by Bruce Moia, seconded by Henry Minneboo, to recommend approval of a change of zoning classification from AU and BU-1 to BU-2, with a BDP containing the following conditions: 1.) the use of the property shall be for self-storage only; 2.) outdoor storage shall be prohibited; 3.) any buildings on the property shall be limited to single-story; 4.) no lighting elements shall face neighboring properties; 5.) a 20-foot landscape buffer shall be required in accordance with code requirement; 6.) a finished 8-foot masonry wall shall be required along the edge of the improvements in accordance with code requirements. The motion passed unanimously.

From: [Ed Johnson](#)
To: [Jones, Jennifer](#)
Subject: Concerns about rezoning request for properties ID# 21PZ00083 & 22Z00004
Date: Friday, March 11, 2022 9:11:34 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good morning Ms. Jones,

After talking with several of my neighbors many of us have concerns about this rezoning request. If possible we would like to have these concerns added to the public comment record. Listed below are our concerns:

- **Buildings:** Building height does not conform to the existing residential properties that border the east side of the property. Single story buildings with a 12 foot solid barrier wall that block the buildings from the view of the existing residential properties and our historic Rockledge Drive and Indian river would be much more desirable.
- **Zoning:** BU-2 zoning (property is currently BU-1 and AU) allows vehicles, RV's and large truck storage. With 24 x 7 access to the property the existing residential properties could experience noise, traffic and odors throughout the day and night as well as contamination from these vehicles when cleaning trucks and pumping sewage from the RV's. This could be harmful to both the residential properties and the Indian river. Four single story buildings would be more desirable with no vehicle storage.
- **Lighting:** Tall light towers like those used at other large parking lots (picture Walmart) would light up our backyards and rear house windows and seriously impact our privacy.
- **Ponds:** Will ponds be retention or detention? Dry detention ponds would be preferred to reduce the potential of creating a habitat for mosquitoes and snakes.
- **Devaluation of abutting residential properties:** A 5 percent (probably more) devaluation of our property would be a material financial event for our

families.

Thank you in advance for any assistance you can provide concerning this matter.
Ed Johnson

From: Jesse Crawford-Mancini
To: Jones, Jennifer
Subject: Request for Planning and Zoning information for ID# 21PZ00083 & 22Z00004
Date: Monday, April 18, 2022 2:33:24 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Ms. Jones

I hold residence at 1949 Rockledge Dr., Rockledge, FL 32955, within the county jurisdiction. I am writing today in reference to Request for Planning and Zoning information for ID# 21PZ00083 & 22Z00004. My neighbors and my family are concerned of the proposed zoning changes. I would like to add my objection to the public comment record. Listed below are our concerns:

Buildings: Building height does not conform to the existing residential properties that border the east side of the property and proposed development with the changed zoning would further negatively impact the adjacent properties. Single story buildings with a 12 foot solid barrier wall that block the buildings from the view of the existing residential properties and our historic Rockledge Drive and Indian River Lagoon are requested to eliminate these concerns.

Zoning: BU-2 zoning (property is currently BU-1 and AU) allows vehicles, RV's and large truck storage. With 24 hours x 7 days a week access to the proposed development with adjacency to our property will experience noise, light, traffic and odors throughout the day and night. Further, waste contamination from these vehicles when cleaning trucks and pumping sewage from the RV's is possible. This could be harmful to both the residential properties and the Indian River Lagoon, an Outstanding Florida Water and impaired waterway. Four single story buildings with no vehicle storage is desirable.

Lighting/Photometrics: Tall site lighting like those used at other large parking lots (picture Walmart) would light up our backyards and rear house windows and seriously impact our privacy. The light pollution from these lights negatively impact the adjacent properties. The glow from normal lighting will be affect the adjacent property. Understanding that full cut off lights and 0 fc at the property line is necessary. Additionally, lighting controls for occupancy/traffic are required so close to residential homes.

Ponds: Will ponds be retention or detention? Dry detention ponds would be

preferred to reduce the potential of creating a habitat for mosquitoes and snakes. The use of dry ponds correctly sighted and engineered are required and must meet state water quality requirements for the adjacent waterways. The site is not permitted to discharge to adjacent properties. All standard permitting for county and SJRWMD shall be considered.

Traffic at US1 and the Barnes intersection is difficult on a normal basis. Adding additional traffic, turning lanes and traffic control will further complicate the intersection. Additionally, a non conforming intersection at Coquina and the Bonsai motor inn creates additional risk for those using the intersection directly south. A full traffic study is warranted and shall be considered as part of this development for FDOT permitting.

Safety of adjacent properties and personnel are of major concern. The families have children, equipment, and personal property on the land. The introduction of self storage with its unknown customer base will require security and surveillance equipment as to ensure the adjacent properties are protected from trespassing or criminal activity. Also, it is known the site was not zoned for this utilization and should not be permitted adjacent to residential zoning.

Devaluation of abutting residential properties: A 5 percent (probably more) devaluation of our property would be a material financial event for our families.

We recommend a binding development plan (BDP) for the site to address these concerns. Thank you in advance for your service and assistance.

Jesse Crawford-Mancini
912-257-6643
jesse.crawfordmancini@gmail.com

Prepared by: _____

Address: _____

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of _____, 20__ between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and _____, a _____ corporation (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the BU-2 zoning classification(s) and desires to develop the Property as Self Storage mini-warehouse, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impacts on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. Recitals. The above recitals are true and correct and are incorporated into this Agreement by their reference.
2. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
3. Developer/Owner shall limit the use of the Property to self-storage use only.
4. Outdoor storage shall be prohibited on the Property.
5. Any buildings on the Property shall be limited to single-story.
6. No lighting elements shall face residential properties.
7. Developer/Owner shall provide a 20 foot landscape buffer in accordance with code requirements.
8. A finished 8-foot masonry wall shall be required along the edge of the improvements in accordance with code requirements.
9. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This Agreement provides no vested rights against changes to the Brevard County Comprehensive Plan or land development regulations as they may apply to this Property.
10. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court all costs of recording this Agreement in the Public Records of Brevard County, Florida.
11. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the

subject Property, and shall be subject to the above referenced conditions as approved by the Board of County Commissioners on _____. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

12. Violation of this Agreement shall constitute a violation of the zoning classification and of this Agreement. This Agreement may be enforced by Sections 1-7 and 62-5 of the Code of Ordinances of Brevard County, Florida, as may be amended.
13. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and shall be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any condition is a violation of this Agreement and constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 9 above.
14. Severability clause. If any provision of this BDP is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provision shall continue in full force and effect without being impaired or invalidated in any way.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

Rachel M. Sadoff, Clerk of Court
(SEAL)

Kristine Zonka, Chair

As approved by the Board on _____

(Please note: You must have two witnesses and a notary for each signature required. The notary may serve as one witness.)

(STORSAFE OF ROCKLEDGE, LLC)

WITNESSES:

as DEVELOPER/OWNER

(Witness Name typed or printed)

(Address) _____

(President)

(Witness Name typed or printed)

(Name typed, printed or stamped)

STATE OF _____ §

COUNTY OF _____ §

The foregoing instrument was acknowledged before me, by means of _____ physical presence or
_____ online notarization, this _____ day of _____, 20____, by

_____, President of _____, who is
personally known to me or who has produced _____ as identification.

My commission expires

Notary Public

SEAL

Commission No.:

(Name typed, printed or stamped)