

Meeting Date
January 9, 2018



AGENDA	
Section	Citizen Request
Item No.	VI F 3

AGENDA REPORT

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	APPROVAL OF WAIVER TO HOTEL ROOM MINIMUM SIZE
DEPT/OFFICE:	CITIZEN REQUEST

Requested Action:

It is requested the Board of County Commissioners waive the requirement for the minimum floor area for a hotel and motel room in the TU-1 and TU-2 Zoning Code. It is also suggested that the Board advertise proposed Legislative Intent to consider revising the minimum floor area of 250 square feet or a minimum industry standard and bring back to the Board in 60 days.

Summary Explanation & Background:

Four major national hoteliers have developed a product line where the units are less than 250 square feet. Moxy by Marriott has a 184 square foot room, Tru by Hilton has a 231 square foot room, Vib by Best Western has a 200 square foot room and Avid by IHG has a 220 square foot room. Currently these hotels and motels cannot expand to the Brevard County area under the current minimum square foot code. The TU-2 Transient tourist commercial zoning classification encompasses land devoted to tourist facilities located within one-half mile from an interstate or expressway interchange rights-of-way. Currently section 62-1512 (5) e (7) requires a minimum floor area for a hotels and motels at 250 square feet per unit.

This request represents a desire to permit and build a proposed new hotel with smaller guest rooms than what is currently permitted. The hotel industry has changed and hotels and motels are now designed with smaller rooms to meet the consumer demands for economical, short-duration stays. If the Board approves the current waiver request they may wish to limit its approval to 220 square feet the size depicted on the plans (attached). As this is consumer driven, hotels and motels are responding by providing high quality, lower cost room availability. The first hotel of this kind desires to locate in the unincorporated area of Brevard County, in the Viera area, near the I95 interchange. A waiver of section 62-1512 (5) e (7) is being requested to construct the proposed hotel. It is also requested that the BOCC consider advertising proposed Legislative Intent to consider revising the minimum floor area of 250 square feet or an industry minimum square foot standard and bring back to the Board in 60 days.

Bruce A. Moia. P.E.

President, MBV Engineering, Inc.

1250 W. Eau Gallie Blvd., Unit L, Melbourne, FL 32935

P: 321.253.1510 C: 321.243.0583 F: 321.253.0911

BruceM@mbveng.comwww.mbveng.com

Clerk to the Board instruction:

Exhiblts Attached

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager Frank Abbate	Interim Assistant County Manager Jim Liesenfelt	Department Director / Extension
	Assistant County Manager John Denninghoff	



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

January 10, 2018

MEMORANDUM

TO: Frank Abbate, County Manager

RE: Item VI.F.3., Citizen Request by Bruce Moia, President, MBV Engineering, Inc.,
Regarding Approval of Waiver to Hotel or Motel Room Minimum Size

The Board of County Commissioners, in regular session on January 9, 2018, approved legislative intent and granted permission to advertise an ordinance removing the size restriction for a hotel or motel minimum room size; and approved the application pending before the Board of Adjustment can move forward on the basis of the proposed ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

cc: County Attorney
Planning and Development Director

• **Sec. 62-1511. - General tourist commercial, TU-1.**

The **TU-1** general tourist commercial zoning classification encompasses lands devoted to general tourist-related activities and recognizes the need for higher densities for motels and hotels. Also, a limitation of kitchen facilities is specified to prevent the conversion of motel and hotel units to permanent residential use. For purposes of this section, permanent residential use shall mean any use of one dwelling unit for more than three months by one family or one individual or any dwelling unit for which a lease is available for a period of time exceeding three months. The uses listed in subsection (1) of this section, or other uses of a similar nature that are compatible with the character of the uses specifically set forth in this section, are permitted.

(1)

Permitted uses.

a.

Permitted uses are as follows:

Art galleries, libraries and museums.

Civic, philanthropic or fraternal organizations.

Hotels and motels.

Parks and public recreational facilities.

Resort dwellings.

Restaurants.

Sale of alcoholic beverages, package only.

Single-family residence.

b.

All uses permitted in the restricted neighborhood retail commercial zoning classification (**BU-1-A**) are permitted in this zoning classification in conjunction with and accessory to a hotel or motel which has a minimum of 25 units.

c.

Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Preexisting use.

Tourist efficiencies.

(2)

Accessory uses.

a.

Customary uses secondary and incidental to permitted uses are permitted.

b.

Retail shops and personal service activities are permitted in conjunction with hotels or motels.

(3)

Conditional uses. Conditional uses are as follows:

- Alcoholic beverages for on-premises consumption.
- Change of nonconforming agricultural use.
- Land alteration (over five acres and up to ten acres).
- Marina.
- Recreational facilities.
- Substantial expansion of a preexisting use.
- Wireless telecommunication facilities and broadcast towers.

(4)

Maximum density.

a.

North beaches (north of the south boundary of Cocoa Beach): 30 units per acre in community commercial designations.

b.

Central beaches (south boundary of Cocoa Beach to U.S. 192): 12 units per acre in community commercial designations, except where otherwise provided by Amendment 98B.2 of the future land use element of the county comprehensive plan.

c.

South beaches (south of U.S. 192): Eight units per acre in community commercial designations.

d.

Mainland: 30 units per acre in community commercial designations subject to the following locational criteria:

1.

Tourist uses should be located within a one-quarter-mile radius of intersections of major through-county transportation corridors with major arterials or roadways of a higher classification;

2.

Within a one-quarter-mile radius of the Valkaria and Space Center Executive Airports;

3.

Within a one-quarter-mile radius of the SR 405 corridor; or

4.

Within one-quarter-mile of a highspeed rail/mag lev terminus.

e.

Merritt Island redevelopment area: 30 units per acre.

(5)

Lot requirements.

a.

Minimum lot size. An area of not less than 15,000 square feet is required, having a width of not less than 100 feet and a depth of not less than 150 feet.

b.

Maximum lot coverage. Maximum structural lot coverage is 40 percent.

(6)

Setbacks.

a.

Breezeway/visual corridor. All riverfront and oceanfront properties are subject to breezeway/visual corridor regulations enumerated in [section 62-2105](#).

b.

Generally. Setbacks for all other property, except for gasoline stations, are as follows. For setbacks for gasoline stations, see subdivision VI of this division.

1.

The front setback shall be not less than 25 feet from the front lot line.

2.

The rear setback shall be not less than 20 feet from the rear lot line.

3.

Side setbacks shall be as follows:

i.

For an interior lot, the side setback shall be not less than 15 feet from the side lot line.

ii.

For a corner lot, the side setback shall be not less than 15 feet from the side lot line. If a corner lot is contiguous to a key lot, the setback shall not be less than 25 feet.

4.

Accessory buildings shall be located to the rear of the principal building, and no closer than ten feet to the rear and side lot lines, but in no case within the setback from a side street. There shall be a minimum spacing of 15 feet between any structure on the same site.

(7)

Minimum floor area; limitation of kitchen facilities. The minimum floor area for hotels and motels is 250 square feet per unit. No more than 25 percent of the total number of units in one motel or hotel shall contain kitchen facilities. All other structures shall contain a minimum of 300 square feet of floor area.

(8)

Structural height standards.

a.

Where the property abuts any other land located in the GU, AGR, AU, ARR, REU, RU-1-7, RU-1-9, RU-1-11, RU-1-13, RR-1, EU, EU-1, EU-2, SEU, SR, RVP, TR-1-A, TR-1, TR-2, TR-3, TRC-1, RRMH-1, RRMH-2.5, RRMH-5, EA, PA or GML zoning classification, the maximum height threshold of any structure or building thereon shall be 35 feet.

b.

Where the property abuts any other land located in the RA-2-4, RA-2-6, RA-2-8, RA-2-10, RU-2-4, RU-2-6, RU-2-8, RU-2-10, RU-2-12, RP or BU-1-A zoning classification, the maximum height threshold of any structure or building thereon shall be 45 feet.

c.

Where the property abuts any other land located in the RU-2-15, RU-2-30, BU-1, BU-2, PBP, PIP, IU, IU-1, TU-1 or TU-2 zoning classification, the maximum height threshold of any structure or building thereon shall be 60 feet.

d.

Where any structure or building exceeds 35 feet in height, all conditions enumerated in [section 62-2101.5](#) as applicable shall be fully satisfied.

e.

Structures or buildings may not exceed the maximum height thresholds stated in this subsection unless otherwise permitted by [section 62-2101.5](#).

(9)

Site plan. A site plan shall be submitted in accordance with article VIII of this chapter.

(10)

Metal buildings. Metal buildings shall be permitted in this zoning classification subject to the restrictions presented in [section 62-2115](#).

(11)

Maximum floor area ratio. The floor area ratio shall be governed by [section 62-2110](#).

(Code 1979, § 14-20.13(A); Ord. No. 95-47, §§ 56, 57, 10-19-95; Ord. No. 95-49, §§ 18, 21, 10-19-95; Ord. No. 96-16, §§ 59, 60, 3-28-96; Ord. No. 97-40, § 4, 10-14-97; Ord. No. 98-12, § 11, 2-26-98; Ord. No. 99-07, §§ 12, 20, 1-28-99; Ord. No. 99-11, § 1, 3-4-99; Ord. No. 01-30, § 12, 5-24-01; Ord. No. 2002-01, § 5, 1-8-02; Ord. No. 2002-42, § 6, 8-27-02; Ord. No. 04-29, § 28, 8-5-04; Ord. No. 2004-52, § 25, 12-4-04; Ord. No. 05-27, § 3, 5-19-05; Ord. No. 05-40, § 9, 8-23-05; Ord. No. 2014-30, § 1, 10-2-14)

• **Sec. 62-1512. - Transient tourist commercial, TU-2.**

The TU-2 transient tourist commercial zoning classification encompasses land devoted to tourist facilities located within one-half mile from interstate or expressway interchange rights-of-way where traffic facilities are capable of accommodating higher-density uses and resulting traffic volumes. For the purposes of establishing the one-half mile distance, the point of tangency of the actual physical improvement of the on ramp or off ramp of the interstate and the roadway where the interchange serves, rather than the right-of-way line should be used as a beginning point. The one-half mile measurement shall include either the entire parcel, or if not the entire parcel, the entire principal structure as depicted in a binding development plan. Also, a limitation of kitchen facilities is specified to prevent the conversion of motel and hotel units to permanent residential use. For purposes of this section, permanent residential use shall mean any use of one dwelling unit for more than three months by one family or one individual or any dwelling unit for which a lease is available for a period of time exceeding three months. The uses listed in subsection (1), or other uses of a similar nature that are compatible with the character of the uses specifically set forth in this section, are permitted.

(1)

Permitted uses.

a.

Permitted uses are as follows:

- Art galleries, libraries and museums.
- Civic, philanthropic or fraternal organizations.
- Hotels and motels.
- Parks and public recreational facilities.
- Resort dwellings.
- Restaurants.
- Retail centers.
- Sale of alcoholic beverages, package only.
- Single-family residence.

b.

All uses permitted in the restricted neighborhood retail commercial zoning classification (BU-1-A) are permitted in this zoning classification in conjunction with and accessory to a hotel or motel which has a minimum of 25 units.

c.

Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

- Gasoline service stations.
- Preexisting use.

(2)

Accessory uses. Customary uses secondary and incidental to permitted uses are permitted. Retail shops and personal service activities are permitted in conjunction with hotels, motels or a special use.

(3)

Conditional uses. Conditional uses are as follows:

- Alcoholic beverages for on-premises consumption.
- Change of nonconforming agricultural use.
- Land alteration (over five acres and up to ten acres).
- Substantial expansion of a preexisting use.
- Wireless telecommunication facilities and broadcast towers.

(4)

Maximum density. Maximum density is 50 units per gross acre. For the purpose of computing density allowed, property divided by a public road shall be considered as separate parcels.

(5)

Lot requirements.

a.

Minimum lot size. An area of not less than 15,000 square feet is required, having a width of not less than 100 feet and a depth of not less than 150 feet.

b.

Maximum lot coverage. Maximum lot coverage is 40 percent.

(6)

Setbacks. Setbacks, except for gasoline stations, are as follows:

a.

The front setback shall be not less than 25 feet from the front lot line.

b.

The rear setback shall be not less than 20 feet from the rear lot line.

c.

Side setbacks shall be as follows:

1.

For interior lots, the side setback shall be not less than 15 feet from the side lot line.

2.

For corner lots, the side setback shall be not less than 15 feet from the side lot line. If a corner lot is contiguous to a key lot, the setback shall not be less than 25 feet.

d.

Setbacks from the ocean on oceanfront property shall be governed by the provisions of article XII of this chapter. Thirty percent of ocean frontage shall be kept clear as breezeway/visual corridor from the ocean.

e.

On property bordering a river, a minimum of 30 percent of the river frontage shall be left open as breezeway/visual corridor.

(7)

Minimum floor area; limitation of kitchen facilities. Minimum floor area for hotels and motels is 250 square feet per unit. No more than 25 percent of the total number of units in one motel or hotel shall contain kitchen facilities. For all other uses, minimum floor area is 300 square feet.

(8)

Structural height standards.

a.

Where the property abuts any other land located in the GU, AGR, AU, ARR, REU, RU-1-7, RU-1-9, RU-1-11, RU-1-13, RR-1, EU, EU-1, EU-2, SEU, SR, RVP, TR-1-A, TR-1, TR-2, TR-3, TRC-1, RRMH-1, RRMH-2.5, RRMH-5, EA, PA or GML zoning classification, the maximum height threshold of any structure or building thereon shall be 35 feet.

b.

Where the property abuts any other land located in the RA-2-4, RA-2-6, RA-2-8, RA-2-10, RU-2-4, RU-2-6, RU-2-8, RU-2-10, RU-2-12, RP or BU-1-A zoning classification, the maximum height threshold of any structure or building thereon shall be 45 feet.

c.

Where the property abuts any other land located in the RU-2-15, RU-2-30, BU-1, BU-2, PBP IU, IU-1, TU-1 or TU-2 zoning classification, the maximum height threshold of any structure or building thereon shall be 60 feet.

d.

Where any structure or building exceeds 35 feet in height, all conditions enumerated in [section 62-2101.5](#) as applicable shall be fully satisfied.

e.

Structures or buildings may not exceed the maximum height thresholds stated in this subsection unless otherwise permitted by [section 62-2101.5](#).

(9)

Site plan. A site plan shall be submitted in accordance with article VIII of this chapter.

(10)

Metal buildings. Metal buildings shall be permitted in this zoning classification subject to the restrictions presented in [section 62-2115](#).

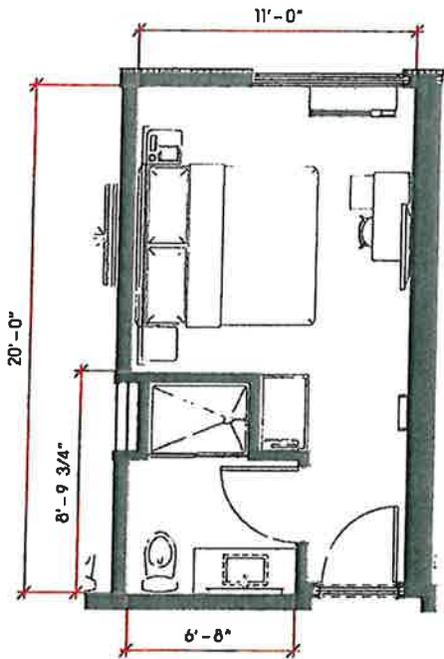
(11)

Maximum floor area ratio. The floor area ratio shall be governed by [section 62-2110](#).

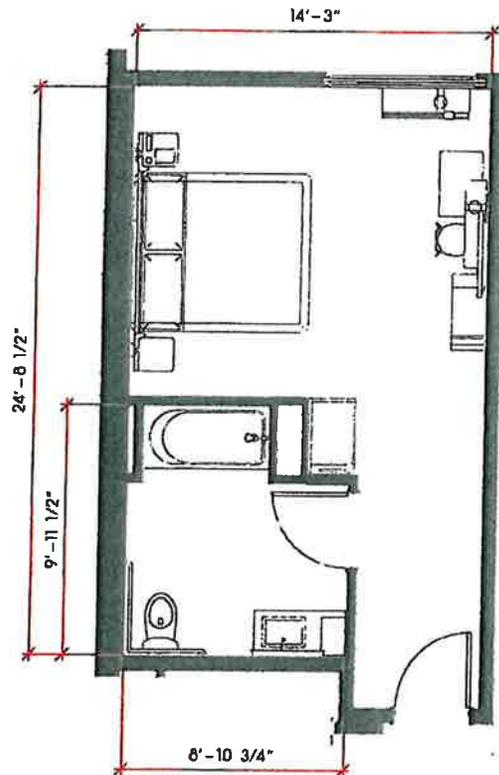
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Interior Plan

King floor plans



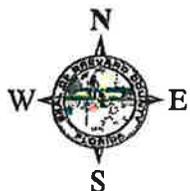
King
220 sqft



King ADA
335 sqft

350

AERIAL MAP
SHERIFF DRIVE HOLDINGS, LLC
17PZ00143



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2017

— 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 the Brevard County Planning and Zoning Office - GIS Section Date: 11/9/2017



BOARD OF COUNTY COMMISSIONERS

JIF3
Attachment

Planning & Development Department
725 Judge Fran Jamieson Way
Building A, Room 115
Viera, Florida 32940

01/09/2018 BCC Meeting

Planning & Development Staff Report

RE: Citizens Request of Waiver to Hotel Room Size

Mr. Moia is requesting that the Board waive the requirement of a minimum floor area of 250 sq. ft. for hotel and motel rooms, and revise the code to allow a 220 sq. ft. minimum room size. The provision of 250 minimum sq. ft. has been in the code since 1979, when it was reduced from a minimum of 300 sq. ft.

The subject property is located at Sheriff Drive south of Wickham Road tax account #2629241. The applicant submitted a one page conceptual drawing (17SP00026), and a pre-application meeting was held with staff on October 19, 2017. The proposed room size was discussed, and the applicant was informed that a variance would be required, to obtain a reduction. A formal site plan application has not been submitted for review.

A variance application for this property was subsequently submitted to reduce the room size minimum from 250 sq. ft. to 220 sq. ft. The Board of Adjustments heard the item at the December 20, 2017 meeting. After discussion and input from the public, a motion for denial failed due to a tie vote, and the item was tabled to the January 17, 2018 meeting.

If the variance is approved, the issue is resolved for this applicant. If the variance is denied, a code change would be the only alternative to allow the reduced room sizes.

BOARD OF ADJUSTMENT
ITEM 4 SUMMARY

The Brevard County Board of Adjustment met in regular session at 1:30 p.m. on Wednesday, December 20, 2017, in the Commission Chambers, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida, with Chair Britta Hawkins presiding, to consider the following requests:

Board members present were: Britta Hawkins, Chair, District 1; Wayne Snyder, District 2; Dale Rhodes, District 3; and George Bovell, District 4.

Staff members present were: Alex Esseesse, Assistant County Attorney; Paul Body, Planner I; Jennifer Jones, Special Projects Coordinator II; and Hazel Hernandez, Office Assistant II.

4. (17PZ00143) SHERIFF DRIVE HOLDINGS, LLC – (Neil Patel) – request a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1512(7), to permit a variance of 30 sq. ft. from the required 250 sq. ft. minimum hotel room floor area, in a TU-2 zoning classification, on 2.10 acres, located at the southeast end of Sheriff Drive, approx. 200 ft. south of Wickham Rd. (No assigned address. In the Viera area.)
Bovell/Rhodes – Motion to deny. Motion failed due to tie vote, with Snyder/Hawkins voting nay.
Rhodes/Snyder – Motion to table to the January 17, 2018, meeting. The vote was unanimous.

Bruce Moia:

- Explained the hotel industry getting into smaller room sizes (182 sq. ft., 200 sq. ft., 231 sq. ft.)
- Explained the hardship because the developer wants a quality hotel with varying room sizes, but some of the room sizes are less than Code.
- He told the board that TU-2 is the only zoning with a room size requirement (Paul Body corrected him in that the size requirement is also in TU-1, as well as BU-1 & BU-2 with conditions)
- Explained that the King room is the only one that needs a variance
- Said no other municipality in the County has a room size requirement and that it is an unfair and outdated restriction
- Noted there is a hotel in Palm Bay that was granted a variance on room size
- He didn't think that 95 rooms will bring the level of room prices down across the board

Board members:

George Bovell:

- Wanted to see sketches of the room sizes
- Pointed out that other hotels are being built in the area and have not come to the board for variances to room sizes. Bruce Moia countered by saying those are destination hotels, where people stay for longer periods of time.

Dale Rhodes:

- Concerned about other hotels nearby
- Concerned because 30 square feet did not sound like a lot, but in dollars and cents it does. It would be a significant amount of money with 90-plus rooms
- Concerned that granting the variance would create an unfair advantage/setting a precedent. Other developers would have to stay at 250 sq. ft.
- Said the whole purpose of building a smaller room is to save dollars in the construction, not necessarily to reduce the price that they are charging when you stay in the room.
- Does not see that hotels with smaller room sizes will accommodate USSSA travelers

Britta Hawkins:

- Asked if the smaller rooms would be cheaper. Bruce Moia didn't know the answer; talked instead about the hotel looking like every other hotel – 4-stories, amenities, etc.
- She didn't see the room size necessarily being a problem because she sees the reasoning that based on its location, people will just stop and spend the night as they travel down I-95.

Board of Adjustment Summary

Item 4

December 20, 2017

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- By looking at the application, she did not have a problem with the variance. They would gain an advantage if they went through the regular application because they could use the property but change the amount of rooms. There is just nothing outside of the 6 criteria that the board looks at, so she could go either way on that.

Wayne Snyder:

- Commented on the need for more hotel rooms to accommodate USSSA

Paul Body:

- Informed the board that under BU-1 and BU-2, under Tourist Efficiencies and Hotel/Motel, it does state 'with conditions', and 62-1844.5 reads, "The use shall be subject to development criteria in the General Tourist Commercial zoning classification of TU-1." In the BU-1 & BU-2 zonings they would still be limited to 250 square feet.

Public Comment:

Kevin Arcieri, General Manager of the Hampton Inn, at 130 Sheriff Drive:

- Said he is familiar with the new brands and smaller room sizes.
- Said small rooms will lessen the price point, which would have a negative effect on the market
- With USSSA coming, rates are expected to go up, and adding hotels with smaller room sizes would force other hotels to lower their average rates to be able to compete.
- Believes hotels with smaller rooms would have a negative effect on the hotel industry in Viera