



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.3.

4/4/2024

Subject:

Quality RV Florida, LLC requests a change of zoning classification from RU-1-7 and TR-1 to all BU-2 with a BDP. (23Z00083) (Tax Account 2702826) (District 5)

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 RU-1-7 (Single-Family Residential) and TR-1 (Single-family Mobile Home) to all BU-2 (Retail, Warehousing and Wholesale Commercial) with a BDP (Binding Development Plan).

Summary Explanation and Background:

The applicant is requesting a change of zoning classification from RU-1-7 (Single-family Residential) and TR-1 (Single-family mobile home) to BU-2 (Retail, Warehousing and Wholesale Commercial) to make the existing, non-conforming RV dealership use of the property consistent with the zoning regulations. The Brevard County Property Appraisers Office database classifies the subject property as recreational vehicle or mobile home sales - new or used as well as the storage of third-party RV's and boats.

There is a Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, 23SS00024 to change the Future Land Use Map designation from RES 6 (Residential 6 to Community Commercial (CC).

The applicant has provided a Binding Development Plan (BDP) limiting the uses of the property to BU-1 uses and limiting the BU-2 uses to RV, and boat storage only.

The subject property is on an established residential corridor along Aurora Road from John Rodes Blvd. to Turtle Mound Road. The current use of the property was established prior to 1981.

The Board may wish to consider whether the proposed zoning request is consistent and compatible with the surrounding area. The Board may also consider reconciling the existing development with current land use and zoning requirements.

On March 18, 2024, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

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

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) General Standards of Review.

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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**STAFF COMMENTS
23Z00083**

Quality RV Florida, LLC

**RU-1-7 (Single-Family Residential) and TR-1 (Single-family Mobile Home)
to BU-2 (Retail, Warehousing and Wholesale Commercial) with a
Binding Development Plan (BDP)**

Tax Account Number: 2702826
Parcel I.D.: 27-36-14-01-*-74
Location: Southside of Aurora Road between John Rodes Blvd. and
Turtle Mound Road (District 5)
Acreage: 5.32 acres

Planning & Zoning Board: 03/18/2024
Board of County Commissioners: 04/04/2024

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 proposed Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	RU-1-7 and TR-1	BU-2
Potential* RU-1-7 on 4.22 acres TR-1 on 1.10 acres	24 single-family units 7 mobile homes	(FAR) of 1.00 159 dwelling units***
Can be Considered under the Future Land Use Map	Yes, RES 6	Yes Community Commercial (CC)**

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

**Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, 23SS00024 proposes to change the Future Land Use Map Designation from RES 6 to Community Commercial (CC) pending approval.

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

Background and Purpose of Request

The applicant has requested a change of zoning classification from RU-1-7 (Single-family Residential) and TR-1 (Single-family mobile home) to BU-2 (Retail, Warehousing and Wholesale Commercial).

On June 28, 1965, the Board considered a rezoning request for BU-1 on the north 200 feet of the property with a trailer subdivision on the balance of the property. This request was deferred by Zoning Resolution Z-1769 until an overall plan for the area was approved and a temporary permit for trailer sales was issued subject to dedication of additional right-of-way for the Hopkins Ditch and a 25- foot setback from the ditch.

The applicant has offered a Binding Development Plan that stipulates that use of the property will be limited to all BU-1 uses with BU-2 uses being limited to RV and boat storage.

There is a Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, **23SS00024** to change the Future Land Use Map designation from RES 6 (Residential 6 units per acre) to CC (Community Commercial).

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Convenience store	BU-1-A	RES 6
South	Single-family residences	AU	RES 6
East	Single-family mobile home Single-family residences	TR-1 RU-1-7 & RR-1	RES 6 RES 6
West	Single-family residences	RU-1-7	RES 6

The RU-1-7 classification permits single family residences on minimum 5,000 square foot lots, with a minimum width of 50 feet and depth of 100 feet. The minimum house size is 700 square feet.

The RR-1 classification permits single-family residences on one acre lots with a minimum width and depth of 125 feet. The minimum house size is 750 square feet.

The AU classification permits single-family residences on a minimum of 2.5 acres with a minimum width of 150 feet and depth of 150 feet. The minimum house size is 750 square feet.

The TR-1 classification permits single-family mobile homes and single-family residences on minimum 7,500 square foot lots with a minimum width of 65 feet and depth of 100 feet. The minimum living area is 600 square feet.

The BU-1-A classification permits single-family residences and many commercial uses on 7,500 square foot lots with a minimum width and depth of 75 feet. Commercial uses must have a minimum floor area of 300 square feet.

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

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

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

Future Land Use

The subject property has a Future Land Use Map designation of Residential 6 (RES 6). The existing RU-1-7 and TR-1 zoning classifications may be considered consistent with the RES 6 FLUM designation. However, the existing use is not consistent with zoning or FLUM.

There is a Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, **23SS00024** to change the Future Land Use Map designation from Residential 6 (RES 6) to Community Commercial (CC). The proposed BU-2 zoning classification can be considered consistent with the proposed Community Commercial (CC) FLUM designation.

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

Criteria:

A. Permitted/prohibited uses;

BU-2 Retail, Warehousing and Wholesale Commercial zoning classification encompasses lands devoted to retail, wholesale business, contracting and heavy repair services and warehousing activities. Retail items of substantial size or which of necessity must remain outside of a building may be permitted to be displayed outside the building.

B. Existing commercial zoning trends in the area;

The only commercial land use along this segment of Aurora Road is the convenience store with gas pumps, zoned BU-1-A, abutting the subject property on its northeast quadrant.

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

The land use in the surrounding area is single-family residential and single-family mobile homes. There are no industrial uses and commercial uses are limited to the adjacent convenience 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 not indicate that the current use of the property has the potential to cause a deficiency in the transportation adopted level of service. In the event, that a different commercial use is established on the property, a new concurrency analysis will be required.

The subject property is served by City of Melbourne water and sanitary sewer. It is

not expected to have an impact on the LOS for solid waste disposal because the applicant proposes to continue the existing use of the property.

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

No noteworthy land use issues were identified. Please see NRM Report.

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

This property will need to comply with Brevard County Performance Standards noted within Section 62-2251 through 62-2271 of Brevard County Code.

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 proposes to continue to utilize the subject parcel as a recreational vehicle dealership with outside storage of recreational vehicles owned by third parties. No noteworthy issues have been identified.

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

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

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

1. historical land use patterns;

The historical land use patterns in the vicinity of the subject property are residential in character including single-family residences, single-family mobile-homes, and mobile home parks. A few vacant residential properties remain.

The subject property and the adjacent convenience store under different ownership, which abuts the subject property to the northeast are the only commercial uses along this segment of Aurora Road.

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

There has not been any development within a half-mile of the subject property within the last three years.

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

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

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

Policy 2.8 of the Future Land Use Element establishes locational and development criteria for community commercial uses. Criteria A states that: community commercial clusters of up to 10 acres should be located at arterial/arterial intersections; collector/arterial intersections are acceptable provided the collector serves multiple neighborhoods; and intrusion of these land uses into surrounding residential areas shall be limited. The subject property is not located at an intersection.

Criteria C states that community commercial clusters should be spaced at least 2 miles apart. The subject property is located 1.4 miles from the commercial development at the intersection of Aurora Road and Wickham Road, which is within the City of Melbourne. However, this request would reconcile the existing use on the property.

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

Criteria:

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

The subject property is in an established residential corridor along Aurora Road from John Rodes Blvd. to Turtle Mound Road. The current use of the property was established prior to 1981. If approved, the Board should recognize the potential to allow other BU-2 uses which may have the potential to impact the surrounding residential neighborhood. Whether or not market factors would support a different, more intensive commercial use is unknown. The proposed BDP would limit BU-2 uses and would need Board approval.

- 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.

Much of this area was platted prior to the adoption of zoning regulations or the Comprehensive Plan. The primary boundaries are the road network.

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.

The subject property is not located within a residential neighborhood, rather a residential area. The Aurora Oaks subdivision which abuts the subject property on the west was platted in December 2004 and most homes within that subdivision were built in 2006. The commercial use abutting the subject property to the northeast was established in 1979.

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.

There have not been any non-residential uses approved within the past five (5) years. The area remains a residential corridor.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Aurora Road from John Rodes Blvd. to Wickham Road, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 52.95% of capacity daily. Since the establishment of this non-conforming use predates the most recent traffic counts the current capacity utilization should not change. It is difficult to determine the maximum development potential from the proposed rezoning due to the competition from better established commercial areas along Wickham Road that enjoy higher traffic volumes ... Specific concurrency issues will be addressed at the time of site plan review. This is only a preliminary review and is subject to change.

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

The subject parcel is within the City of Melbourne utilities service area for water and sanitary sewer.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Land Clearing and Landscape Requirements

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

For Board Consideration

The Board may wish to consider whether the proposed zoning request is consistent and compatible with the surrounding area. The Board may consider reconciling the existing development. The Board may consider a Binding Development Plan to help mitigate potential off-site impacts.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary
Item No. 23ZS00083

Applicant: David John Mancini (Owner: Quality RV Florida LLC)

Zoning Request: RU-1-7 and TR-1 to BU-2

Note: to establish commercial zoning for existing business (since 1977)

LPA Hearing: 03/18/2024; BCC Hearing: 04/04/2024

Tax ID No.: 2702826

-);>- 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:

- Land Clearing and Landscape Requirements

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:

Land Clearing and Landscape Requirements

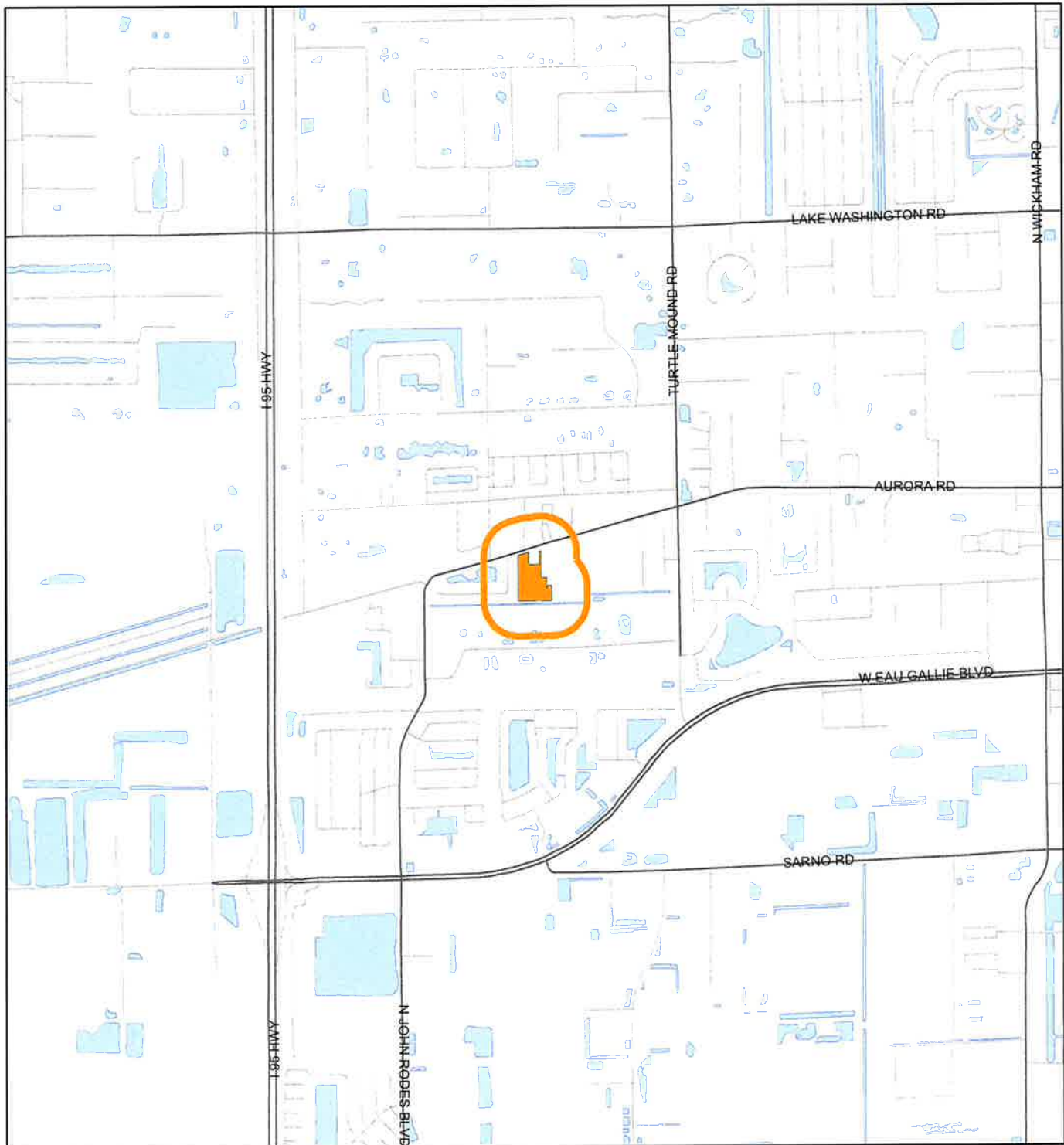
The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen tree preservation, canopy coverage requirements, and buffer requirements.

Specifically, Section 62-4342 sets out vegetative buffering requirements to provide visual and physical screening and buffering between potentially incompatible uses and to reduce the effects of glare, noise and incompatible activities, to include commercial, institutional, public, and industrial uses when they abut existing residential uses. Land clearing is not permitted without prior authorization by NRM.

LOCATION MAP

QUALITY RV FLORIDA LLC

23Z00083



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: 11/7/2023

- Buffer
- Subject Property

ZONING MAP

QUALITY RV FLORIDA LLC

23Z00083



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/7/2023

Subject Property

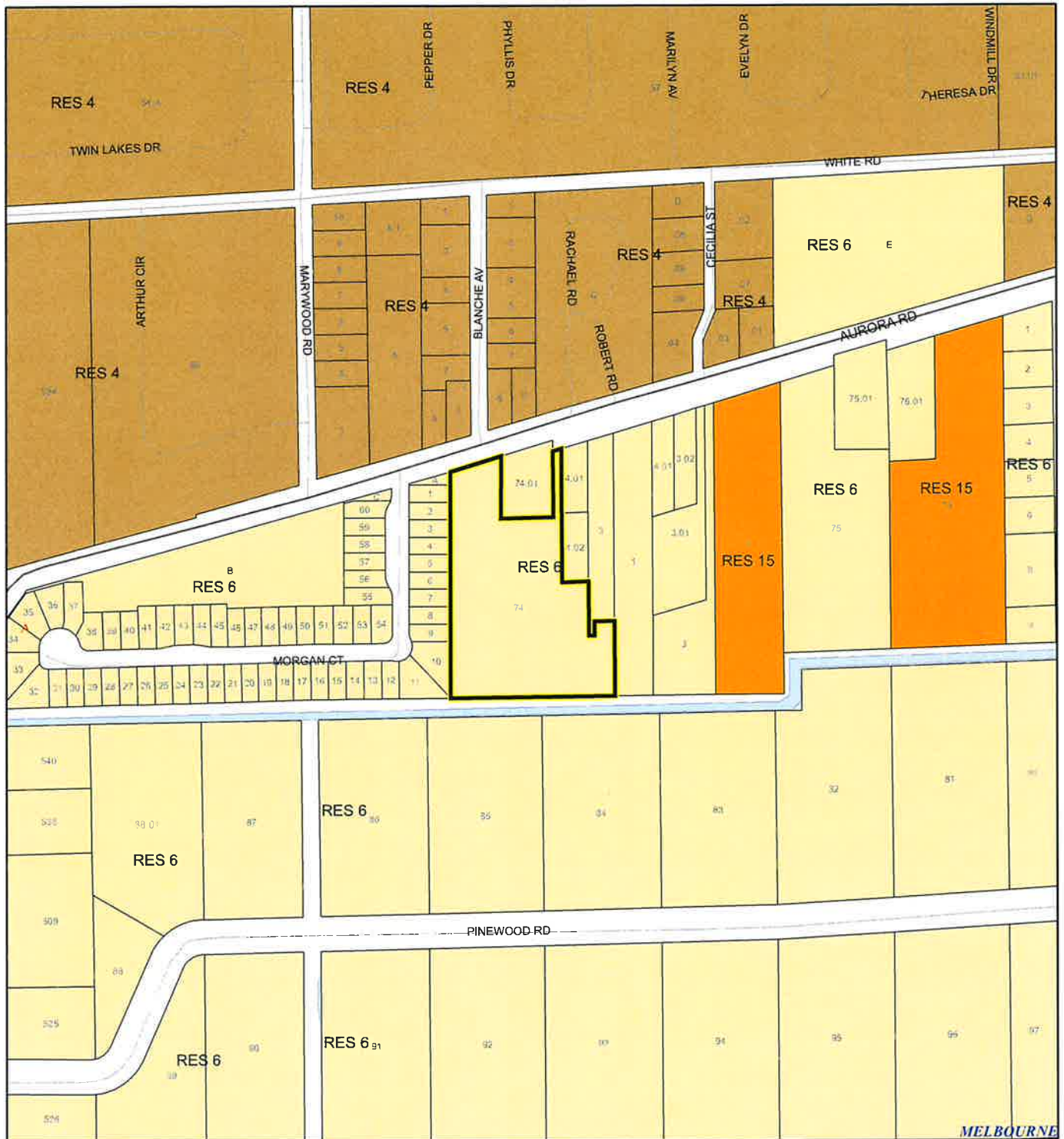
Parcels

Zoning

FUTURE LAND USE MAP

QUALITY RV FLORIDA LLC

23Z00083



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

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Produced by BoCC - GIS Date: 11/7/2023

AERIAL MAP

QUALITY RV FLORIDA LLC

23Z00083





1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2023

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Produced by BoCC - GIS Date: 11/7/2023

 Subject Property
 Parcels

NWI WETLANDS MAP

QUALITY RV FLORIDA LLC

23Z00083



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/7/2023

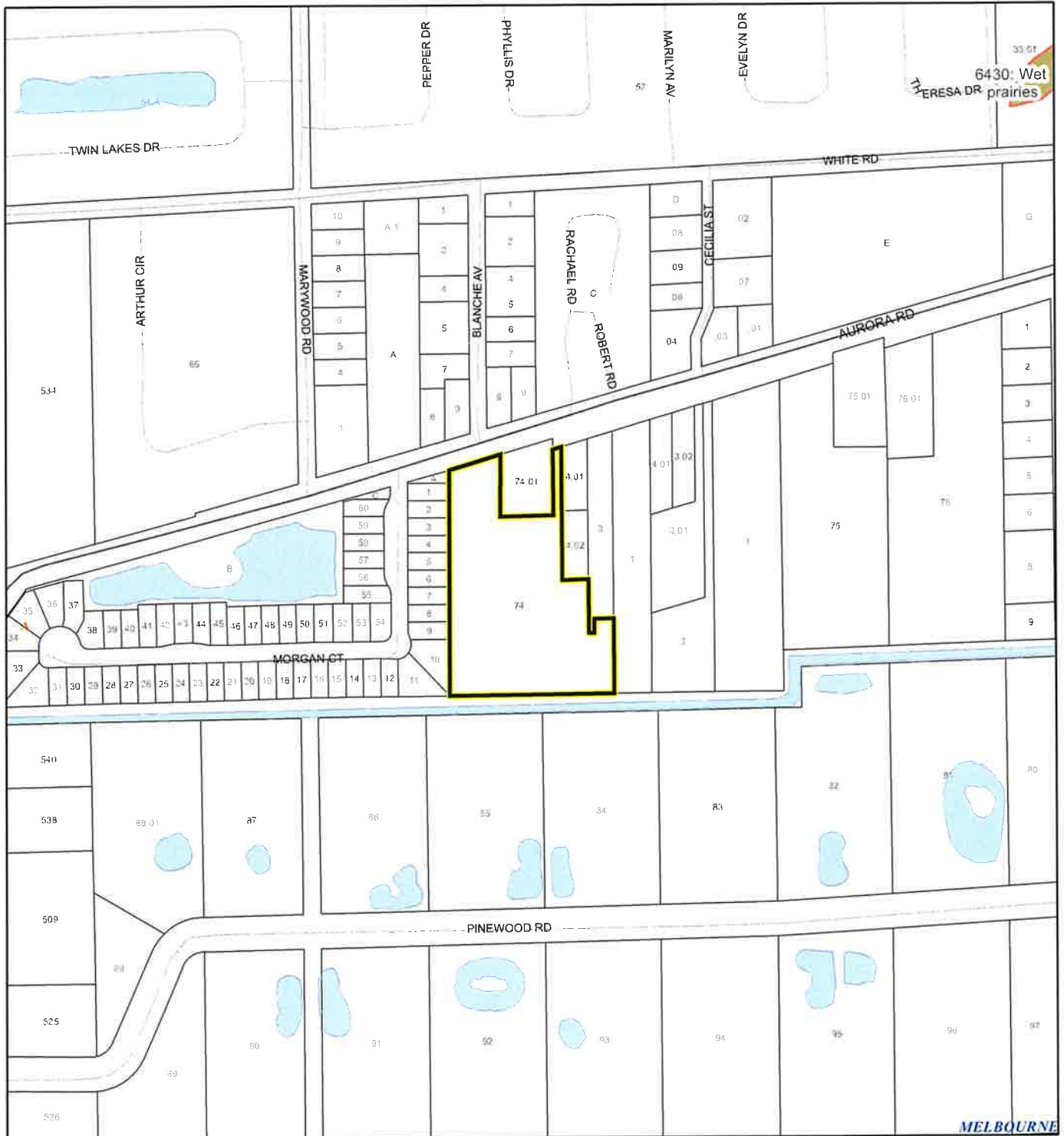
National Wetlands Inventory (NWI)

- | | |
|-----------------------------------|------------------|
| 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

QUALITY RV FLORIDA LLC

23Z00083



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/7/2023

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

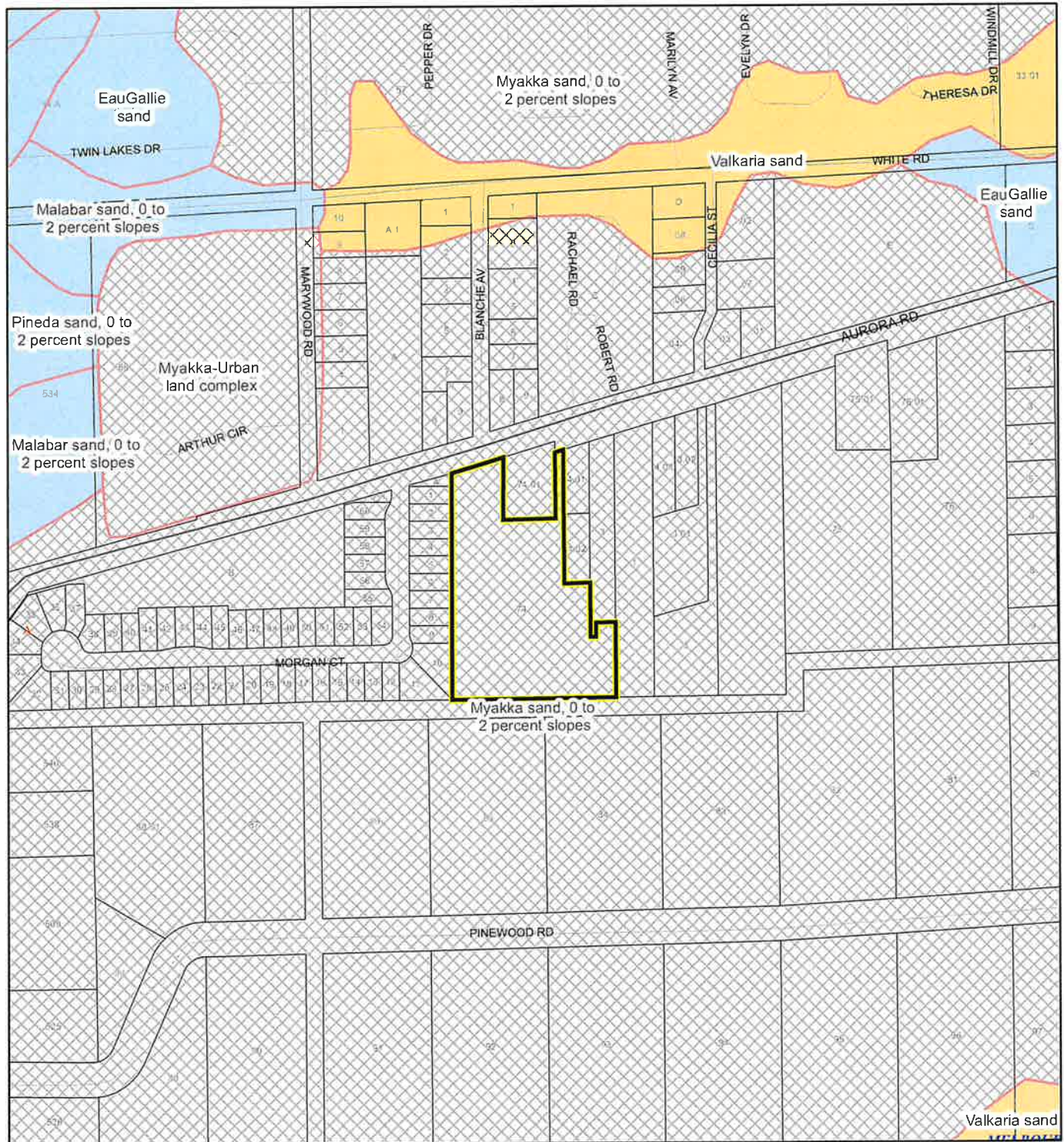
Subject Property

Parcels

USDA SCSSS SOILS MAP

QUALITY RV FLORIDA LLC

23Z00083



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/7/2023

USDA SCSSS Soils

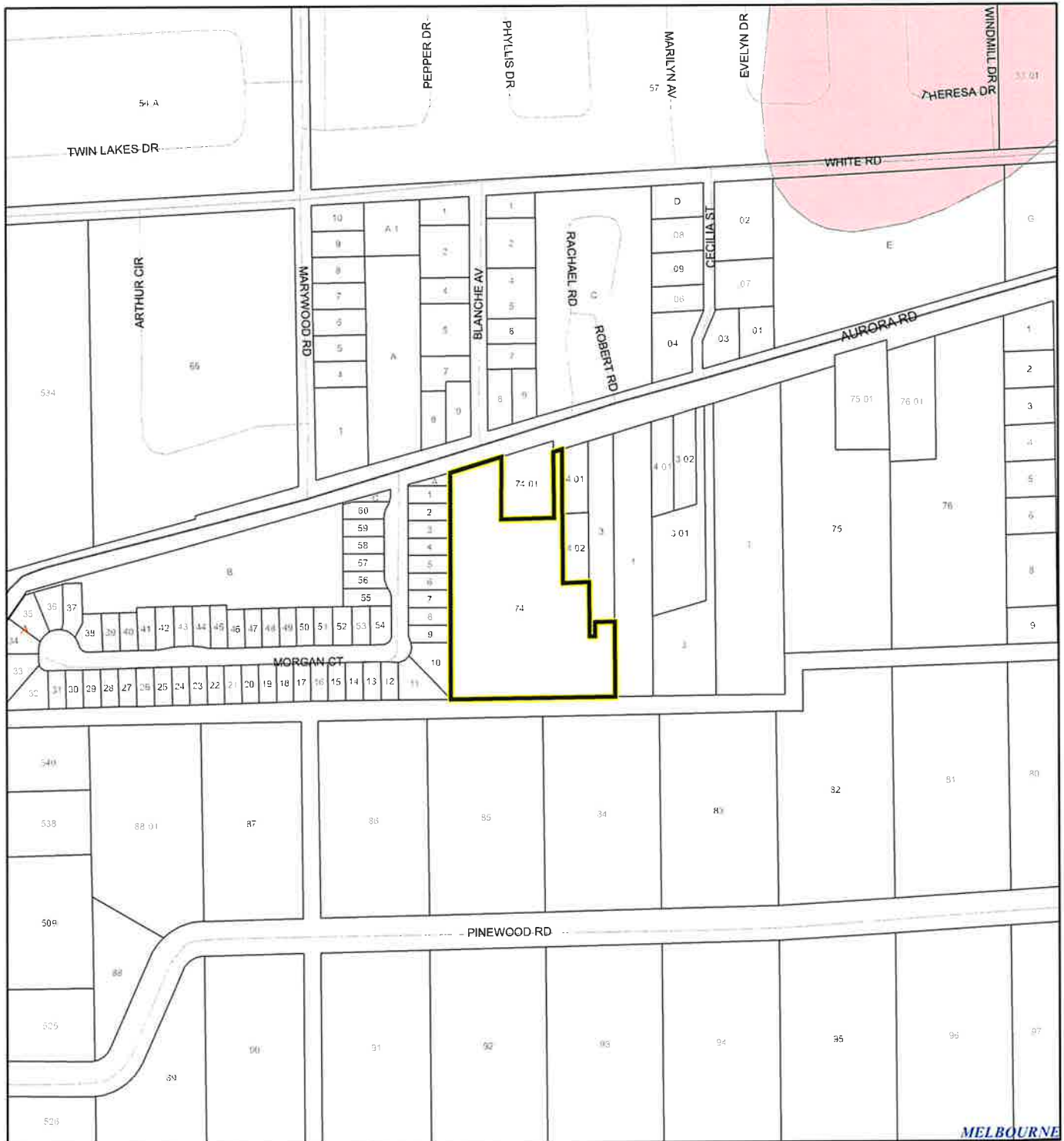
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

QUALITY RV FLORIDA LLC

23Z00083



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/7/2023

FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

QUALITY RV FLORIDA LLC

23Z00083



1:4,800 or 1 inch = 400 feet


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

Produced by BoCC - GIS Date: 11/7/2023

 Subject Property

 Parcels

Coastal High Hazard Area

 SurgeZoneCat1

EAGLE NESTS MAP

QUALITY RV FLORIDA LLC

23Z00083



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/7/2023

 Subject Property

 Parcels



Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

QUALITY RV FLORIDA LLC

23Z00083




1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/7/2023

 Subject Property

 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

QUALITY RV FLORIDA LLC

23Z00083



1:4,800 or 1 inch = 400 feet

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

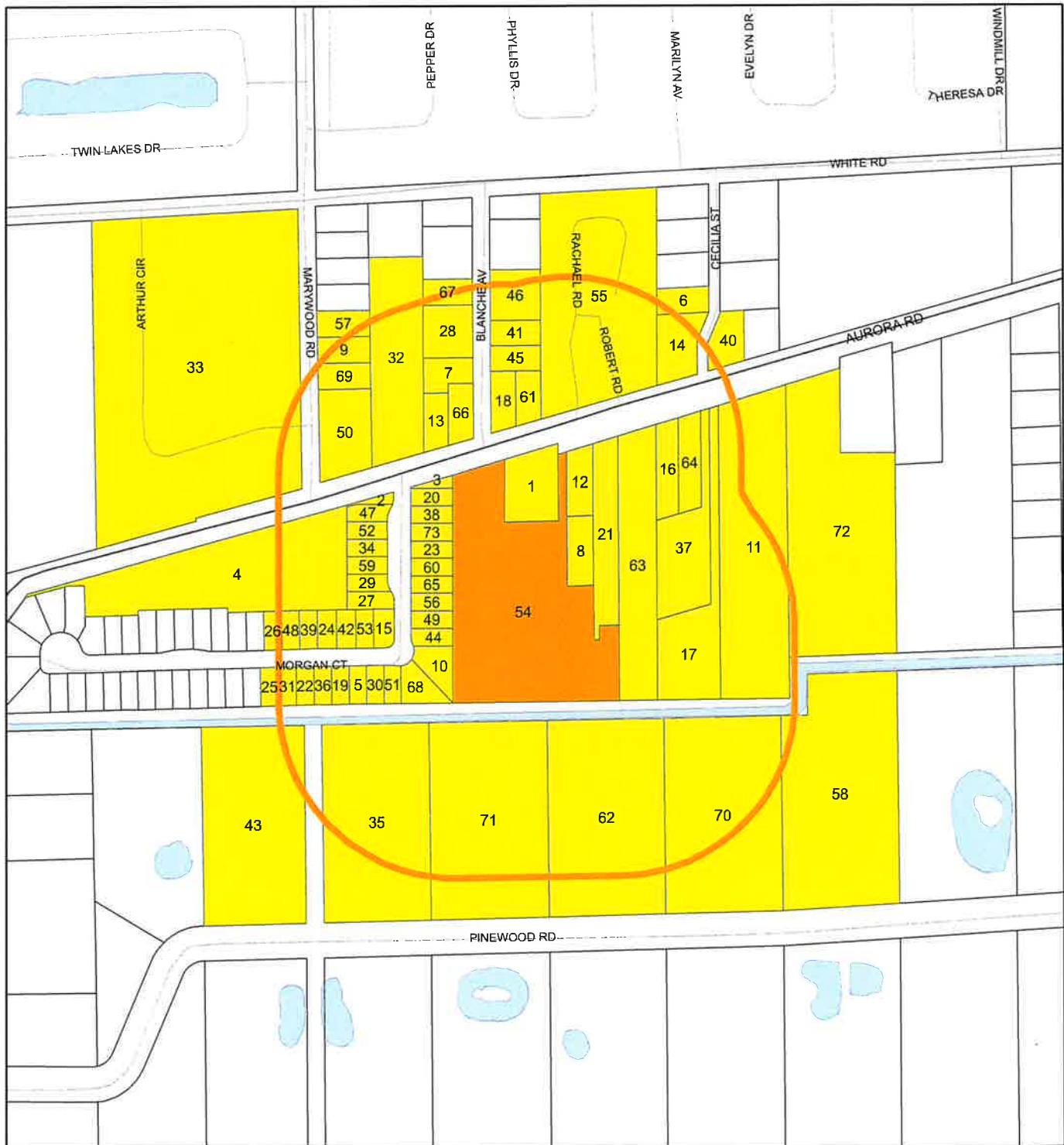
Produced by BoCC - GIS Date: 11/7/2023

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

23Z00083







1:4,800 or 1 inch = 400 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: 11/7/2023

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

Prepared by: Jennifer Altreche, Esq.
Address: 508 N. Harbor City Blvd, Melbourne, FL 32935

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of March, 2024 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and QUALITY RV FLORIDA, LLC (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 an RV, Trailer, Boat, hitch, and recreational vehicle sales and storage business, 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 retains all BU-1 uses, and limits the BU-2 uses to third-party RV and boat storage.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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 7 above.

9. 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.

[remainder of page intentionally left blank]

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)

Jason Steele, 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.)

WITNESSES:

QUALITY RV FLORIDA, LLC
as DEVELOPER

(Witness Name typed or printed)

(Address)

(Witness Name typed or printed)

(President)

(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 March, 2024, by _____, President of QUALITY RV FLORIDA, LLC, who is personally known to me or who has produced as identification.

My commission expires
SEAL
Commission No.:

Notary Public
(Name typed, printed or stamped)

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 18, 2024**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Robert Sullivan (D2); Mark Wadsworth, Chair (D4); Debbie Thomas (D4); Logan Luse (D4 Alt); Bruce Moia (D5); Robert Brothers (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Alex Esseeesse, Deputy County Attorney; Edward Fontanin, Utilities Services Director; Paul Body, Senior Planner; and Kristen Champion, Special Projects Coordinator.

Excerpt of Complete Agenda

Quality RV Florida, LLC (David John Mancini) requests a Small-Scale Comprehensive Plan Amendment (23S.24), to change the Future Land Use designation from RES 6 (Residential 6) to CC (Community Commercial). The property is 5.32 acres, located on the south side of Aurora Rd., approx. 0.27 mile east of N. John Rodes Blvd. (23SS00024) (4213 & 4255 Aurora Rd., Melbourne) (Tax Account 2702826) (District 5)

Quality RV Florida, LLC (David John Mancini) requests a change of zoning classification from RU-1-7 (Single-Family Residential) to BU-2 (Retail, Warehousing and Wholesale Commercial) with a BDP (Binding Development Plan). The property is 5.32 acres, located on the south side of Aurora Rd., approx. 0.27 mile east of N. John Rodes Blvd. (23Z00083) (4213 & 4255 Aurora Rd., Melbourne) (Tax Account 2702826) (District 5)

Jeffrey Ball read the companion applications into the record and informed the Board this item was previously heard at the January 8th P&Z meeting, and it was discovered afterwards that the applicants were storing 3rd party RVs and Boats which requires a different zoning classification. The applicants have returned asking for BU-2 and a BDP limiting the property to all BU-1 uses and the third-party storage of RVs and boats.

Jennifer Altreche, Esq., Easler Law, PLLC, 508 N. Harbor City Blvd., Melbourne, is council for the applicants. Ms. Altreche stated that her clients are just asking to legitimize the existing business that has been there for a minimum of three decades and that they worked with Staff to be able to come up with the Binding Development Plan at Staff's recommendation.

No Board comments.

No public comment.

Motion to approve small-scale comprehensive plan amendment from RES-6 to CC by Ron Bartcher, seconded by Robert Sullivan. The vote was unanimous.

Motion to approve rezoning from RU-1-7 to BU-2 with a binding development plan by Ron Bartcher, seconded by Robert Sullivan. The vote was unanimous.