



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.2.

4/15/2021

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### Subject:

Kaydenlew, LLC (David Menzel) requests a change of zoning classification from BU-1 to BU-2. (21Z00003) (Tax Account 2605988) (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 a request for a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial).

### Summary Explanation and Background:

The applicant is requesting a change of zoning classification from BU-1 to BU-2 zoning for the purpose of developing a warehouse and mini-warehouse use upon the western portion of the overall lot. The BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. The property is located on the west side of U.S. Highway 1, approximately 280 feet south of Andersen Way.

The developed character of the surrounding area is a mixture of BU-1, BU-2, and Industrial zoned land together with remnant single-family detached dwellings located in the GU (General Use) zoning classification lying to the north and south of this parcel. There is also a large mobile home and RV community located 550 feet to the north of this site. The proposed warehouse use appears to be consistent with the commercial/industrial character of the area.

The Board may wish to consider whether the request is consistent and compatible with the surrounding neighborhood given that BU-2 abuts the north and south portions of this lot.

On March 8, 2021, the Planning and Zoning Board heard the request and unanimously recommended approval.

### Clerk to the Board Instructions:

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

**Resolution 21Z00003**

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

**WHEREAS, Kaydenlew, LLC** has requested a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial), on property described as, (See Attached); and

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

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

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

**BE IT FURTHER RESOLVED** that this resolution shall become effective as of April 15, 2021.

BOARD OF COUNTY COMMISSIONERS

Brevard County, Florida




Rita Pritchett, Chair

Brevard County Commission

As approved by the Board on April 15, 2021.

ATTEST:



RACHEL M. SADOFF, CLERK

(SEAL)

Planning and Zoning Board Hearing – March 8, 2021

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

## Resolution 21Z00003 (cont.)

### Legal Description:

Commencing at the SE corner of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of **Section 18, Township 26S, Range 37E**, said point also being the NE corner of Lot 3, Pineda Park, a subdivision as recorded in Plat Book 32, Page 63, of the Public Records of Brevard County, Florida; thence run N89deg36'54"W, along the north line of said Lot 3, a distance of 111.64 ft.; thence run N30deg42'35"W, along the easterly line of said Pineda Park, a distance of 268.40 ft.; thence run S89deg11'21"E, along the south line of lands described in Deed Book 298, Page 513, a distance of 287.79 ft. to a point being 150 ft. west of the westerly right-of-way line of U.S. Highway No. One, (as measured perpendicular thereto); thence run S23deg46'36"E along a line parallel with and 150 ft. west of said westerly right-of-way line of U.S. Highway One (as measured perpendicular thereto), a distance of 199.93 ft. to the northerly line of lands described in ORB 7772, Page 1004; thence run S69deg36'38"W, along said northerly line of lands described in ORB 7772, Page 1004, a distance of 127.66 ft. to the point of beginning. 1.34 +/- acres. Located approx. 150 ft. west of U.S. Highway 1, approximately 280 ft. south of Anderson Way. (No assigned address. In the Melbourne area)

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

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

### **Administrative Policy 1**

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

### **Administrative Policy 2**

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

#### **Criteria:**

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

### **Administrative Policy 3**

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

#### **Criteria:**

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.
- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:

1. historical land use patterns;
  2. actual development over the immediately preceding three years; and
  3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

#### **Administrative Policy 4**

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

##### **Criteria:**

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

#### **Administrative Policy 5**

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following criteria:

##### **Criteria:**

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;

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

#### **Administrative Policy 6**

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

#### **Administrative Policy 7**

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

#### **Administrative Policy 8**

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

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

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.

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

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

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

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

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

- (c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon

a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.

- a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
  - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
  - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:
- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
  - b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
  - c. Noise levels for a conditional use are governed by Section 62-2271.



- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.
- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

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

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

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

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.

- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare."

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

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

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

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

## DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

2725 Judge Fran Jamieson Way

Building A, Room 114

Viera, Florida 32940

(321)633-2070 Phone / (321)633-2074 Fax

<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS**

**21Z00003**

**Kaydenlew, LLC**

**BU-1 (General Retail Commercial) to BU-2 (Retail, warehousing and wholesale commercial)**

Tax Account Number: 2605988

Parcel I.D.: 26-37-18-00-511 (western portion)

Location: 280 feet south of Anderson Way on west side of U.S. Highway 1  
(District 4)

Acreage: 1.34 acres

Planning and Zoning Board: 3/08/2021

Board of County Commissioners: 4/15/2021

**Consistency with Land Use Regulations**

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would not maintain acceptable Levels of Service (LOS) (XIII 1.6.C)\*\*

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	BU-1	BU-2
<b>Potential*</b>	58,370.4 square feet of commercial use	58,370.4 square feet of commercial use**
<b>Can be Considered under the Future Land Use Map</b>	YES CC	YES CC

\* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. \*\*A Binding Development Plan would be needed to limit the scope of uses and square footage of the commercial development.

**Background and Purpose of Request**

The applicant is requesting a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, warehousing and wholesale commercial) zoning for the purpose of developing a warehouse and mini-warehouse use upon the western portion of the overall lot.

The current BU-1 zoning was adopted on August 18, 1986 under zoning action **Z-7533**. This zoning request changed the original zoning from GU (General Use) to BU-1 zoning. There was also a stipulation within that resolution requiring the applicant to construct a wall abutting the residential property. This condition is a current requirement identified in the site plan development code where commercial use abut residential sites.

Future Land Use Policy 2.14 A, states that non-retail commercial land uses shall be limited to those areas where non-retail commercial or industrial characteristic are established or planned so as to protect residential areas from their influence. Additionally, under the roadway access requirements subsection, the policy states: Convenient access to a major transportation corridor or along a railroad corridor with visual buffering from such corridors. The applicant proposes to limit the zoning request to the western portion of the overall lot as a way to satisfy the required visual buffer. The applicant/owner may also propose future BU-1 commercial improvements onto the retained BU-1 frontage which would further assist in buffering the storage uses allowed within the BU-2 zoning request. The retained BU-1 area meets the code requirements for minimum lot width, depth and minimum lot area.

## **Land Use**

The subject property is currently designated as Community Commercial (CC). Both BU-1 and the proposed BU-2 zoning classifications are consistent with the CC FLU designation.

## **Applicable Land Use Policies**

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

This parcel is located with frontage along the west side of U.S. Highway 1, a distance of 280 feet south of Anderson Way. The vicinity contains multiple land use designations. To the north are the Community Commercial (CC) and Neighborhood Commercial (NC) designations. To the south are the CC and Heavy/Light Industrial designations (IND). To the west is the Planned Industrial designation (PI). This mixture of FLU designations seems to be consistent with the administrative criterion (C) of Policy #3 as no re-zonings or FLU amendments have been processed in this immediate area over the last three years. The proposed warehouse use is an activity which would be permitted within the CC, PI and IND FLU designations.

**Analysis of Administrative Policy #4 - Character of a neighborhood or area.** The developed character of the surrounding area is a mixture of BU-1, BU-2, Industrial (IU) zoned land together with remnant single-family detached dwellings located in the General Use (GU) zoning classification lying to the north and south of this parcel. There is also a large mobile home and RV community located 550 feet to the north of this site. The proposed warehouse use appears to be consistent with the commercial/industrial character of the area. The proposed activity will be operated from the proposed BU-2 portion, which if approved, creates a limited buffer between the adjacent residence located along the northeastern property boundary. Review of Policy #4 B. 3. may justify that the area may be presumed to be a transitional area due to multiple commercial , industrial or other non-residential uses existing in the immediate area.

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

## Surrounding Area

The abutting parcels to the north and east are mostly developed residential lots. The two properties to the south are developed with a warehouse use and office flex space. The southeastern lot similarly has split zoning of BU-1 along the roadway with BU-2 zoning to the west, which this owner wishes to emulate. Lying to the west of this site, abutting Andersen Way, is a retention pond.

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.

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.

There has been six zoning actions within a half-mile radius of the subject property within the last three years. The most recent action, **20Z00014**, was for a change of zoning from PUD and PIP to all PUD with retention of a CUP for alcoholic beverages at an Assisted Living Facility adopted on September 30, 2020. This location lies 1,720 feet in a northwesterly direction of the proposed commercial site. The second action, **20Z00007**, was for a CUP for alcoholic beverages accessory to an indoor family entertainment center adopted on August 06, 2020. This location lies 2,550 feet in a northerly direction of the proposed commercial site lying upon the western U.S. Highway 1 right-of-way. The third action, **19PZ00064**, was for a conditional use permit for mitigating a nonconforming mobile home park adopted on July 31, 2019. This location lies less than 100 feet in a northwesterly direction. The fourth action, **19P00004**, was for a CUP for on-premise alcoholic beverage consumption in conjunction with an Assisted Living Facility. This action was the precursor to **20Z00014**. **19PZ00004** was adopted on April 4, 2019. This location lies 1,720 feet in a northwesterly direction of the proposed commercial site. The fifth action, **18PZ00059**, was for a change of zoning from RU-2-15 to BU-1 with Binding Development Plan adopted on January 9, 2019 and recorded in ORB 8345, Pages 662 - 666. It is located 1,050 feet in a southwesterly direction from this property located on the east side of Wickham Road. The sixth action, **17PZ00109**, was for a change of zoning from PIP to RU-2-15 with Binding Development Plan adopted on April 25, 2019 and recorded in ORB 8148, Pages 974 – 982. This action was the precursor to **18PZ00059** adopted on January 9, 2019. It is located 770 feet in a southwesterly direction from this property located on the east side of Wickham Road.

## Environmental Constraints

Aerials indicate the subject parcel may contain wetlands. Section 6210--3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). U.S. Highway 1 is an MQR at this location. A wetland determination may be required. The applicant is encouraged to contact NRM at 321-633-2016 prior to any land clearing activities, plan or permit submittal.

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is U.S. Highway 1, between Pineda Causeway and Suntree Boulevard, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 89.83% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 69.29%. The corridor is anticipated to operate at 159.12% of capacity daily. The proposal is anticipated to create a deficiency in LOS. If limited by Binding Development Plan (BDP) to warehouse use, the trip generation is reduced from 41,790 to 208 daily trips which potentially increases MAV utilization 0.5% which would allow the corridor to continue to operate at 90.33% of capacity daily. Under the BDP for warehouse use, the proposal is anticipated to not create a deficiency in LOS. Concurrency will be addressed at the site plan review.

No school concurrency information has been provided as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

The parcel is could be provided public water by Cocoa Utilities. The potential sewer connection is on the east side of the U.S. Highway 1 right-of-way.

### **For Board Consideration**

The Board may wish to consider whether the request is consistent and compatible with the surrounding neighborhood given that BU-2 abuts the north and south portions of this lot.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Zoning Review & Summary**

**Item # 21Z00003**

**Applicant:** Menzel for Lew

**Zoning Request:** BU-1 to BU-2

**Note:** Applicant wants warehouse use.

**P&Z Hearing Date:** 03/08/21; **BCC Hearing Date:** 04/15/21

**Tax ID No:** 2605988

- 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:**

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

Aerials indicate the subject parcel may contain wetlands. Section 6210--3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). U.S. Highway 1 is an MQR at this location. A wetland determination may be required. The applicant is encouraged to contact NRM at 321-633-2016 prior to any land clearing activities, plan or permit submittal.

**Land Use Comments:**

**Wetlands**

Aerials indicate the subject parcel may contain wetlands on the west side of the parcel. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along MQRs. U.S. Highway 1 is

an MQR at this location. If wetlands exist, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any wetland impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e), including avoidance of impacts, and 62-3696.

### **Aquifer Recharge Soils**

The entire parcel contains mapped aquifer recharge soils (Candler fine sand) 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.

### **Protected and Specimen Trees**

The entire parcel is overlaid within a mapped polygon of SJRWMD FLUCCS code 4340-Upland Mixed Coniferous/Hardwood Native trees. Protected Trees (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) are included in this FLUCCS code 4340 and are likely found on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen trees. In addition, per Section 62-4341(18), 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. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. The applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities. Land clearing is not permitted without prior authorization by NRM.

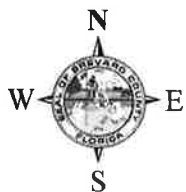
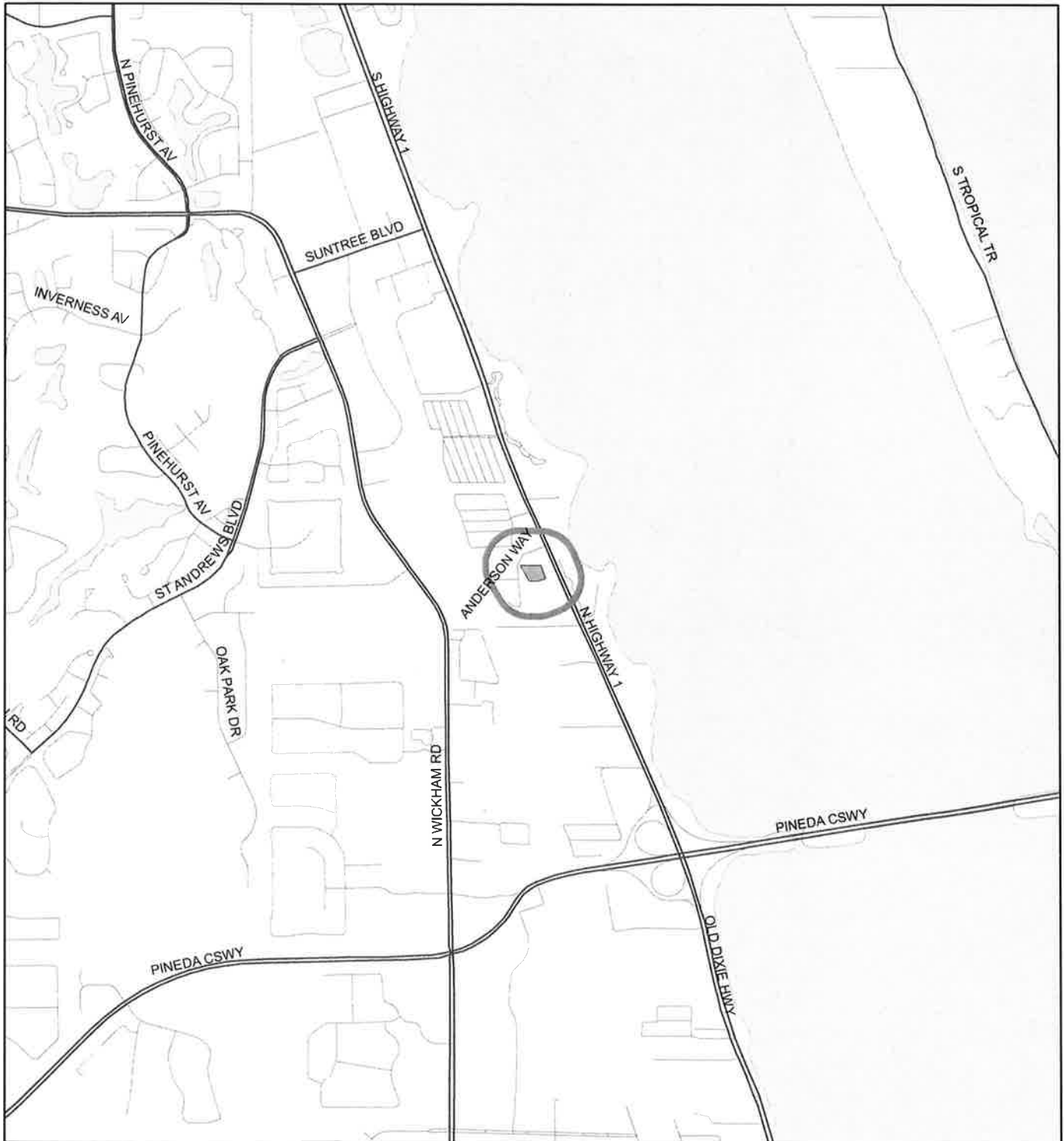
### **Protected Species**

Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, gopher tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.



# LOCATION MAP

KAYDENLEW, LLC  
21Z00003



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

Buffer Distance: 500 feet

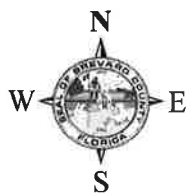
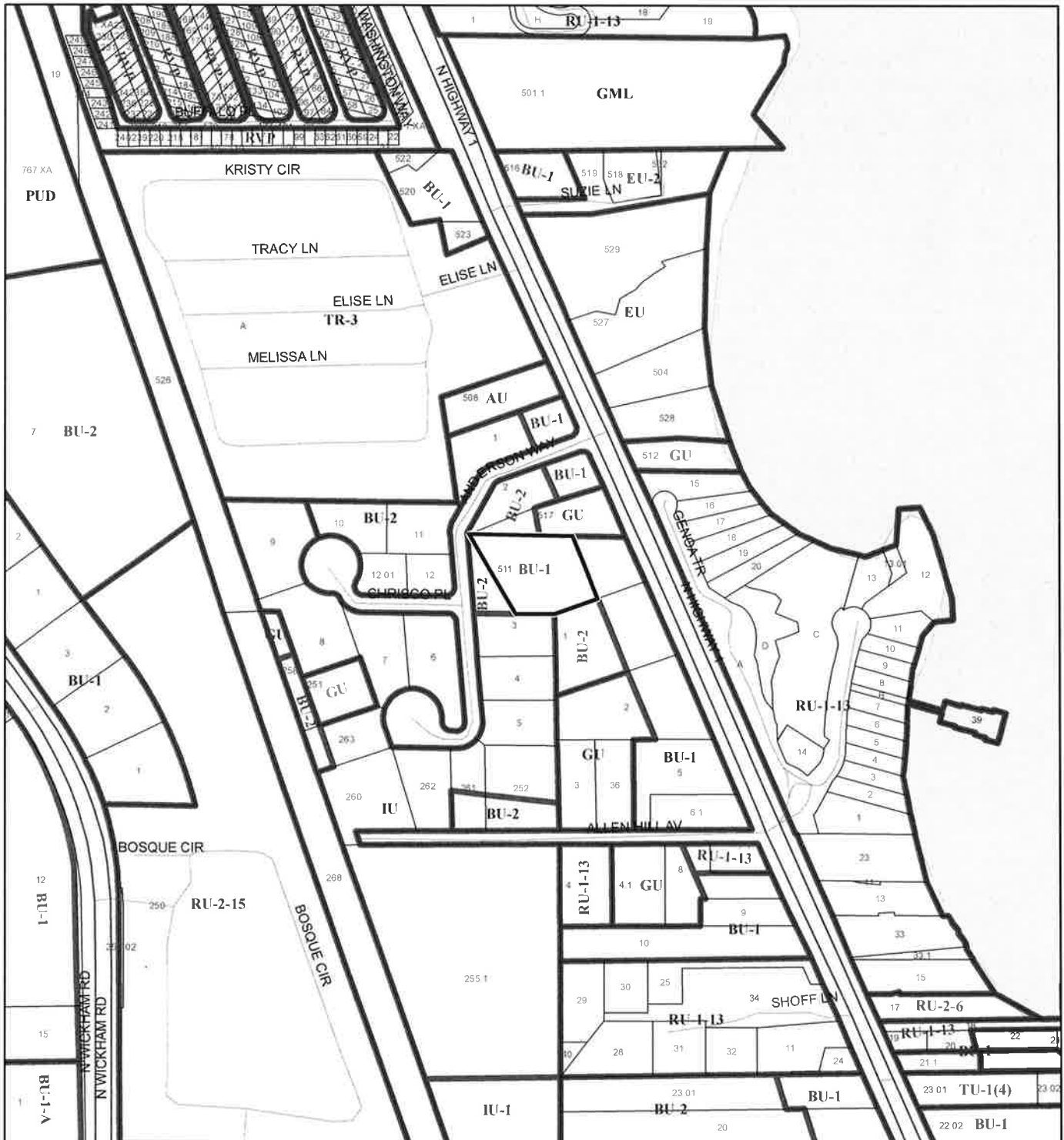
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/11/2021

— Buffer  
■ Subject Property

# ZONING MAP

KAYDENLEW, LLC  
21Z00003



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.

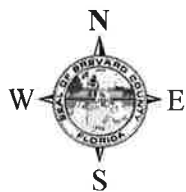
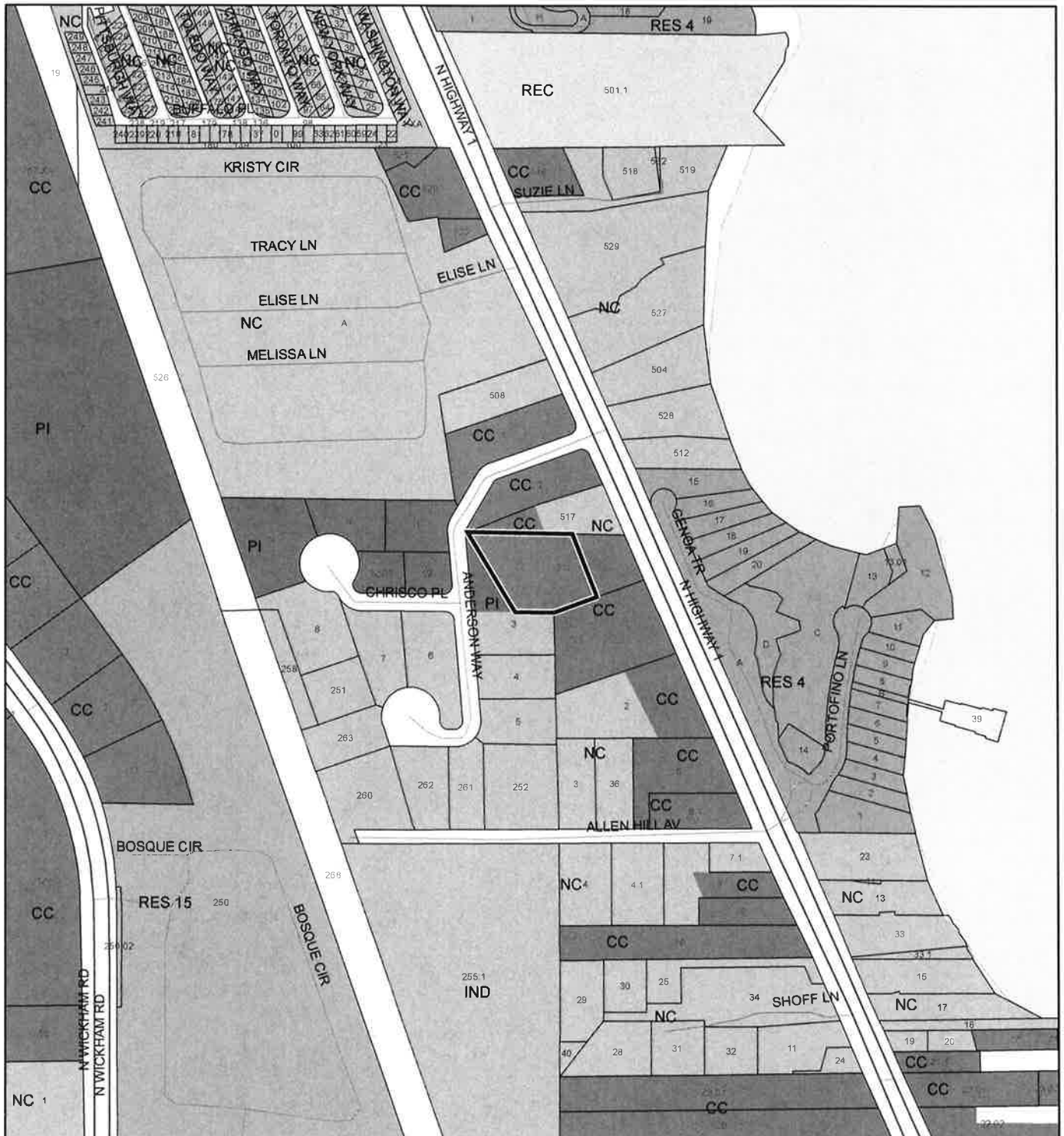
Produced by BoCC - GIS Date: 1/11/2021

- Subject Property
- Parcels
- Zoning

# FUTURE LAND USE MAP

KAYDENLEW, LLC

21Z00003



1:4,800 or 1 inch = 400 feet

— Subject Property  
 □ Parcels

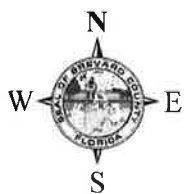
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/11/2021

# AERIAL MAP

KAYDENLEW, LLC

21Z00003



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2020

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Produced by BoCC - GIS Date: 1/11/2021

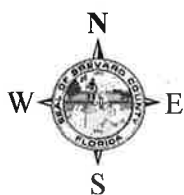
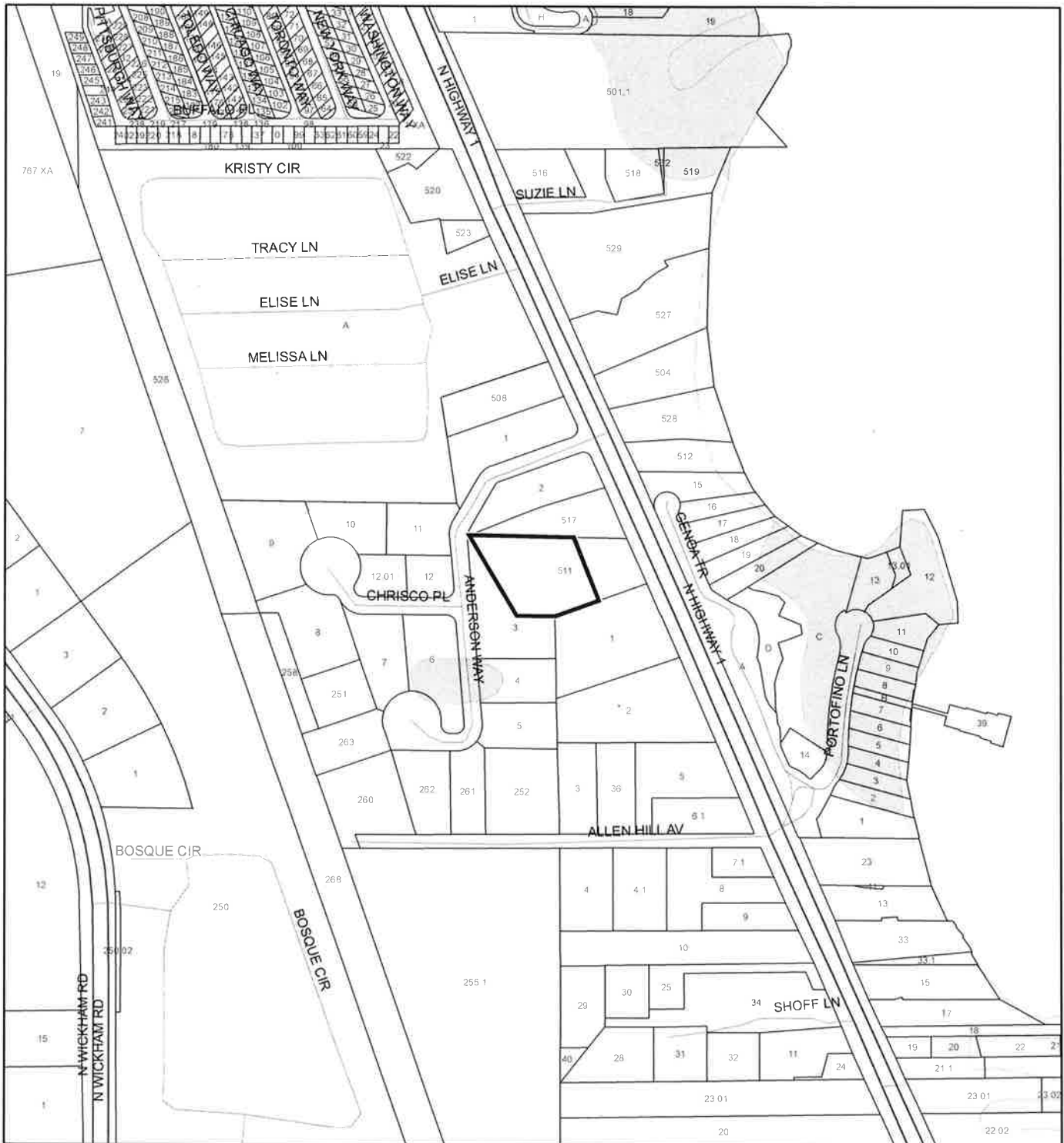
— Subject Property

□ Parcels

# NWI WETLANDS MAP

KAYDENLEW, LLC

21Z00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/11/2021

## National Wetlands Inventory (NWI)

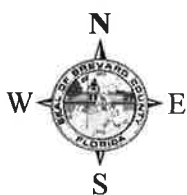
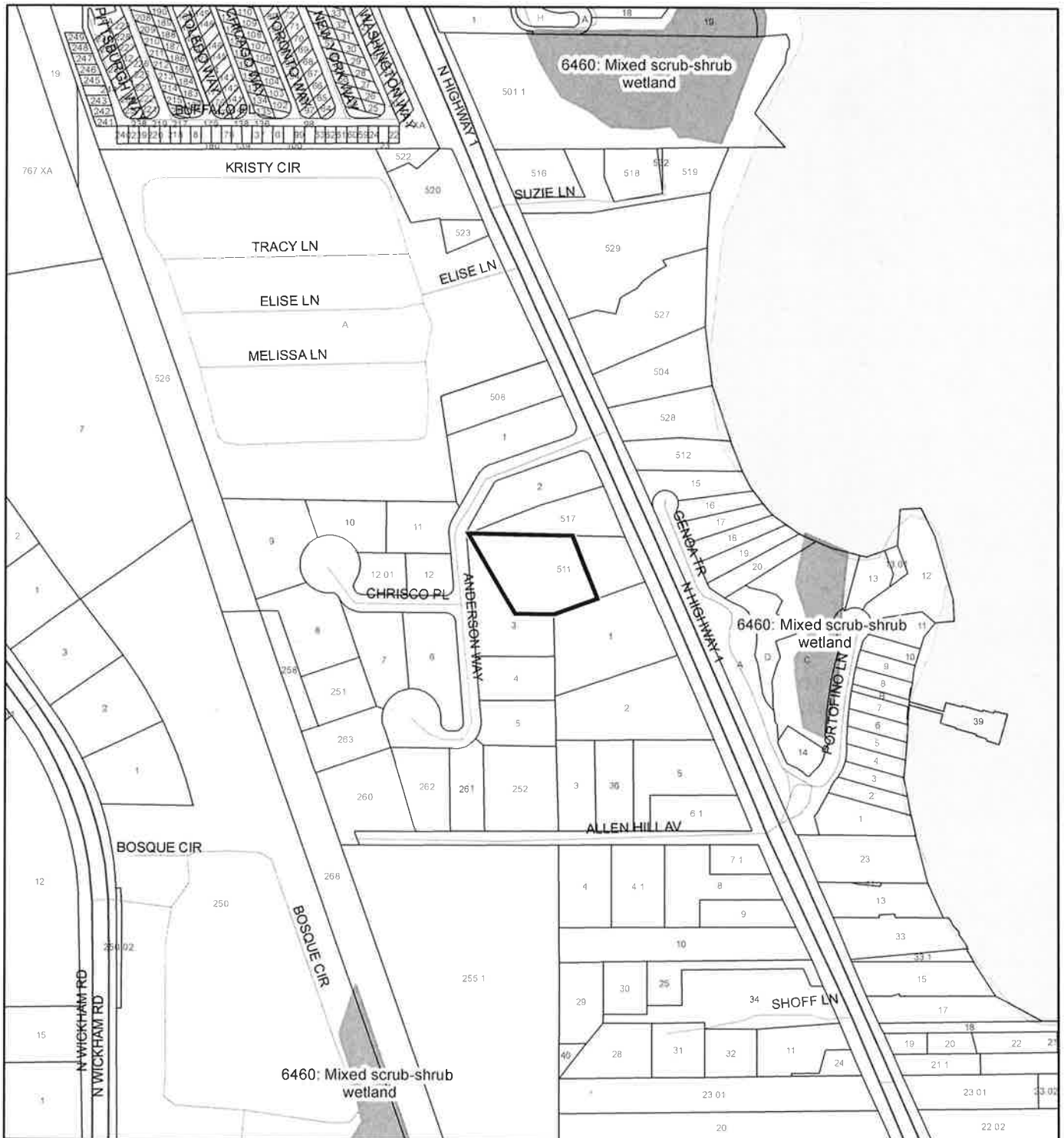
	Estuarine and Marine Deepwater		Freshwater Pond
	Estuarine and Marine Wetland		Lake
	Freshwater Emergent Wetland		Other
	Freshwater Forested/Shrub Wetland		Riverine
			Subject Property
			Parcels



# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

KAYDENLEW, LLC

21Z00003



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: 1/11/2021

## 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

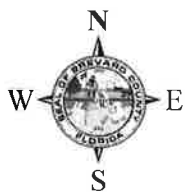
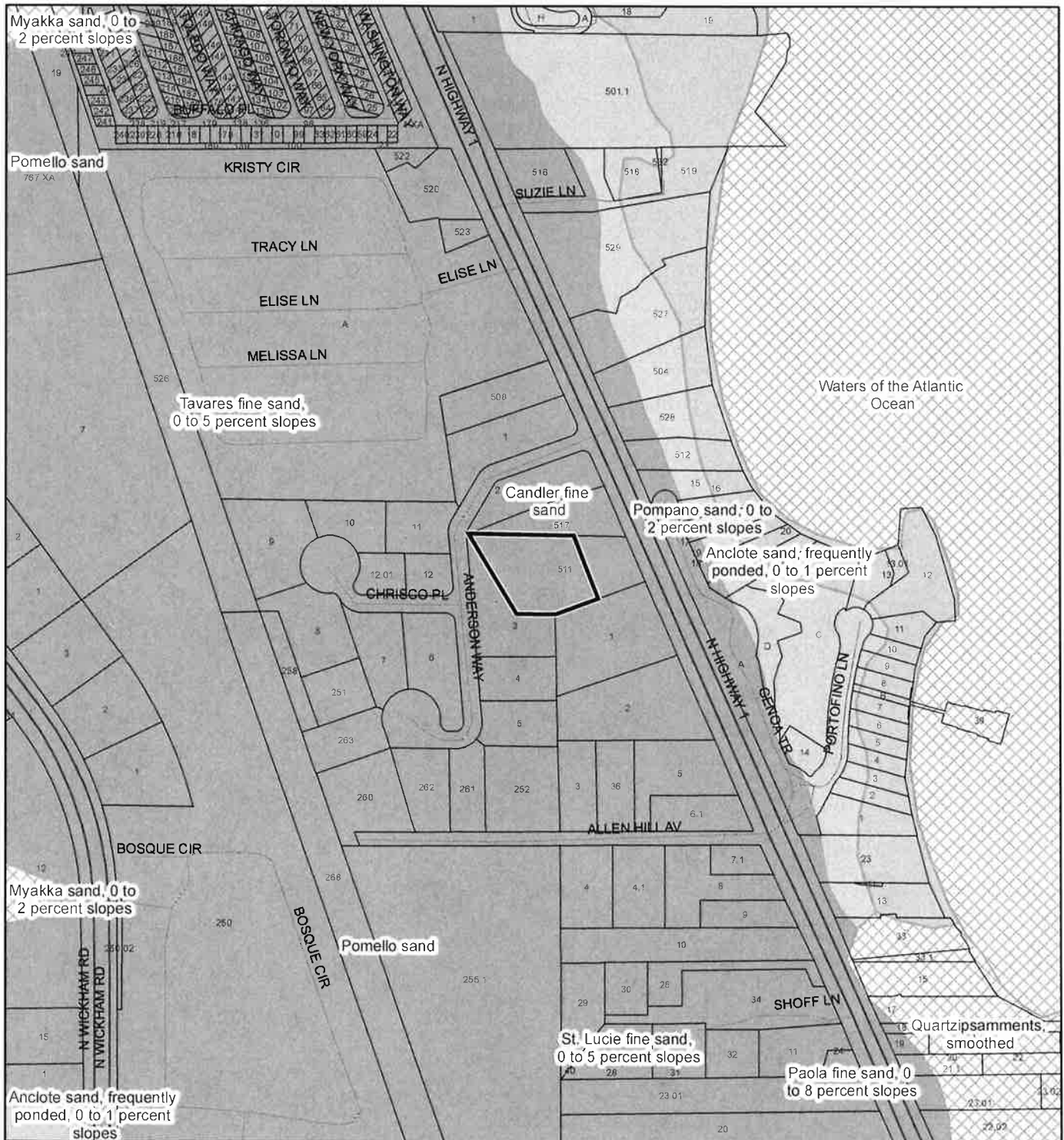
Subject Property

Parcels

# USDA SCSSS SOILS MAP

KAYDENLEW, LLC

21Z00003

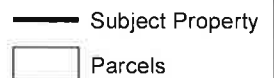
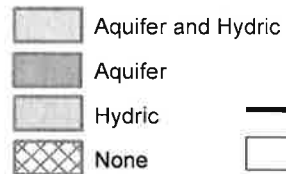


1:4,800 or 1 inch = 400 feet

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: 1/11/2021

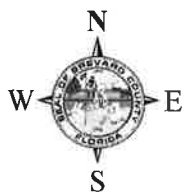
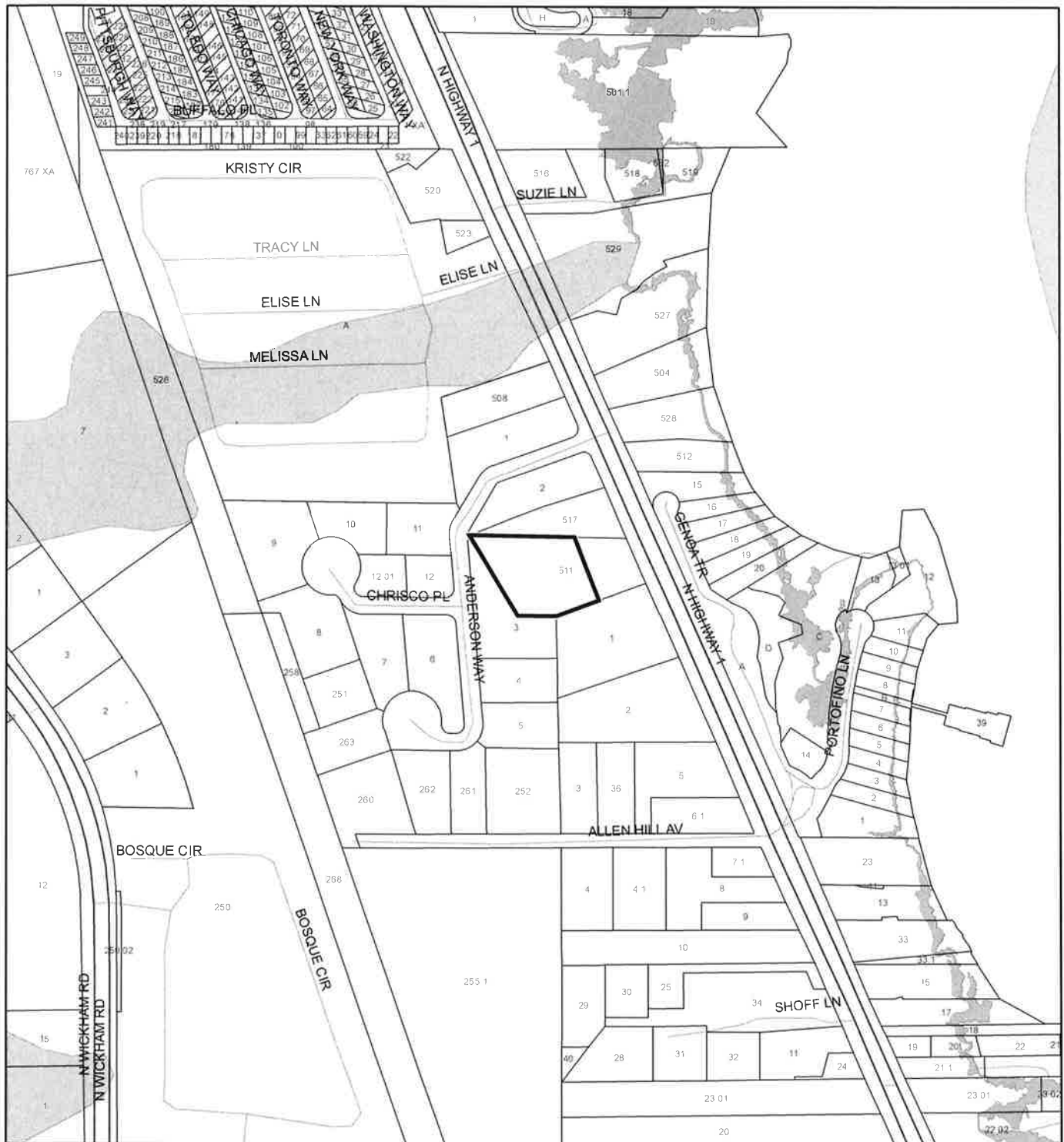
## USDA SCSSS Soils



# FEMA FLOOD ZONES MAP

KAYDENLEW, LLC

21Z00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/11/2021

## FEMA Flood Zones

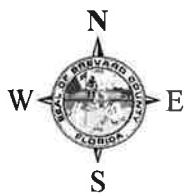
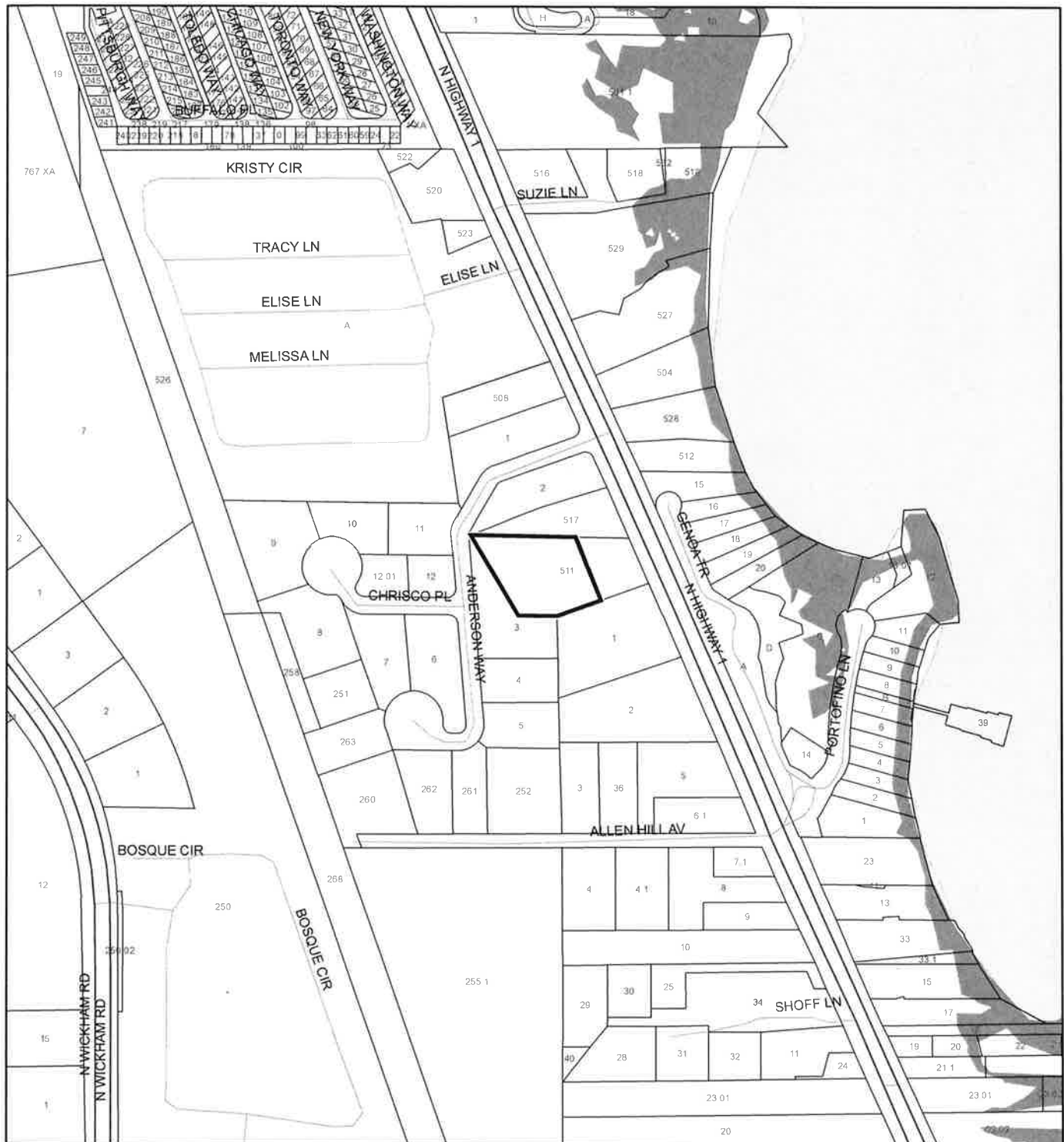
- |   |            |                      |
|---|------------|----------------------|
| A   | AO         | X                    |
| AE  | Open Water | X Protected By Levee |
| AH  | VE         |                      |
| 0.2 Percent Annual Chance Flood Hazard                      |            |                      |
| 0.2 Percent Annual Chance Flood Hazard Contained in Channel |            |                      |
| Subject Property  | Parcels    |                      |



# COASTAL HIGH HAZARD AREA MAP

KAYDENLEW, LLC

21Z00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/11/2021

— Subject Property

□ Parcels

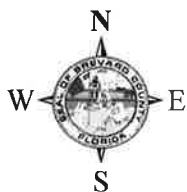
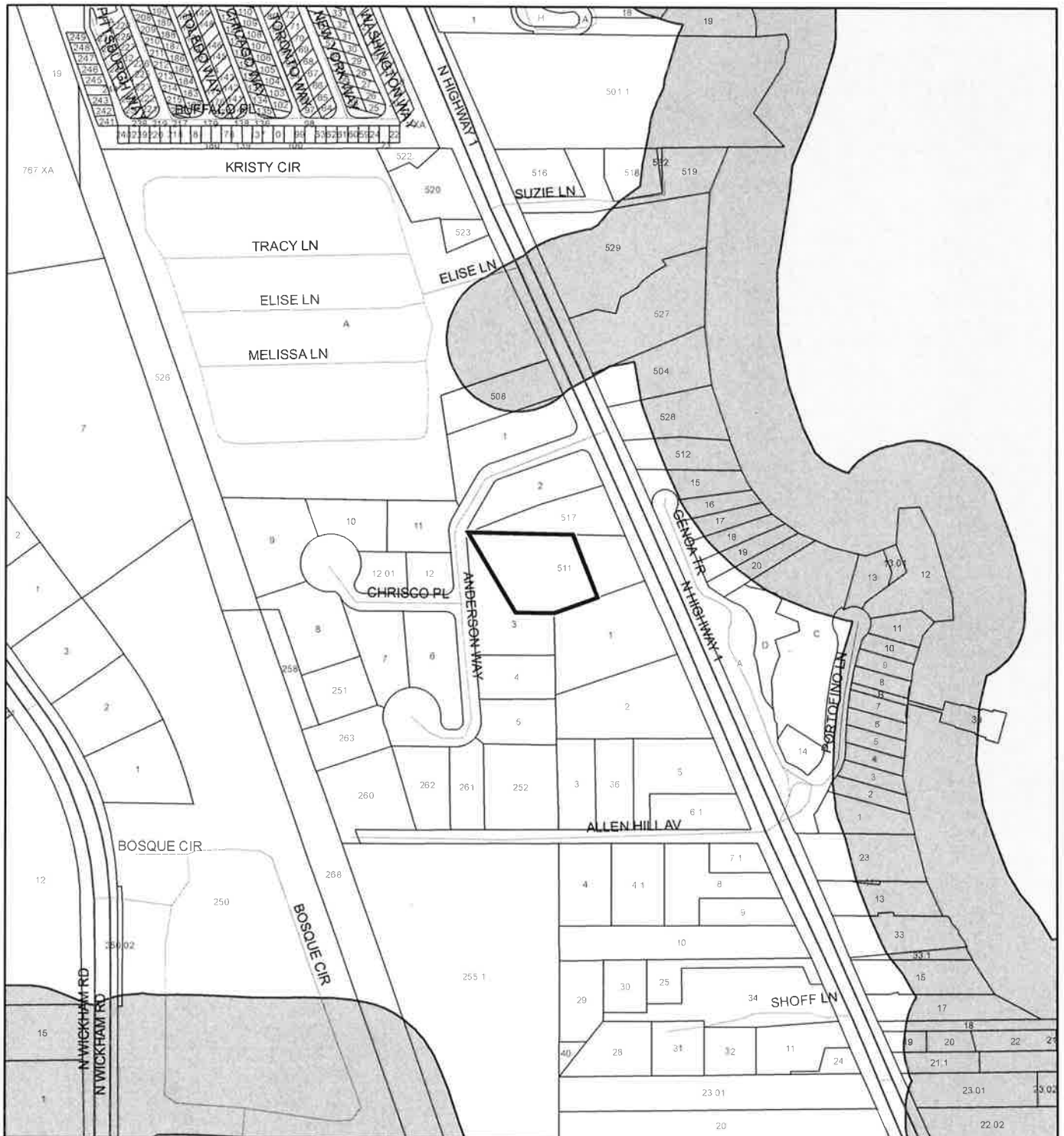
**Coastal High Hazard Area**

■ SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

KAYDENLEW, LLC

21Z00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/11/2021

— Subject Property

□ Parcels

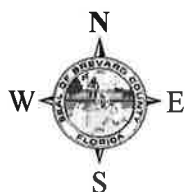
**Septic Overlay**

40 Meters

60 Meters

All Distances

KAYDENLEW, LLC  
21Z00003



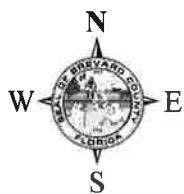
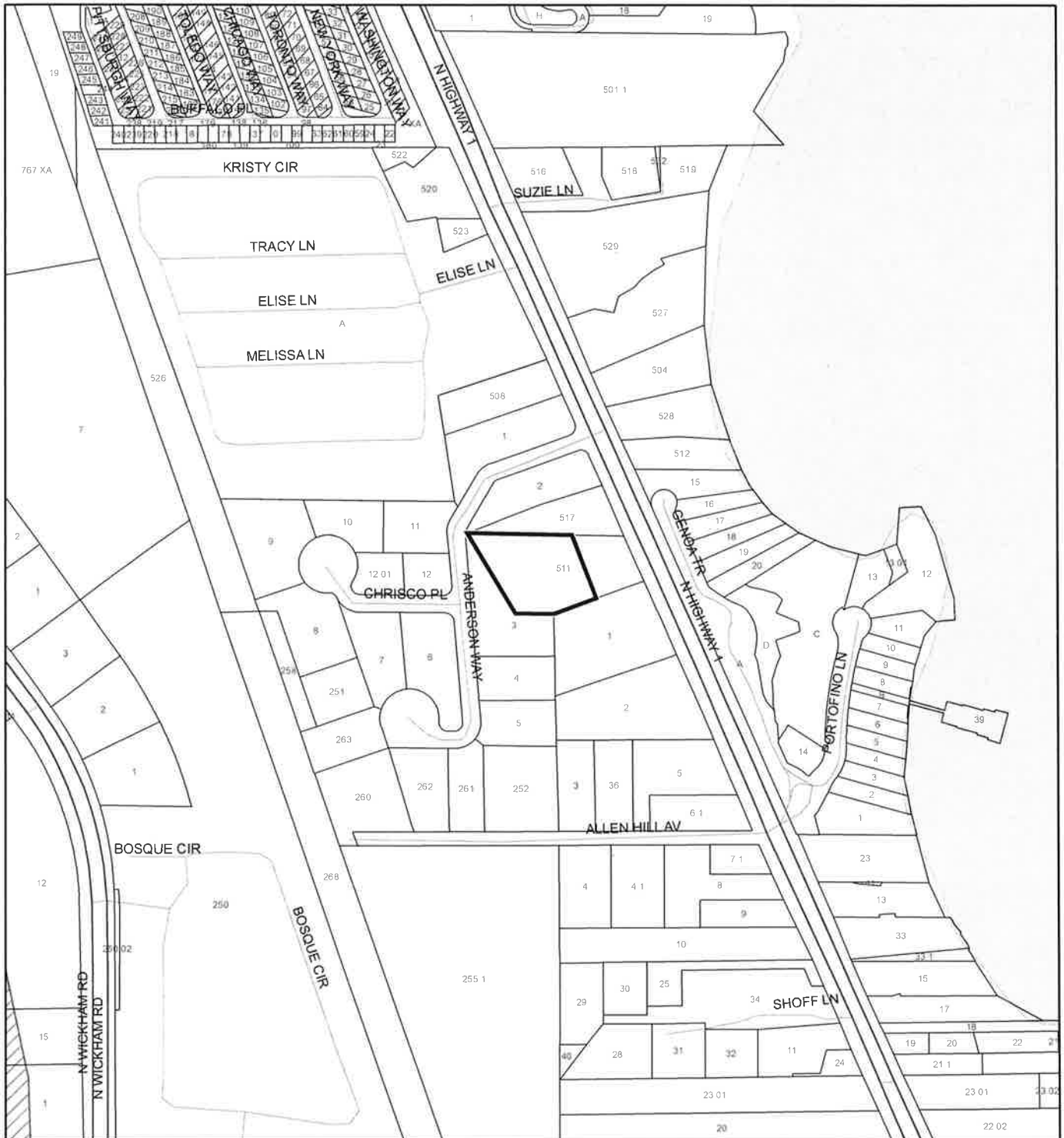
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Eagle Nests  
FWS 2010

# SCRUB JAY OCCUPANCY MAP

KAYDENLEW, LLC




21Z00003



1:4,800 or 1 inch = 400 feet

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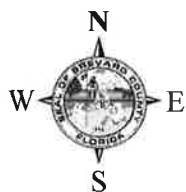
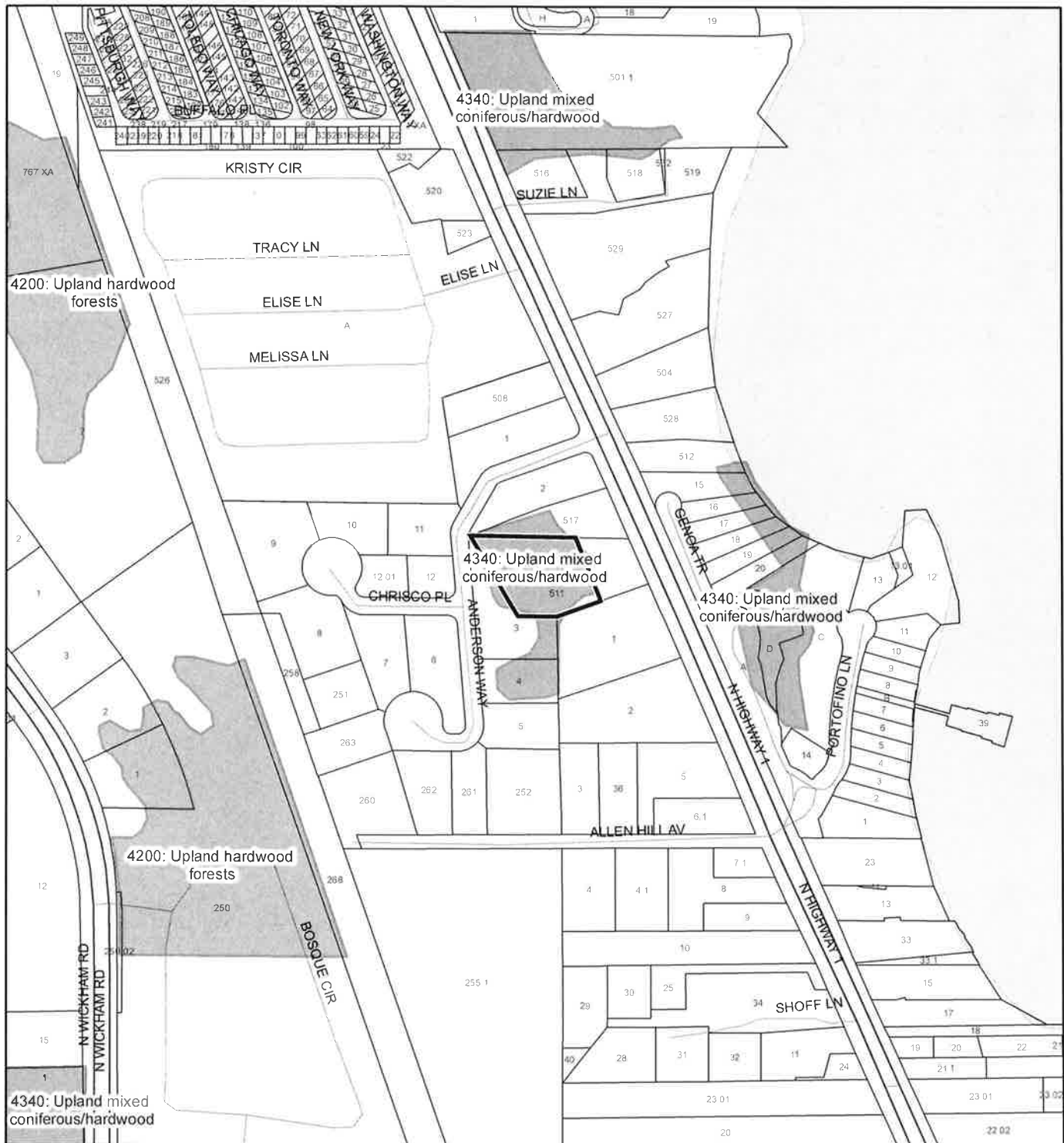
Produced by BoCC - GIS Date: 1/11/2021

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

KAYDENLEW, LLC

21Z00003



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: 1/11/2021

## 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



BOARD OF COUNTY COMMISSIONERS

Planning and Development  
2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940  
321-633-2070

### Application for Zoning Action, Comprehensive Plan Amendment, or Variance

Applications must be submitted in person. Please call 321-633-2070 for an appointment at least 24 hours in advance. Mailed, emailed, or couriered applications will not be accepted.

PZ # 26200003

Existing FLU: CC Existing Zoning: BU-1

Proposed FLU: CC Proposed Zoning: BU-2

#### PROPERTY OWNER INFORMATION

If the owner is an LLC, include a copy of the operating agreement.

AARON LEW KAYDEN LEW LLC  
Name(s) Company  
6780 STILL POINT DR. MELBOURNE FL 32940  
Street City State Zip Code  
KAYDENLEW3@GMAIL.COM 321-427-4935  
Email Phone Cell

#### APPLICANT INFORMATION IF DIFFERENT FROM OWNER:

☐ Attorney ☐ Agent ☐ Contract Purchaser ☒ Other ENGINEER

DAVID T. MENZEL MAI DESIGN BUILD LLC  
Name(s) Company  
395 STAN DR SUITE B MELBOURNE FL 32904  
Street City State Zip Code  
DMENZEL@MAIDESIGNBUILD.COM 321-863-2809  
Email Phone Cell

## APPLICATION NAME

- ☐ Large Scale Comprehensive Plan Amendment (CP) (greater than 10 acres)
- ☐ Small Scale Comprehensive Plan Amendment (CP) (less than 10 acres)
- ☐ Text Amendment (CP): Element \_\_\_\_\_
- ☐ Other Amendment (CP): \_\_\_\_\_
- ☒ Rezoning Without CUP (RWOC)
- ☐ Combination Rezoning and CUP (CORG)
- ☐ Conditional Use Permit (CUP)
- ☐ Binding Development Plan (BDP)
- ☐ Binding Development Plan (BDP) (Amendment)
- ☐ Binding Development Plan (BDP) (Removal)
- ☐ Variance(s) (V) (building permits will not be approved until 30 days after the date the order is signed)
- ☐ Administrative Approval of Setbacks, Lot Size, or Accessory Structures
- ☐ Administrative Approval of Flag Lot or Easement
- ☐ Administrative Approval of On-Premises Consumption of Alcoholic Beverages for Restaurants / Snack Bars
- ☐ Other Action: \_\_\_\_\_

Acreage of Request: 1.34 ACRES OF A 1.92 ACRE SITE

Reason for Request: REZONE TO BE COMPATIBLE  
WITH ADJACENT PROPERTIES  
FOR WAREHOUSES

The undersigned understands this application must be complete and accurate prior to advertising a public hearing:

- ☐ I am the owner of the subject property, or if corporation, I am the officer of the corporation authorized to act on this request.
- ☒ I am the legal representative of the owner of the subject property of this application. (Notarized Authorization to Act must be submitted with application)
- ☒ An approval of this application does not entitle the owner to a development permit.
- ☐ For Variances, I understand that building permits will not be approved until 30 days after the date the order is signed, in order to comply with the appeal procedure.
- ☒ I certify that the information in this application and all sketches and data attached to and made part hereof are true and accurate to the best of my knowledge.

[Signature]  
Signature of Property Owner or  
Authorized Representative

X/12-31-20  
Date

X State of Florida

X County of Brevard

Subscribed and sworn before me, by X physical presence or \_\_\_\_\_ online notarization,

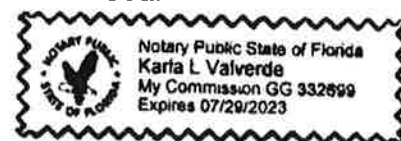
this 31<sup>st</sup> day of, December, 20 20, personally appeared

David Menzel, who is personally known to me or produced

\_\_\_\_\_ as identification, and who did / did not take an oath.

X Karla L Valverde  
Notary Public Signature

Seal





Office Use Only:

Accela No. 2605988 Fee: 1,508.00 Date Filed: 1/8/21 District No. 4

Tax Account No. (list all that apply) 2605988

Parcel I.D. No.

26 37 18 00 511  
Twp Rng Sec Sub Block Lot/Parcel

Part of

Planner: GCR Sign Issued by: GCR Notification Radius: 500'

MEETINGS

DATE

TIME

☒ P&Z

3/8/21

3pm

☐ PSJ Board

☐ NMI Board

☐ LPA

☐ BOA

☒ BCC

4/15/21

5pm

Wetland survey required by Natural Resources ☐ Yes ☒ No Initials \_\_\_\_\_

Is the subject property located in a JPA, MIRA, or 500 feet of the Palm Bay Extension?

☐ Yes

☒ No

If yes, list \_\_\_\_\_

Location of subject property:

West side of US Hwy 1 280 feet south of Anderson Way  
& setback from roadway 150' west.

Description of Request:

Rezone BU-1 TO BU-2

## Notice to Applicants for Change of Land Use

The Planning and Zoning Office staff will be preparing a package of written comments concerning your request. These comments will be provided to the Planning and Zoning Board and Board of County Commissioners. The comments will address the following:

The current zoning of the property along with its current development potential and consistency with the Brevard County Comprehensive Plan use and density restrictions.

The proposed zoning of the property along with its development potential and Consistency with the Board County Comprehensive Plan use and density restrictions.

The proposal's impact on services, such as roads and schools.

The proposal's impact upon hurricane evacuation, if applicable.

Environmental factors.

Compatibility with surrounding land uses.

Consistency with the character of the area.

You may place your own written comments regarding these items into the record. Up to two typewritten pages can be included in the package if received 10 working days prior to the Planning and Zoning Board hearing. You are not required to provide written comments. *An Applicant presentation to the Planning and Zoning Board is required regardless of written submittals.* The board may approve the requested classification or a classification which is more intensive than the existing classification, but less intensive than the requested classification.

Staff comments will be available approximately one week prior to the Planning and Zoning Board hearing. These comments will be made available to you at that time. In order to expedite receipt of staff's comments, please provide an e-mail address or fax number below. Alternatively, a copy of staff's comments will be mailed via the U.S. Postal Service.

### NOTES:

- ☐ If your application generates public opposition, as may be expressed in letters, petitions, phone calls, testimony, etc., you are advised to meet with concerned parties in an effort to resolve differences prior to the BCC taking final action on the request; therefore, you are encouraged to meet with affected property owners prior to the public hearing by the Planning & Zoning Board/Local Planning Agency (P&Z/LPA). During the course of conducting the public hearing, if the P&Z/LPA finds the application is controversial, and the applicant has not met with affected property owners, the item shall be tabled to the next agenda to allow such a meeting to take place. If the item is controversial, despite the applicant's efforts to meet with affected property owners, the P&Z/LPA may include, in their motion, a requirement to meet with interested parties again prior to the BCC public hearing. The BCC may also table your request in order for you to meet with interested parties, if this has not occurred prior to the public hearing before the BCC. If you need assistance to identify these parties, please contact the Planning & Zoning Office.
- ☐ BCC approval of a zoning application does not vest a project nor ensure issuance of a permit. At the time of permit application, land development regulations and concurrency-related level of service standards must be met.

Please transmit staff's comments via:

kaydenlew3@gmail.com or ( ) \_\_\_\_\_ or U.S. Mail \_\_\_\_\_  
e-mail address fax number

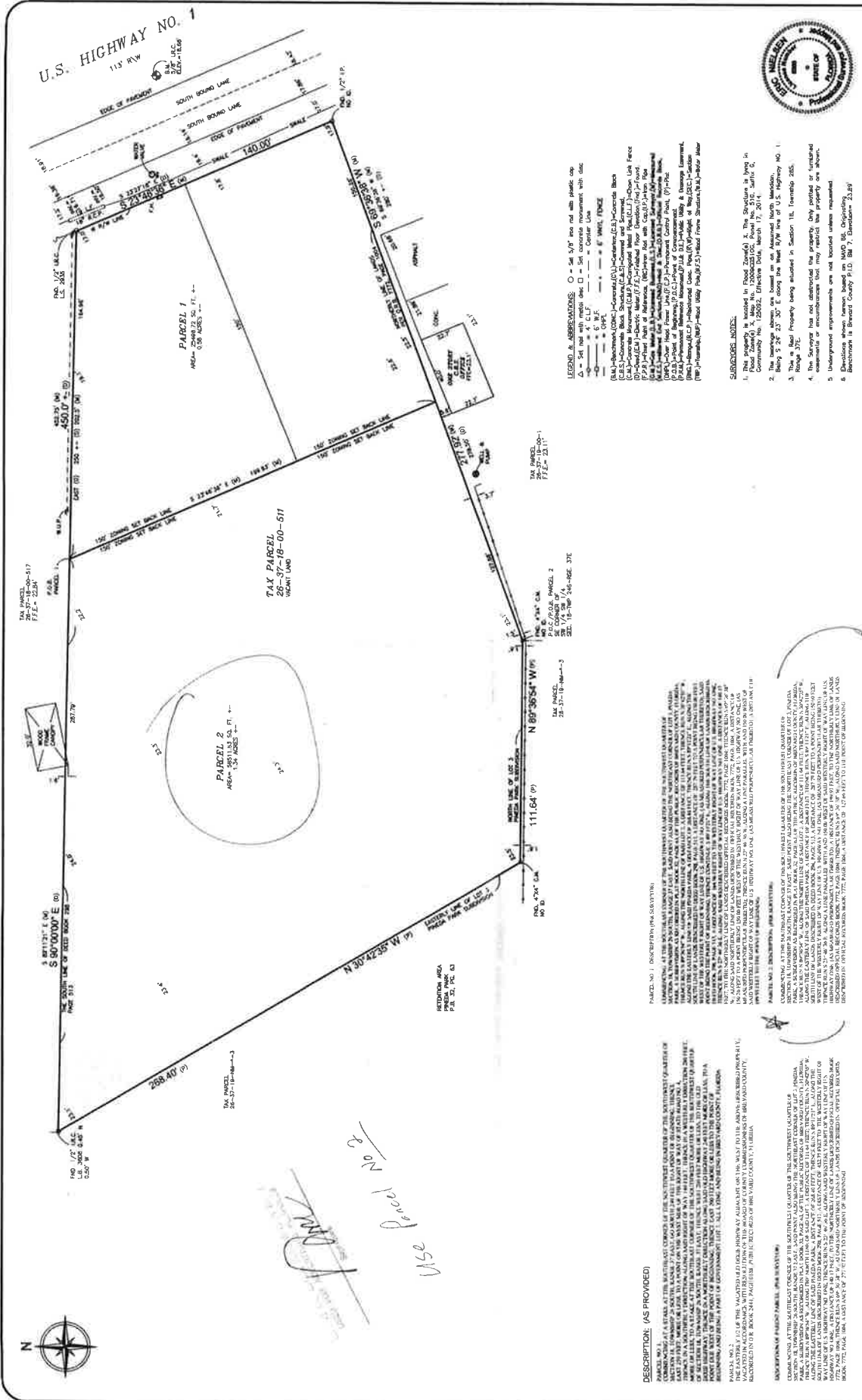
Yes/No

I have received a copy of this notice:

Ann Z...  
(APPLICANT SIGNATURE)

Also to mail to:

DMENZEL CMAI DESIGN BUILD.COM

[illegible]

21200003

Owner's Name: Kayden Law LLC  
Hearing Date: March 8, 2021

**THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING**

**AFFIDAVIT**

STATE OF FLORIDA  
COUNTY OF BREVARD

Before me, this undersigned authority, personally appeared, MARC SMITH, to me well known and known to me to be the person described in and who executed the foregoing affidavit, after being first duly sworn, says:

1. That the affiant posted the notice provided by the Brevard County Planning & Zoning Office, which contains the time(s) and date(s) of the Public Hearing(s) involved.
2. Said posted notice contains the name of the applicant, the total acreage of the property in question, the existing land use classification, special use classification or conditional use designation, and the requested amendment to the official zoning maps. Said notice also contains the time and place of the public hearing on the consideration of said application by the Board of County Commissioners of Brevard County, if applicable.
3. The said notice has been posted in a conspicuous place on the subject property not more than twenty-five (25) days, nor less than fifteen (15) days prior to the first public hearing before the applicable board (as indicated on notice). If the property abuts a public road right-of-way, the notice has been posted within ten (10) feet of the road right-of-way in such a manner as to be visible from the road right-of-way.
4. The affiant understands that this affidavit is intended to be submitted as a requirement for a public hearing, and as such, will be officially filed with the Government of Brevard County, Florida.

Marc Smith

Signature

Sworn and Subscribed before me, this

22<sup>nd</sup>

day of

Feb



KIM KENNEDY  
Commission # GG 322387  
Expires April 10, 2023  
Bonded Thru Troy Fain Insurance 800-385-7019

(Print, Type, or Stamp Commissioned Name of Notary Public)

Kim Kennedy

Notary Public, State of Florida

Personally known OR Produced Identification

Type of I.D. Produced: \_\_\_\_\_

**THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING**

## **PLANNING AND ZONING BOARD MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 8, 2021**, 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: Ron Bartcher; Harry Carswell; Brian Hodgers; Ben Glover; Mark Wadsworth, Chair; and Joe Buchanan.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; George Ritchie, Planner III; Paul Body, Planner II; Abigail Jorandby, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

### **Excerpt of Complete Minutes**

#### **Kaydenlew, LLC (David Menzel) (continued)**

A change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is 1.34 +/- acres, located approx. 150 ft. west of U.S. Highway 1, approximately 280 ft. south of Anderson Way. (No assigned address. In the Melbourne area) (21Z00003) (Tax Account 2605988) (District 4)

David Menzel, 395 Stan Drive, Melbourne, stated the applicant is requesting to rezone a piece of property currently zoned BU-1, to BU-2 to be compatible with the adjacent zonings. He noted the front will stay BU-1; the back is surrounded by BU-2, IU, and a small portion of GU; and there is a residence to the north. He said an environmental study revealed there are no wetlands on the property. He said his client plans to do warehousing, which will create minimal traffic on U.S. Highway 1; they are looking at a couple of warehouse buildings of 9,000 square feet each, with two parking spaces for every 1,000 square feet. He noted there are no plans to do anything on the front BU-1 portion.

Mark Wadsworth asked if the front portion goes all the way to U.S. 1. Mr. Menzel replied yes, it fronts U.S. 1, and it extends back to the west 150 feet and then the whole back end of the property would be BU-2. That's where the zoning change occurs on the south property, so they will maintain that line.

Public comment.

Robert Paul Higgins, with Electric Picture [Display Systems], stated he occupies the property to the southwest of the subject property. The vegetation on the property is overgrown, and he has tried to keep the vines off of fences and thin things out because he has to take care of a large retention pond, and he would like to improve the area around the retention pond. He said he doesn't have a problem with the warehousing, but he would like to see a site map if available.

End of public comment.

Peter Filiberto asked the applicant if he plans to clean up the property. Mr. Menzel replied they are going to clean it up.

Motion by Brian Hodgers, seconded by Peter Filiberto to approve the change of zoning classification from BU-1 to BU-2. The motion passed unanimously.

Upon consensus, the meeting adjourned at 4:34 p.m.