



AGENDA REPORT
December 6, 2018

Public Hearing, Re: C&K, LLC (Scott Widerman/John Frazier) requests a change of zoning classification from BU-1 and IU to BU-2. (18PZ00104) (District 4)

SUBJECT:

Public Hearing, Re: C&K, LLC (Scott Widerman/John Frazier) requests a change of zoning classification from BU-1 (General Retail Commercial) and IU (Light Industrial) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is 3.33 acres, located on the northeast corner of N. Wickham Rd., and Waelti Dr. (No assigned address. In the Melbourne area.) (18PZ00104) (District 4)

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 the requested change of zoning classification from BU-1 and IU to BU-2.

SUMMARY EXPLANATION and BACKGROUND:

The applicant is seeking a change of Zoning classification from BU-1 and IU to all BU-2 for the purpose of developing self-storage mini-warehouse, but has not limited the use of the property within a Binding Development plan.

In the BU-1 zoning classification, self storage mini-warehouses are a permitted with conditions use, and a condition for a height restriction would limit the proposed self storage mini-warehouse to be no taller than the existing warehouse building on the BU-2 parcel to the east and is the primary condition limiting the development of a self-storage mini-warehouse in the current BU-1 zoning. Changing the Zoning to BU-2 would allow for many conditions, including the height restriction to no longer apply, as the only condition applicable to the permitted with conditions use in BU-2 is not applicable to the use in this location.

If rezoned to BU-2, all the conditions required in BU-1 for a for a self-storage mini-warehouse would not apply. The Board may wish to consider whether any buffering or development condition conditions within the BU-1 Zoning classification (Section 62-

1837.5) should be retained.

The Board may wish to consider whether the proposed BU-2 Zoning classification and proposed self storage mini-warehouse is consistent and compatible with the surrounding development.

The preliminary concurrency analysis indicates that several of the more intense uses permissible within the BU-2 Zoning classification, such as a convenience store with gas pumps or a restaurant with a drive-thru, have the potential to put North Wickham Road significantly over capacity. The Board may wish to consider whether the uses permissible within the BU-2 Zoning classification should be limited to those that produce fewer trips, to mitigate the potential impact on Wickham Road that may result.

It should be noted that many of these intense trip generating uses, such as a convenience store with gas pumps or a restaurant with a drive-thru are also permissible within the current BU-1 Zoning classification and most of the additional uses permissible within the BU-2 Zoning classification, such as contractors' offices, plants and storage yards; garage or mechanical service; mobile home and travel trailer sales; pet kennels; plant nurseries with outdoor storage; warehousing; welding repairs and wholesale/storage rooms, are not the highest trip generators permissible within the Zoning classification.

On November 5, 2018, the Planning and Zoning Board heard the request and unanimously recommended approval.

After the Planning and Zoning Board heard this request and made their recommendation for approval, staff discovered an error within the preliminary concurrency analysis. A replacement analysis has been inserted into the staff comments for the Board of County Commissioners' consideration, with changes made to the Preliminary Concurrency table, the Preliminary Transportation Concurrency Consideration and For Board Consideration sections of the revised staff comments. The applicant has additionally been provided with this information.

The Board may wish to consider whether this new information necessitates that the request should be re-reviewed by that advisory board prior to taking action on this item.

Contact: Erin Sterk, Planning and Zoning Manager, Ext. 52640

ATTACHMENTS:

Description

- **Administrative Policies**
- **Staff Comments**
- **Revised Staff Comments 11-27-18**
- **Maps**
- **P&Z Minutes**

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 and 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 zoning, conditional uses, comprehensive plan appeals, 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 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 per cent 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 an 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 or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), 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 service 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, odor, 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 that the following general standards are satisfied. The Board shall make the 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 MAI 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 thirty-five (35) feet higher than the highest residence within 1000 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 the section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County 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 MPO 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 (ALOS): Acceptable Level of Service currently adopted by the County.

Current 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 LOS that a proposed development may generate on a roadway.

RESOLUTION NO. 18PZ00104

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

WHEREAS, C&K, LLC has applied for a change of zoning classification from BU-1 (General Retail Commercial) and IU (Light Industrial) to BU-2 (Retail, Warehousing, and Wholesale Commercial), on property described as Block A.1, Subdivision DE, as recorded in ORB 5827, Pages 79 – 83, of the Public Records of Brevard County, Florida. (3.33 acres) Located on the northeast corner of N. Wickham Rd., and Waelti Dr. (No assigned address. In the Melbourne area.); and

Section 12, Township 26S, Range 36E, and,

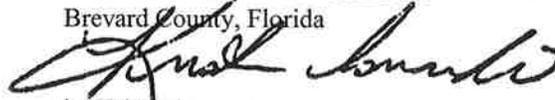
WHEREAS, a public hearing of the Brevard County Planning & Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning & Zoning Board recommended that the application be approved; and,

WHEREAS, the Board, after considering said application and the Brevard County Planning & Zoning Board’s recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be Approved; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from BU-1 and IU to BU-2, be APPROVED, and that the zoning classification relating to the above described property be changed to BU-2. The Planning & Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of December 6, 2018.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



by Kristine Isnardi, Chair
Brevard County Commission

As approved by Brevard County Commission on December 6, 2018.

ATTEST:


SCOTT ELLIS, CLERK
(SEAL)

(P&Z Hearing – November 5, 2018)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years.

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

REZONING REVIEW WORKSHEET

18PZ00104

Commission District # 4

Hearing Dates: P&Z 11/05/18

BCC 12/06/18

Owner Name: C&K, LLC

Request: BU-1 and IU to BU-2

Subject Property:

Parcel ID# 26-36-12-DE-A.1

Tax Acct.# 2628017

Location: Northeast corner of N. Wickham Road and Waelti Drive.

Address: No assigned address. In the Melbourne area.

Acreage: 3.33

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
Undeveloped or Developed	Undeveloped	
Zoning	BU-1 and 816 sq. ft. of IU	BU-2
Potential*	BU-1 = 28,848 sq. ft. IU = 326 sq. ft.	40,615 sq. ft.
Can be Considered under FLU MAP	YES BU-1 Community Commercial No IU Community Commercial	YES Community Commercial

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

	ADT	PM PEAK		
Trips from Existing Zoning	8388*	406*	Segment Number	370G
Trips from Proposed Zoning	2,952**	305**	Segment Name	Wickham Rd. Suntree Blvd. to Murrell Rd.
Maximum Acceptable Volume (MAV)	39,800	3,582	Acceptable LOS	E
Current Volume	31,280	2,815	Directional Split	0.5
Volume With Proposed Development	34,232	3,120	ITE CODE	
Current Volume / MAV	78.59%	78.59%	853	
Volume / MAV with Proposal	86.01%	87.10%		
Current LOS	C	C		
OS With Propos	C	C		
Findings	<input checked="" type="checkbox"/> Non-Deficiency		<input checked="" type="checkbox"/> Non-Deficiency	

*Trips based on a Convenience Market with 29,174 sq. ft.

**Trips based on a Convenience Market with 16 vehicle fueling position.

Background & Purpose of Request

The applicant is seeking to change the Zoning classification from General Retail Commercial (BU-1) and Light Industrial (IU) to all Retail, Warehousing and Wholesale Commercial (BU-2) for the purpose of developing a self-storage mini-warehouse.

In the BU-1 zoning classification, self storage mini-warehouses are a permitted with conditions use, and a condition for a height restriction would limit the proposed self storage mini-warehouse to be no taller than the existing warehouse building on the BU-2 parcel to the east and is the primary condition limiting the development of a self-storage mini-warehouse in the current BU-1 zoning. Changing the Zoning to BU-2 would allow for many conditions, including the height restriction to no longer apply, as the only condition applicable to the permitted with conditions use in BU-2 is not applicable to the use in this location.

A self-storage mini-warehouse in the current BU-1 zoning is limited by the conditions per section 62-1837.5 (b) below:

Where this use is located in the BU-1 (general retail commercial) zoning classification, the following conditions are required to ensure that the design and use of a self-storage mini-warehouse facility occur in a manner that is compatible with the physical and visual characteristics of the BU-1 zoning classification. The following conditions shall apply.

- (1) No unit within a self-storage mini-warehouse shall be utilized as a place of business. No business tax receipt, other than that of the self-storage mini-warehouse operator, shall be approved for a business operation on the property.*
- (2) No utilities, namely, electricity, water, telephone, cable TV, or gas, will be provided to the individual units. Lighting and air conditioning may be located in the hallways only.*
- (3) In addition to height restrictions as described in the BU-1 zoning classification, structural heights shall be further limited by the heights of adjacent off-site buildings to the side or rear of the property. Where only one structure is contemplated on site, height is limited to the height of the lowest principle structure on any adjacent parcel. Where more than one structure is proposed on site, the height of each structure is limited to the height of the lowest principle structure on the closest parcel. Where the adjacent parcel is vacant, the height of the proposed structure shall be limited to one story.*
- (4) No outside storage of commercial vehicles or heavy equipment as defined in and regulated by section 62-2117 shall be permitted. Recreational vehicles and recreational equipment so defined shall be permitted to be stored on site if screened from view from the street and from adjacent parcels by a minimum eight-foot opaque visual barrier, except that such vehicles and equipment shall not be permitted to be stored outside where said property is adjacent to a parcel zoned residential or used for residential purposes.*
- (5) The use of generators of any kind is prohibited.*
- (6) The use or storage of hazardous materials is prohibited.*
- (7) Signage shall be placed on each building indicating that no hazardous materials use or storage or generator use is permitted and that units cannot be occupied for business or industrial use.*
- (8) The entrance gate shall be so designed and located to allow for a 33 foot-long vehicle to queue without extending into the public right-of-way.*
- (9) Minimum lot size. An area not less than 20,000 square feet, having a minimum width of 100 feet, and a minimum depth of 200 feet.*
- (10) Landscaping and screening. A landscape buffer and screening strip shall be provided within each side and rear setback. Said buffer and screening strip shall consist of any combination of berming, fencing and vegetation which will provide a six-foot high visual barrier. Where said property is*

contiguous to a parcel zoned residential, or used for residential purposes, the landscape buffer and screening strip shall be completely opaque to a height of six feet pursuant to chapter 62, articles VIII and XIII. A four-foot-high irrigated and landscaped berm shall be provided along the front property line (excepting the entranceway) and the side property lines for a minimum depth of the required front setback. Additional vegetation shall be added to the berm to achieve a total height of at least six feet. Chain link fence is prohibited.

- (11) *Architectural requirements. The site shall be designed so that no mini-warehouse overhead doors are visible from the street or from any adjacent parcel zoned residential, or used for residential purposes. Perimeter structures shall have trussed roofs. Perimeter walls shall be designed with physical breaks, windows (real or not), façade material changes or other architectural details and features (not just paint) intended to mimic the style of a retail structure as opposed to a continuous, visually monotonous warehouse wall. Metal buildings are prohibited.*
- (12) *Maximum structural coverage. Forty percent of total lot area.*

Previous zoning history:

August 28 1969; the portion of the subject parcel located in Section 13 was rezoned from General Use (GU) to IU per zoning action **Z-2486A**.

June 08, 1978; the portion of the subject parcel located in Section 12 was rezoned from GU to BU-2 per zoning action **Z-4545**.

March 05, 2001; the subject parcel was administratively rezoned from BU-2 and IU to BU-1 per zoning action **Z-10532**. This administrative rezoning did not include the 816 sq. ft. on the south east corner of the parcel.

May 25, 2005; the subject parcel was sold per Official Records Book 5478, Page 1322. The legal description reconfigured the parcel to include the 816 sq. ft. on the south east corner of the parcel.

May 18, 2018, **18SP00023**, a site plan was submitted to Land Development for a 33,000 sq. ft. 60 feet high self-storage mini-warehouse but could not be approved. The proposed BU-2 zoning for this parcel has a potential for a 40,615 sq. ft. self-storage mini-warehouse.

Land Use Compatibility

The subject property retains the Community Commercial (CC) Future Land Use Designation.

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

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;
- B. Existing commercial zoning trends in the area;
- C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;
- D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;
- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and
- F. Other issues which may emerge specific to a particular property which may be addressed through performance based zoning criteria.

The request for BU-2 zoning should be evaluated within the context of Policy 2.7 of the Future Land Use Element, which identifies "development activities that may be considered within the Community Commercial Future Land Use Designation..."

Existing strip commercial;
Transient commercial uses;
Tourist commercial uses;
Professional offices;
Personal service establishments;
Retail establishments;
Non-retail commercial uses;
Residential uses;
Institutional uses;
Recreational uses;
Public facilities;
Transitional uses pursuant to Policy 2.14; and
Planned Industrial Park development (as permitted by PIP zoning).

This request should be evaluated within the context of Policy 2.14A of the Future Land Use Element, which establishes locational criteria for non-retail commercial uses, as follows:

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.

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of the Administrative Policies.

Environmental Constraints

Please refer to comments provided by the Natural Resource Management Department.

Applicable Land Use Policies

The subject parcel is an undeveloped 3.33 acre tract of land that abuts BU-2 zoning to the north, BU-2 and IU zoning to the east and IU zoning to the south. The parcel also abuts Waelti Dr. to the west and N. Wickham Road to the southwest.

BU-1

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.

BU-2

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

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(18PZ00104)
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permitted by the BU-2 classification and possible noise, light, traffic and other nuisance factors potentially associated with BU-2 activities.

IU

The IU zoning classification permits light industrial land uses within enclosed structures. The minimum lot size is 20,000 square feet, with a minimum width of 100 feet and a minimum depth of 200 feet.

Within the last three years, there have only been two (2) zoning actions within the ½ mile radius of this property.

May 28, 2015; **15PZ00020**, an administrative rezoning changed the zoning from IU to BU-2. This zoning change was on a 0.6 acre parcel located on the East side of Waelti Dr., approximately 0.29 miles north of the subject parcel and 440 feet east of Waelti Dr.

August 02, 2018; **18PZ00055**, changed the zoning from General Use (GU) to Single-Family Residential (RU-1-7). This zoning change was on a 0.33 acre parcel located 355 feet East of the Florida East Coast (FEC) Railway, approximately 0.28 miles northeasterly of the subject parcel.

For Board Consideration

The applicant is seeking a change of Zoning classification from BU-1 and IU to all BU-2 for the purpose of developing self storage mini-warehouse.

If rezoned to BU-2, all the conditions required in BU-1 for a for a self-storage mini-warehouse would not apply. The Board may wish to consider whether any buffering or development condition conditions within the BU-1 Zoning classification (Section 62-1837.5) should be retained.

The Board may wish to consider whether the proposed BU-2 Zoning classification and proposed self storage mini-warehouse is consistent and compatible with the surrounding development.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review

SUMMARY

Item #: 18PZ00104	Applicant: Chris Romandetti
Zoning Request: BU-1 & IU to BU-2	
P&Z Hearing Date: 11/05/2018	BCC Hearing Date: 12/06/2018

This is a preliminary review based on environmental maps available to the Natural Resources Management Department (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Wetlands Potential/Hydric Soils	Not mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	N/A
Floodplains	Mapped	Wildlife	Potential

Comments:

**This review relates to the following property: Twp. 26, Rng. 36, Sec. 12;
Tax ID No. 2628017**

The subject parcel contains mapped aquifer recharge soils (Myakka sand - 0 to 2 percent slopes) as shown on the USDA Soil Conservation Service Soils Survey map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

A portion of the property is mapped as being within the isolated floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the isolated floodplain greater than one third (1/3) acre in size. Additional impervious area increases stormwater runoff that can adversely impact nearby properties unless addressed on-site. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

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.

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(18PZ00104)
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The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Per Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of heritage Specimen Trees. Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. Land clearing is not permitted without prior authorization by NRM. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

REZONING REVIEW WORKSHEET
Revised 11/27/18

18PZ00104

Commission District # 4

Hearing Dates: P&Z 11/05/18

BCC 12/06/18

Owner Name: C&K, LLC

Request: BU-1 and IU to BU-2

Subject Property:

Parcel ID# 26-36-12-DE-A.1

Tax Acct.# 2628017

Location: Northeast corner of N. Wickham Road and Waelti Drive.

Address: No assigned address. In the Melbourne area.

Acreage: 3.33

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
Undeveloped or Developed	Undeveloped	
Zoning	BU-1 and 816 sq. ft. of IU	BU-2
Potential*	BU-1 = 28,848 sq. ft. IU = 326 sq. ft.	40,615 sq. ft.
Can be Considered under FLU MAP	YES BU-1 Community Commercial No IU Community Commercial	YES Community Commercial

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

	ADT	PM PEAK		
Trips from Existing Zoning	8,388*	406*	Segment Number	370G
Trips from Proposed Zoning	34,344**	2,068**	Segment Name	Wickham Rd. Suntree Blvd. to Murrell Rd.
Maximum Acceptable Volume (MAV)	39,800	3,582	Acceptable LOS	E
Current Volume	31,280	2,815	Directional Split	0.5
Volume With Proposed Development	65,624	4,883	ITE CODE 853	
Current Volume / MAV	78.59%	78.59%		
Volume / MAV with Proposal	164.88%	136.32%		
Current LOS	C	C		
OS With Proposal	C	C		
Findings	<input type="checkbox"/> Non-Deficiency		<input checked="" type="checkbox"/> Deficiency	

*Trips based on a Convenience Market with 29,174 sq. ft.
**Trips based on a Convenience Market with 40,615 sq. ft.

Background & Purpose of Request

The applicant is seeking to change the Zoning classification from General Retail Commercial (BU-1) and Light Industrial (IU) to all Retail, Warehousing and Wholesale Commercial (BU-2) for the purpose of developing a self-storage mini-warehouse.

In the BU-1 zoning classification, self-storage mini-warehouses are a permitted with conditions use, and a condition for a height restriction would limit the proposed self storage mini-warehouse to be no taller than the existing warehouse building on the BU-2 parcel to the east and is the primary condition limiting the development of a self-storage mini-warehouse in the current BU-1 zoning. Changing the Zoning to BU-2 would allow for many conditions, including the height restriction to no longer apply, as the only condition applicable to the permitted with conditions use in BU-2 is not applicable to the use in this location.

A self-storage mini-warehouse in the current BU-1 zoning is limited by the conditions per section 62-1837.5 (b) below:

Where this use is located in the BU-1 (general retail commercial) zoning classification, the following conditions are required to ensure that the design and use of a self-storage mini-warehouse facility occur in a manner that is compatible with the physical and visual characteristics of the BU-1 zoning classification. The following conditions shall apply.

- (1) No unit within a self-storage mini-warehouse shall be utilized as a place of business. No business tax receipt, other than that of the self-storage mini-warehouse operator, shall be approved for a business operation on the property.*
- (2) No utilities, namely, electricity, water, telephone, cable TV, or gas, will be provided to the individual units. Lighting and air conditioning may be located in the hallways only.*
- (3) In addition to height restrictions as described in the BU-1 zoning classification, structural heights shall be further limited by the heights of adjacent off-site buildings to the side or rear of the property. Where only one structure is contemplated on site, height is limited to the height of the lowest principle structure on any adjacent parcel. Where more than one structure is proposed on site, the height of each structure is limited to the height of the lowest principle structure on the closest parcel. Where the adjacent parcel is vacant, the height of the proposed structure shall be limited to one story.*
- (4) No outside storage of commercial vehicles or heavy equipment as defined in and regulated by section 62-2117 shall be permitted. Recreational vehicles and recreational equipment so defined shall be permitted to be stored on site if screened from view from the street and from adjacent parcels by a minimum eight-foot opaque visual barrier, except that such vehicles and equipment shall not be permitted to be stored outside where said property is adjacent to a parcel zoned residential or used for residential purposes.*
- (5) The use of generators of any kind is prohibited.*
- (6) The use or storage of hazardous materials is prohibited.*
- (7) Signage shall be placed on each building indicating that no hazardous materials use or storage or generator use is permitted and that units cannot be occupied for business or industrial use.*
- (8) The entrance gate shall be so designed and located to allow for a 33 foot-long vehicle to queue without extending into the public right-of-way.*
- (9) Minimum lot size. An area not less than 20,000 square feet, having a minimum width of 100 feet, and a minimum depth of 200 feet.*
- (10) Landscaping and screening. A landscape buffer and screening strip shall be provided within each side and rear setback. Said buffer and screening strip shall consist of any combination of berming, fencing and vegetation which will provide a six-foot high visual barrier. Where said property is*

contiguous to a parcel zoned residential, or used for residential purposes, the landscape buffer and screening strip shall be completely opaque to a height of six feet pursuant to chapter 62, articles VIII and XIII. A four-foot-high irrigated and landscaped berm shall be provided along the front property line (excepting the entranceway) and the side property lines for a minimum depth of the required front setback. Additional vegetation shall be added to the berm to achieve a total height of at least six feet. Chain link fence is prohibited.

- (11) *Architectural requirements. The site shall be designed so that no mini-warehouse overhead doors are visible from the street or from any adjacent parcel zoned residential, or used for residential purposes. Perimeter structures shall have trussed roofs. Perimeter walls shall be designed with physical breaks, windows (real or not), façade material changes or other architectural details and features (not just paint) intended to mimic the style of a retail structure as opposed to a continuous, visually monotonous warehouse wall. Metal buildings are prohibited.*
- (12) *Maximum structural coverage. Forty percent of total lot area.*

Previous zoning history:

August 28 1969; the portion of the subject parcel located in Section 13 was rezoned from General Use (GU) to IU per zoning action **Z-2486A**.

June 08, 1978; the portion of the subject parcel located in Section 12 was rezoned from GU to BU-2 per zoning action **Z-4545**.

March 05, 2001; the subject parcel was administratively rezoned from BU-2 and IU to BU-1 per zoning action **Z-10532**. This administrative rezoning did not include the 816 sq. ft. on the south east corner of the parcel.

May 25, 2005; the subject parcel was sold per Official Records Book 5478, Page 1322. The legal description reconfigured the parcel to include the 816 sq. ft. on the south east corner of the parcel.

May 18, 2018, **18SP00023**, a site plan was submitted to Land Development for a 33,000 sq. ft. 60 feet high self-storage mini-warehouse but could not be approved. The proposed BU-2 zoning for this parcel has a potential for a 40,615 sq. ft. self-storage mini-warehouse.

Land Use Compatibility

The subject property retains the Community Commercial (CC) Future Land Use Designation.

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

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;
- B. Existing commercial zoning trends in the area;
- C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;
- D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;
- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and
- F. Other issues which may emerge specific to a particular property which may be addressed through performance based zoning criteria.

The request for BU-2 zoning should be evaluated within the context of Policy 2.7 of the Future Land Use Element, which identifies "development activities that may be considered within the Community Commercial Future Land Use Designation..."

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Existing strip commercial;
Transient commercial uses;
Tourist commercial uses;
Professional offices;
Personal service establishments;
Retail establishments;
Non-retail commercial uses;
Residential uses;
Institutional uses;
Recreational uses;
Public facilities;
Transitional uses pursuant to Policy 2.14; and
Planned Industrial Park development (as permitted by PIP zoning).

This request should be evaluated within the context of Policy 2.14A of the Future Land Use Element, which establishes locational criteria for non-retail commercial uses, as follows:

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.

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of the Administrative Policies.

Environmental Constraints

Please refer to comments provided by the Natural Resource Management Department.

Applicable Land Use Policies

The subject parcel is an undeveloped 3.33 acre tract of land that abuts BU-2 zoning to the north, BU-2 and IU zoning to the east and IU zoning to the south. The parcel also abuts Waelti Dr. to the west and N. Wickham Road to the southwest.

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 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.

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The IU zoning classification permits light industrial land uses within enclosed structures. The minimum lot size is 20,000 square feet, with a minimum width of 100 feet and a minimum depth of 200 feet.

Within the last three years, there have only been two (2) zoning actions within the ½ mile radius of this property.

May 28, 2015; **15PZ00020**, an administrative rezoning changed the zoning from IU to BU-2. This zoning change was on a 0.6 acre parcel located on the East side of Waelti Dr., approximately 0.29 miles north of the subject parcel and 440 feet east of Waelti Dr.

August 02, 2018; **18PZ00055**, changed the zoning from General Use (GU) to Single-Family Residential (RU-1-7). This zoning change was on a 0.33 acre parcel located 355 feet East of the Florida East Coast (FEC) Railway, approximately 0.28 miles northeasterly of the subject parcel.

Preliminary Transportation Concurrency Consideration

The preliminary transportation concurrency analysis indicates that the North Wickham Road corridor from Suntree Boulevard to Murrell Road has a maximum acceptable volume (MAV) of 39,800. Brevard County defers to the Space Coast Transportation Planning Organization's (TPO's) traffic count program, which indicates that in 2016 the roadway's trips were at 78.59% of the MAV.

Staff analysis of the impact of this proposed commercial development indicates that the most intense uses permissible within the BU-2 Zoning classification have the potential to put North Wickham Road significantly over capacity. An analysis of a convenience market with gas pumps in BU-2 zoning could have the potential to produce up to 34,344 trips per day, resulting in Wickham road being over capacity at 164.88% of the MAV. On the contrary, a self-storage mini-warehouse in BU-2 zoning only produces 102 trips per day and only 11 during the PM Peak hour, with negligible impact on Wickham Road's capacity.

It should be noted that many of these intense trip generating uses, such as a convenience store with gas pumps or a restaurant with a drive-thru are also permissible within the current BU-1 Zoning classification and most of the additional uses permissible within the BU-2 Zoning classification, such as contractors' offices, plants and storage yards; garage or mechanical service; mobile home and travel trailer sales; pet kennels; plant nurseries with outdoor storage; warehousing; welding repairs and wholesale/storage rooms, are not the highest trip generators permissible within the Zoning classification.

The Board may wish to consider restricting the uses to those that produce fewer trips, to mitigate the potential impact on Wickham Road that may result.

For Board Consideration

The applicant is seeking a change of Zoning classification from BU-1 and IU to all BU-2 for the purpose of developing self-storage mini-warehouse, but has not limited the use of the property within a Binding Development plan.

If rezoned to BU-2, all the conditions required in BU-1 for a self-storage mini-warehouse would not apply. The Board may wish to consider whether any buffering or development condition conditions within the BU-1 Zoning classification (Section 62-1837.5) should be retained.

The Board may wish to consider whether the proposed BU-2 Zoning classification and proposed self storage mini-warehouse is consistent and compatible with the surrounding development.

The preliminary concurrency analysis indicates that several of the more intense uses permissible within the BU-2 Zoning classification, such as a convenience store with gas pumps or a restaurant with a drive-thru, have the potential to put North Wickham Road significantly over capacity. The Board may wish to consider whether the

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uses permissible within the BU-2 Zoning classification should be limited to those that produce fewer trips, to mitigate the potential impact on Wickham Road that may result.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review

SUMMARY

Item #: 18PZ00104	Applicant: Chris Romandetti
Zoning Request: BU-1 & IU to BU-2	
P&Z Hearing Date: 11/05/2018	BCC Hearing Date: 12/06/2018

This is a preliminary review based on environmental maps available to the Natural Resources Management Department (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Wetlands Potential/Hydric Soils	Not mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	N/A
Floodplains	Mapped	Wildlife	Potential

Comments:

**This review relates to the following property: Twp. 26, Rng. 36, Sec. 12;
Tax ID No. 2628017**

The subject parcel contains mapped aquifer recharge soils (Myakka sand - 0 to 2 percent slopes) as shown on the USDA Soil Conservation Service Soils Survey map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

A portion of the property is mapped as being within the isolated floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the isolated floodplain greater than one third (1/3) acre in size. Additional impervious area increases stormwater runoff that can adversely impact nearby properties unless addressed on-site. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

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.

Staff Comments: Page 8
(18PZ00104)
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The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Per Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of heritage Specimen Trees. Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. Land clearing is not permitted without prior authorization by NRM. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

LOCATION MAP

C&K LLC
18PZ00104



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

Buffer Distance: 500 feet

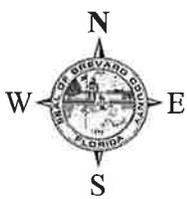
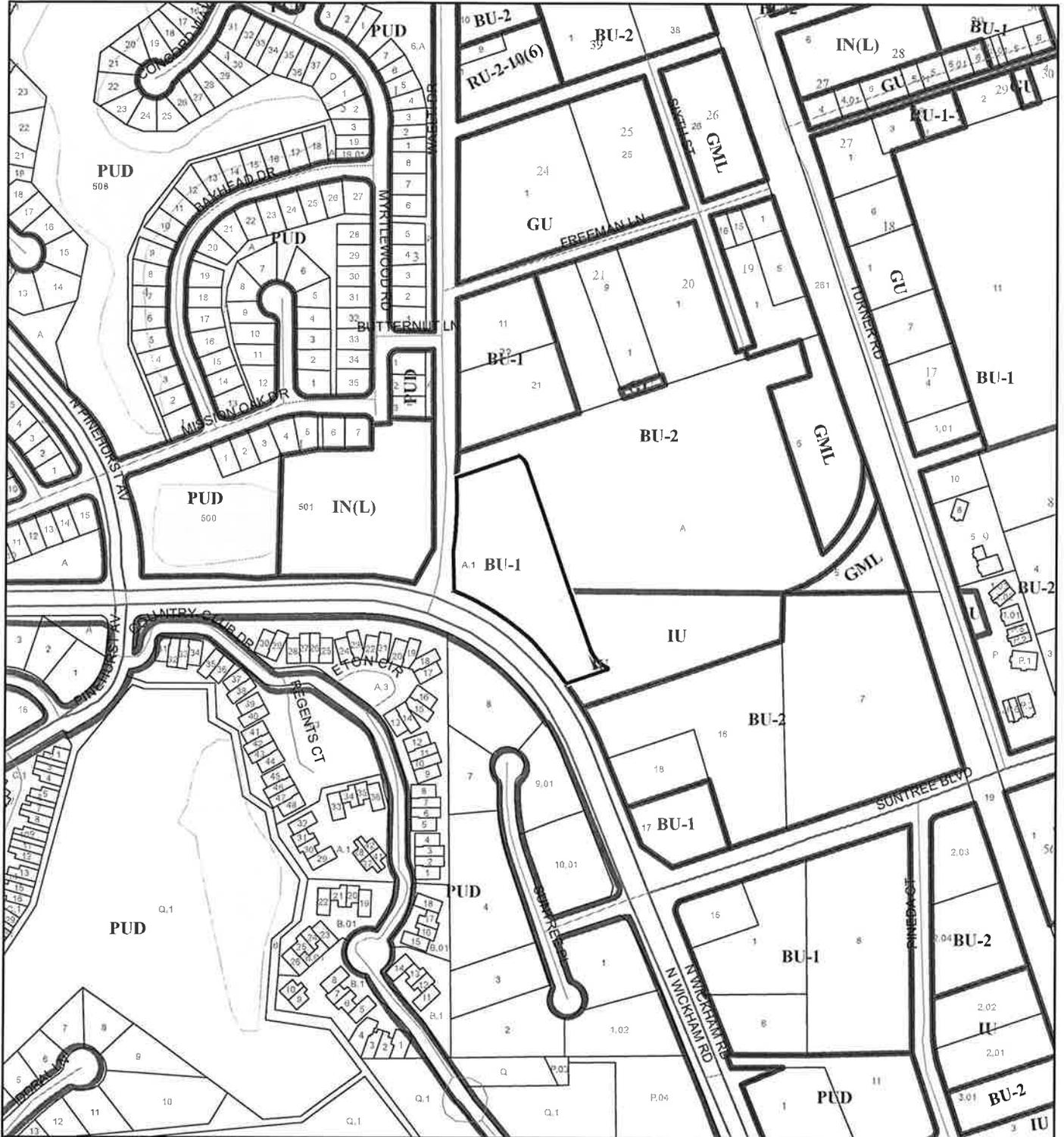
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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-  Buffer
-  Subject Property

ZONING MAP

C&K LLC
18PZ00104



1:4,800 or 1 inch = 400 feet

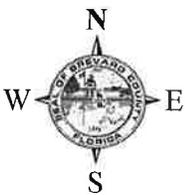
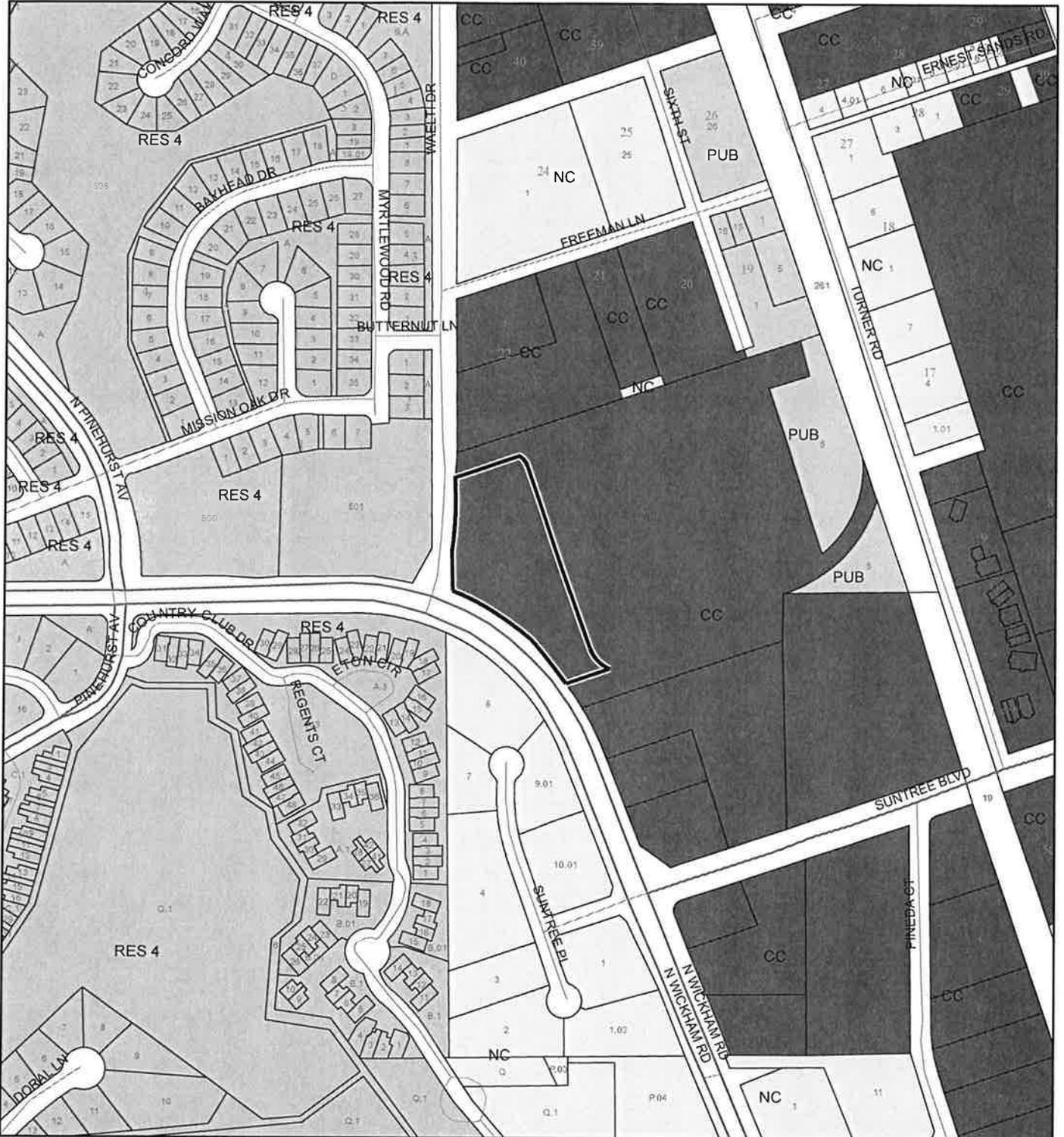
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Produced by BoCC - GIS Date: 9/12/2018

-  Subject Property
-  Parcels
-  Zoning

FUTURE LAND USE MAP

C&K LLC
18PZ00104



1:4,800 or 1 inch = 400 feet

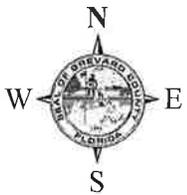
 Subject Property
 Parcels

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AERIAL MAP

C&K LLC
18PZ00104



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2018

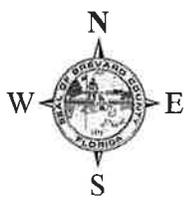
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/12/2018

-  Subject Property
-  Parcels

NWI WETLANDS MAP

C&K LLC
18PZ00104



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.

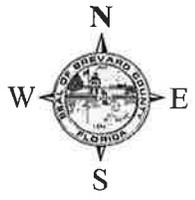
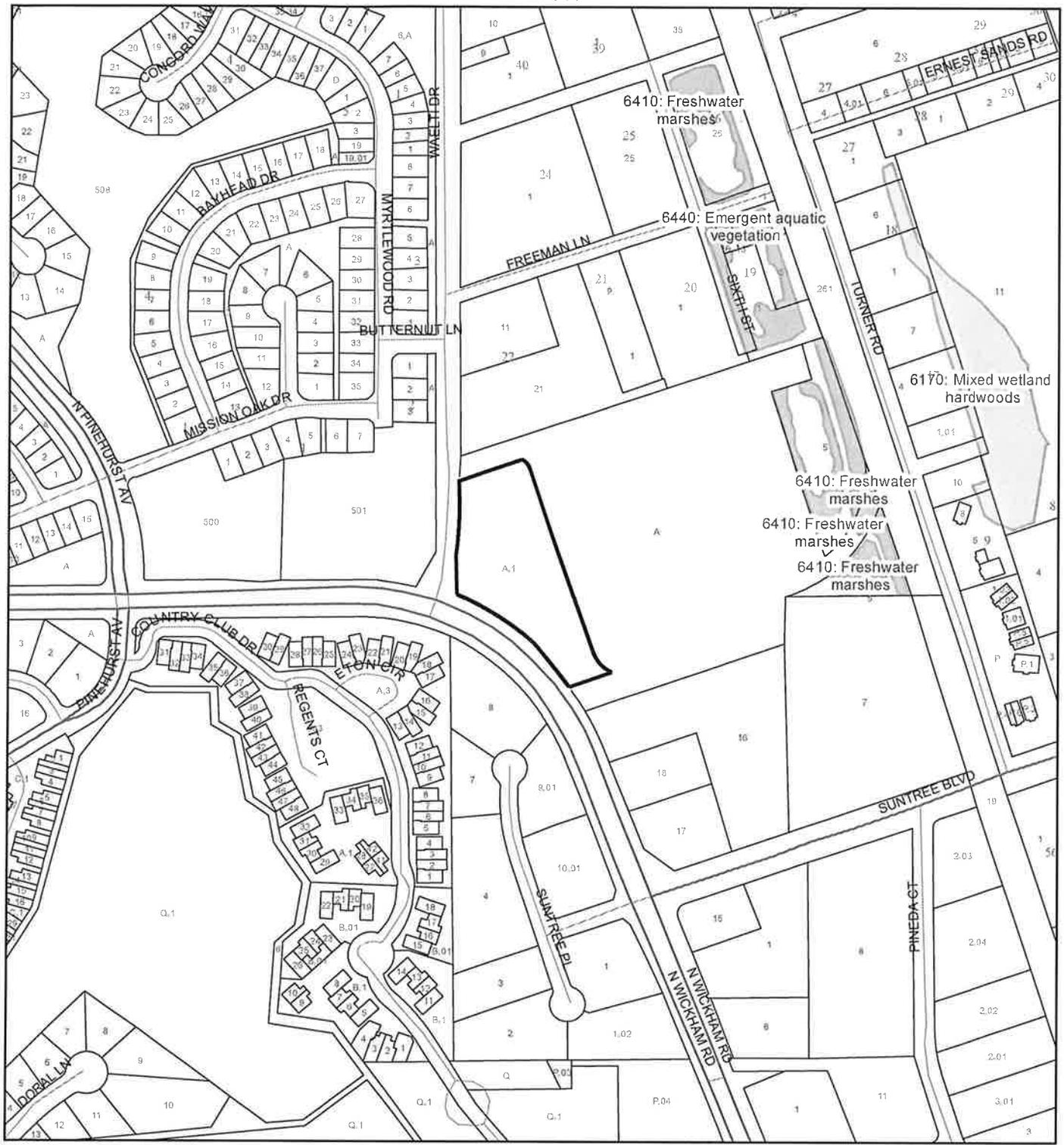
Produced by BoCC - GIS Date: 9/12/2018

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

C&K LLC
18PZ00104



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: 9/12/2018

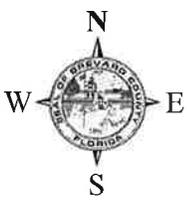
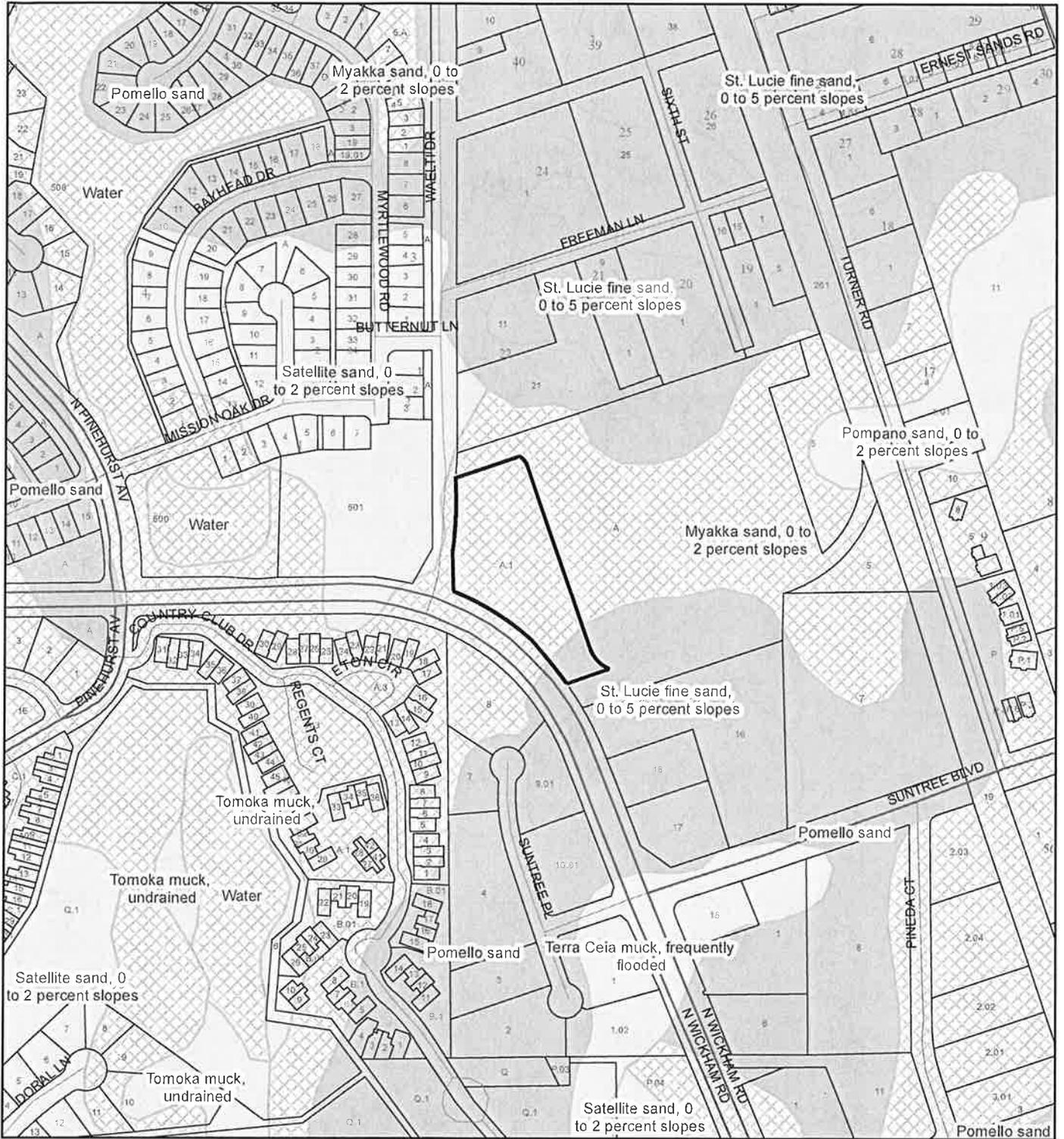
SJRWMD FLUCCS WETLANDS

-  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

C&K LLC
18PZ00104



1:4,800 or 1 inch = 400 feet

USDA SCSSS Soils

-  Aquifer and Hydric
-  Aquifer
-  Hydric
-  None
-  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 herein.

Produced by BoCC - GIS Date: 9/12/2018

FEMA FLOOD ZONES MAP

C&K LLC
18PZ00104



1:4,800 or 1 inch = 400 feet

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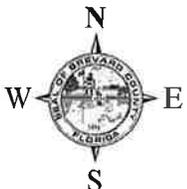
Produced by BoCC - GIS Date: 9/12/2018

FEMA Flood Zones

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EAGLE NESTS MAP

C&K LLC
18PZ00104



1:4,800 or 1 inch = 400 feet

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-  Subject Property
-  Parcels
-  Eagle Nests FWS 2010

SCRUB JAY OCCUPANCY MAP

C&K LLC
18PZ00104



1:4,800 or 1 inch = 400 feet

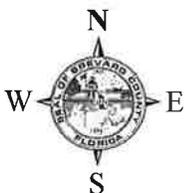
-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

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Produced by BoCC - GIS Date: 9/12/2018

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

C&K LLC
18PZ00104



1:4,800 or 1 inch = 400 feet

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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

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, November 5, 2018, at 3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order by the Chair, Henry Minneboo, at 3:00 p.m.

Board members present were: Henry Minneboo, Chair; Robert LaMarr, Vice Chair; Ron Bartcher, Ben Glover; Brian Hodgers; Robert Solito; Mark Wadsworth; Bruce Moia; and Dane Theodore.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; Rebecca Ragain, Planning and Development Assistant Director; and Jennifer Jones, Special Projects Coordinator II.

Henry Minneboo, Chair, announced that the Board of County Commissioners will have the final vote on the recommendations made by the Planning and Zoning Board on Thursday, December 6, 2018, at 5:00 p.m.

Excerpt from complete agenda.

C&K, LLC (Scott Widerman/John Frazier) requests a change of zoning classification from BU-1 (General Retail Commercial) and IU (Light Industrial) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is 3.33 acres, located on the northeast corner of North Wickham Road and Waelti Drive. (No assigned address. In the Melbourne area.) (18PZ00104) (District 4)

Scott Widerman – Scott Widerman, 1990 West New Haven Avenue, Melbourne. I'm here today on behalf of C&K, LLC, and Mr. Chris Romandetti, to do a zoning change from BU-1 and IU to BU-2 total for the property, at the northeast corner of Wickham Road and Waelti Drive, which is right where the big curve is; the furniture store is on the other side. I'd like to have, ultimately, a self-storage mini-warehouse there. The mixed zoning that's there now is not going to be as compatible as BU-2, with the various uses for self-storage. I'm here to answer any questions.

Henry Minneboo – Is there anyone on the board who has questions? Is there anyone in the audience who would like to speak for or against this item? Yes, ma'am, please come up.

Donna Yarger – Donna Yarger, 303 Myrtlewood Road, just around the corner. My question is, changing that zoning to that level of warehousing and retailing compared to what's already there for it, why is that necessary?

Henry Minneboo – Why do they want to do that?

Donna Yarger – Yes, because it looks like.....I don't know what you have to have to have.....I tried for four days to find what was going in and I couldn't find anything online, but I don't know why you would need that level of zoning for a storage facility, because there's already one on the opposite corner.

Henry Minneboo – Erin, I'm going to let you answer that one.

Erin Sterk – The self-storage mini-warehouse is permitted in both BU-1 and BU-2, but BU-1 has some conditions in it that don't allow you to have lighting or air conditioning vents within the unit, which is one component that some developers want to allow for. I think there are several conditions in BU-1 that would no longer apply if this type of product were developed in BU-2, but the main one that's limiting the form of what we heard they want to build is the height limitation. In BU-1 they are limited to the height of the adjacent property, but because they don't want to build the old style self-storage mini-warehouse, which is just a single floor - which I'm assuming the one you're talking about nearby is developed just as a single-story product - they want to go up, and so for those reasons they are seeking BU-2, which doesn't have that height limitation.

Donna Yarger – They want to go higher than that great big warehouse that's already there?

Erin Sterk – They do, yes.

Donna Yarger – That would not thrill most of us in the neighborhood. There's already a giant balloon floating there all the time that we have to look at. It used to be beautiful woods, which I know it's going to be developed, it's all developed, but that's a pretty tall giant warehouse over there, and for something to go even bigger right there on the front of Suntree, I don't think those of us who live there really want to look at that. We've already put a big fence up behind the church and even that doesn't totally block the warehouse. So, it's something we would ask be considered. I don't have any problem with putting in air conditioning and storage units, that seems very fair, but height could be a serious issue. How much higher can it go?

Erin Sterk – It can go up to 60 feet.

Henry Minneboo – I'm going to bring it back to them and maybe they can answer some of your questions. Mr. Widerman, do you want to bring some help with you?

Scott Widerman – Chris Romandetti can answer some of those concerns and can certainly help out with that.

Henry Minneboo – Mr. Romandetti, can you answer her question?

Chris Romandetti – It's definitely a valid question. I've been the owner of that property and the one further down on Waelti for about 22 years, and I would be just as concerned about what that look would be, so what I did when I went to develop this – the property next door is the public storages, the old orange garage doors – we can do that now under BU-1 and have it look just like a maze of garage doors, but from a beautification standpoint that did nothing for me. It's totally landscaped, and what we're doing is, it's all internal, so there's no external doors that you would see from the road, it's all internal and air conditioned. You don't unload your car outside in front of your unit; you would pull your car in the building. One of these are built in Orlando, and there's about 13 in the state. Our point wasn't to increase what wasn't allowed in the storage volume, it was to beautify the property by having it look really attractive and not look at the ugly – which I consider to be my neighbor's – building.

Henry Minneboo – Is there anybody else who would like to speak for or against this? I give it back to you, Mr. Widerman.

Scott Widerman – Unless there's other questions.

Henry Minneboo – Any questions? Brian?

Brian Hodgers – What's the height level that you're planning?

Scott Widerman – The final building plans have not been done. The question will ultimately come down to, once we get approval and lay it out, where do we do our best. I understand it can go up to 60 feet, but we're certainly not reaching that.

Chris Romandetti – The size which we were indicating in volume so far indicates three stories; next door is 31 feet, so we think it could be between 31 and 44 feet, but it depends on what you all call the height of the property, because at the top of Waelti it's 8 feet above the lower part, so I have to go by the medium.

Henry Minneboo – They'll certainly address your issue in the site plan process.

Chris Romandetti – I want it as low as I can because elevators are very expensive.

Henry Minneboo – What's the pleasure of the board?

Bruce Moia – I have just one thing I'd like to say. I've just gone through this process on a piece of property that's a little bit south of here. We got lambasted on a rezoning to a prior commercial zoning due to traffic concerns. I guess I'm curious, if this gets rezoned to BU-2, there could possibly be some uses – I know it's not the intent of the applicant to build anything other than storage, but there's the possibility and potential for other uses that might not be desirable there. Is there any comment from staff regarding possible traffic impacts on this piece of property?

Erin Sterk – Without proposing to change the Comp Plan, they're still limited to the 1:1 floor area ratio, so even though they could foreseeably go very high, they still can't exceed that same development potential footprint overall, the square footage. We didn't foresee a significant increase in traffic due to that, just a change in the form of the product type, but certainly, a binding development plan limiting the use would mitigate some of those concerns.

Bruce Moia – I was just curious if there weren't any concerns from staff in this area, I know there's a lot of concerns previously in pretty much the same section of Wickham. I was just curious that there were no concerns on this piece as opposed to all the concerns that were on the previous piece regarding traffic, because for BU-2 they could put, even at 1:1, they could put in a WaWa, or a gas station, they could put all kinds of things that we potentially couldn't put on ours but were considered to possibly be able to be put on ours. I just wanted to make sure we're holding everybody to the same scrutiny and we're not just being selective.

Erin Sterk – The concurrency analysis in your report is done based on a convenience market with 16 fueling pumps, so we did evaluate it as if there was a WaWa or something like that put there. They are not bound to just the product type of self-storage mini-storage warehouse.

Henry Minneboo – Do you want to do a BDP?

Bruce Moia – If staff's not worried about it I'm not worried about it. There was a lot of concern previously, I guess there's no more concern anymore, so I'll defer that staff doesn't have any concerns.

Erin Sterk – I think we're equally concerned about it.

Donna Yarger – There are concerns.

Henry Minneboo – Can't let you back up.

Donna Yarger – Do I get a chance to ask more questions?

Henry Minneboo – Can't let you back up.

Bruce Moia – That was just my comments.

Henry Minneboo – Anybody else have any comments?

Jinger Knox – I have a question. I'm wondering why....

Henry Minneboo – State your name, you have to go through it like everybody else.

Jinger Knox – Jinger Knox, 2720 Pine Cone Drive. I'm wondering why people can't come back up, yet you ask the applicant to come back up.

Henry Minneboo – Because it's very simple now, but when you have that side in favor, and that side is against, I minimize to avoid war zones, so for the last 12 years it's worked pretty well. Usually, everybody gets everything that's in their craw out the first time.

Jinger Knox – She didn't even know, they hadn't had a meeting with her. It was obvious that nobody from the neighborhood had been told what was going on.

Henry Minneboo – We're trying to address those issues.

Erin Sterk – Can I interject? This board, as well as other boards, follows Roberts Rules of Order where the public comment period is one time per person.

Jinger Knox – Okay, then I would ask as a resident of the area that it be tabled until they go back and talk to the neighborhood about what their plans are, because that obviously wasn't done.

Henry Minneboo - What's the pleasure of the board?

Ben Glover – Mr. Chairman, I'd like to make a motion for approval.

Brian Hodgers – Second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.