

THIS ITEM WAS TABLED FROM THE 10/13/16 & 11/10/16 NMI MEETINGS

IV.B.11.

Commission District # 2 (16PZ00082)
Initial Hearing Dates: NMI 01/12/17 BCC 02/02/17

REZONING REVIEW WORKSHEET

Applicant Name: GERALD CRAYTON, TRUSTEE

Request: Removal of Existing BDP, to retain all BU-1 and BU-2 uses, in a BU-2 zoning classification

Subject Property:

Parcel ID#: 23-36-22-00-751.1; 23-36-22-00-758; 23-36-22-00-798

Tax Acct#: 2316303; 2316309; 2316346

Location: West side of N. Courtenay Pkwy., approx. 560 ft. north of Crisafulli Rd.

Address: No assigned address for Parcels 751.1 & 798. Parcel 758 = 6025 N. Courtenay Pkwy., Merritt Island area.

Acreage: 6.07 acres

Consistency with Land Use Regulations

- YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255
- YES Proposal can be considered under the Future Land Use Designation. Sec. 62-1255
- YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	BU-2	BU-2 removal of BDP
Potential*	17,414 S.F.	74,035 S.F.
Can be Considered under FLU MAP	YES	YES

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

	ADT	PM PEAK		
Trips from Existing Zoning	62	6	Segment Number	060C
Trips from Proposed Zoning	263	24	Segment Name	SR 3
Maximum Acceptable Volume (MAV)	65,600	5,904	Acceptable LOS	D
Current Volume	13,000	1,170	Directional Split	0.5
Volume With Proposed Development	13,263	1,194	ITE CODE	
Current Volume / MAV	19.82%	19.82%	150	
Volume / MAV with Proposal	20.22%	20.22%		
Current LOS	B	B		
OS With Propos	B	B		
Findings	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

Land Use Compatibility

FLUE Policy 2.1 outlines the role of the Comprehensive Plan in the designation of commercial land.

This request is for the removal of an existing BDP in a BU-2 zoning classification. The 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. The surrounding properties are zoned BU-1 to the north and south, SR 3 to the east and RR-1/AU to the west. The 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. The RR-1 classification permits single-family residential land uses on minimum one acre lots, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet. The AU zoning classification permits single-family residences and agricultural pursuits on 2 ½ 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. The subject parcel is located within the North Merritt Island Dependent Special District. The surrounding area is characterized by a mixture of commercial and residential land uses. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of these staff comments.

Environmental Constraints

NA Does the project appear to meet county use or density restrictions based upon:
* Refer to NRM's comments following these staff comments.

Other Considerations: This item was tabled by the NMI Board on October 13, 2016, since there were concerns about the potential uses of the property and buffering. The Board expressed that they would consider the applicant's request at a future hearing, given that the applicant prepared a draft BDP. A Small Scale Amendment (05S.15) changed the Future Land Use on the subject parcel from Neighborhood Commercial (NC) to Community Commercial (CC) in 2005. The companion rezoning resulted in a change of classification from AU and BU-1 to BU-2 with a Binding Development Plan which limited the commercial activities to boat sales, service and the outside storage of boats and trailers, in addition to all permitted uses in BU-1 zoning classification on (Z-11176). This request is comprised of three parcels of land under the same ownership. Parcel 758 is 3.19 acres, it was developed in 1959. The existing sheet metal building was previously used as a storage building. The applicant seeks to expand commercial activities on all three parcels, which may include warehousing and outside storage. A conceptual plan was not submitted with this application.

In history, the vacant parcel located directly east of the subject property was approved a rezoning from BU-1 to BU-2, with a BDP on April 28, 1997 (Z9885). The owner proposed to develop a mini-storage warehouse, however, that plan was not executed. On May 1, 2015 the said parcel was approved an amendment to the existing BDP, which further limited the permitted uses to those allowed in the BU-1 zoning classification, with the exception of a mini-warehouse, along with the removal of 30 ft. buffer and retention of 20 ft. buffer on the east side of the property (14PZ00118). A self-storage mini-warehouse is listed as a permitted use with conditions in the BU-1 zoning classification.

The BU-2 zoning allows for a higher intensity of commercial activities, which may negatively impact the adjacent residential land use to the west and the SR 3 corridor to the east. The enacted BDP limited the BU-2 uses to boat sales, service and the outside storage of boats and trailers only and had stipulations such as; 6 foot high opaque fence 40 feet west of the SR 3 right of way and additional landscaping on the east side of the said fence. It appears there were concerns that an outside storage facility may degrade the aesthetics of the SR 3 corridor. On the other hand, the applicant is proposing a draft BDP to retain all BU-1 and BU-2 uses, except cemeteries, mausoleums and crematoriums, along with a 6 foot high opaque fence 25 feet west of the SR 3 right of way and

additional vegetation on the east side of the said fence to further reduce visibility from above mentioned road. There is an existing 6 ft. high chain link fence with barb wire on top, which borders the site. The portion of the fence along the east property line, is approximately 35 ft. from the edge of SR 3 pavement.

The request for removal of the existing BDP should be evaluated within the context of **Policy 2.14A** of the Future Land Use Element which provides locational criteria for non-retail commercial uses.

Transitional Commercial Activities

Policy 2.14

As a result of their intrinsic nature and scale of intensity, offices, non-retail and neighborhood commercial activities may be utilized as transitional activities to afford buffering between higher and lower intensity uses, including transportation corridors.” Projects which are approved as transitional uses may be subject to special requirements by the County, such as buffers, lighting, hours of operation, access/egress points, etc. in order to minimize impact upon adjacent lower intensity uses. In residential land use designations, strict adherence to development parameters outlined in Policies 2.6 and 2.8 must be maintained to qualify for consideration as a transitional activity under this policy. Once a transition is achieved between a higher and lower intensity land use, this policy should not be construed to justify the extension or enlargement of such uses onto adjacent lower intensity lands.”

Criteria:

A. Non-retail commercial land uses shall be limited to those areas where non- retail commercial or industrial characteristics are established or planned so as to protect residential areas from their influence. Non-retail uses, including wholesaling, contracting, heavy repair services, paint and body shops, storage and warehousing uses, may serve as a transitional use between the following higher intensity and lower intensity uses, in the following listed Future Land Use designations:

Higher Intensity Uses:	Heavy Industrial or Light Industrial activities.
Lower Intensity Uses:	Community Commercial, Planned Industrial Park or Planned Business Park uses.
Future Land Use designations:	Community Commercial, Heavy/Light Industrial or Planned Industrial (Planned Industrial permits PIP zone uses only).
Roadway Access Requirements:	Convenient access to a major transportation corridor or along a railroad corridor with visual buffering from such corridors.

Since the subject property abuts BU-1 zoning to the north and south and low density residential to the west, the Board may wish to evaluate the compatibility of the proposed development within the surrounding area. Non-retail commercial land uses should be located between higher intensity and lower intensity uses.

Summary: This item was tabled by the NMI P&Z Board on October 13, 2016, and November 10, 2016, since there were concerns about the potential uses of the property and buffering. The NMI P&Z Board expressed that they would consider the applicant’s request at a future hearing, given that the applicant prepared a draft BDP. In response to direction from the NMI P&Z Board, the applicant seeks to amend the enacted BDP, to allow for all permitted uses in BU-1 and BU-2 zoning classification, except cemeteries, mausoleums and crematoriums, along with a 6 foot high opaque fence 25 feet west of the SR 3 right of way and additional vegetation on the east side of the said fence to further reduce visibility from the above mentioned road. The enacted BDP restricts the permitted BU-2 uses to boat sales, service and the outside storage of boats and trailers, in addition to all permitted uses in BU-1 zoning classification. There is an existing 6 ft. high chain link fence with barb wire on top, which borders the site. The portion of the fence along the east property line, is approximately 35 ft. from the edge of SR 3 pavement. The applicant intends to expand commercial activities, which may include warehousing and outside storage of materials and equipment. The Board may also wish to evaluate the compatibility of BU-2 uses, since there is no industrial use in the area and the subject property abuts low density residential, pursuant to **Policy 2.14A** of Future Land Use Element.