



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.9.

9/5/2024

Subject:

Ibrahim and Haroon Realestate, Inc. (Kim Rezanka) requests a change of zoning classification from TR-3 with a BSP to BU-1 with removal of the BSP. (24Z00023) (Tax Account 2317736) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from TR-3 (Mobile Home Park) with a BSP (Binding Site Plan) to BU-1 (General Retail Commercial) with removal of the BSP (Binding Site Plan).

Summary Explanation and Background:

The applicant is proposing to utilize a multi-business flex space concept to permit retail, office and personal service uses upon their entire site; the western portion of which has existing BU-1, General Retail commercial zoning. As a combined site, access will be provided by the US Highway 1 corridor. The applicant states that each unit would range from 1,000 - 1,500 square feet; no plan has been submitted for review.

There is a companion application for a Small-Scale Comprehensive Plan amendment # 24SS00008 to request a change of the FLU from RES 2 to Community Commercial. Should the Small-Scale application be approved by the Board, then this zoning request can be heard.

To the north, the area is developed as Fairglen Elementary School, under the AU zoning classification. To the south, the area is developed as the Tradewinds Mobile Home Park under the TR-3 zoning classification. East, lots are zoned for single-family use and each lot is developed with a homesite under the AU and EU zoning classifications. To the west, the unimproved portion of the lot is developed with a nonconforming billboard and is zoned BU-1.

The current Binding Site Plan (BSP) limits the site development to seven (7) lots of at least 15,000 square feet in size and provides a 50-foot buffer to the east and a 75 foot buffer to the north. The BSP was part of Zoning Resolution Z-7827 adopted by the Board on June 22, 1987.

The Board may wish to consider whether the proposed zoning request is consistent and compatible with the surrounding area.

On August 12, 2024, the Planning and Zoning Board heard the request and unanimously recommended approval with a BDP (Binding Development Plan) that requires a 20-foot buffer along the east and south sides and limits BU-1 uses to retail, office, and personal services.

Clerk to the Board Instructions:

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

Resolution 24Z00023

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

WHEREAS, Ibrahim and Haroon Realestate, Inc. requests a change of zoning classification from TR-3 (Mobile Home Park) with a BSP (Binding Site Plan) to BU-1 (General Retail Commercial) with removal of the BSP (Binding Site Plan), on property described as Tax Parcel 754, less and except the western 250 ft., as recorded in ORB 10037, Pages 1239 – 1241; of the Public Records of Brevard County, Florida. **Section 31, Township 23, Range 36.** (2.86 acres) Located on the north side of Canada Dr., approx. 250 ft. east of US Hwy 1. (No address assigned. In the Cocoa area.); 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 the 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 TR-3 with a BSP to BU-1 with removal of the BSP and adding a BDP, 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 September 5, 2024.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida


Jason Steele, Chair

Brevard County Commission

As approved by the Board on September 5, 2024.

ATTEST:



RACHEL SADOFF, CLERK

(SEAL)

P&Z Board Hearing – August 12, 2024

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.**

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) General Standards of Review.

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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

STAFF COMMENTS

24Z00023

Ibrahim and Haroon Realestate, Inc.

TR-3 with BSP to BU-1 with removal of BSP

Tax Account Number: 2317736
Parcel I.D.: 23-36-31-00-754 (less the westerly 250 feet)
Location: N side of Canada Drive, 254 feet east of US Highway 1. (District 1)
Acreage: 2.86 acres

Planning and Zoning Board: 08/12/2024

Board of County Commissioners: 09/05/2024

Consistency with Land Use Regulations

- Current TR-3 zoning with BSP cannot be considered under the Future Land Use Designation, Section 62-1255.
- The proposal cannot be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	TR-3 with BSP	BU-1 with removal of BSP
Potential*	5 units**	(FAR) of 1.00 85 dwelling units****
Can be Considered under the Future Land Use Map	No RES 2	Yes Community Commercial (CC)***

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

The current Binding Site Plan (BSP) under Zoning Action **Z-7827 allows 7 mobile home sites which is not consistent with the residential density allowance of two (2) units per acre – five (5) units is the residential limit to be consistent with the RES 2 FLU designation.

***Commercial development is not allowed under the current RES 2 FLU designation; however, the owner/applicant is proposing a companion Small Scale Comprehensive Plan amendment # **24SS00008** to change the FLU from RES 2 to Community Commercial.

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

Background and Purpose of Request

The applicant is proposing to utilize a multi-business flex space concept to permit retail, office and personal service uses upon their entire site; the western portion of which has existing BU-1, General

Retail commercial zoning. As a combined site, access will be provided by the US Highway 1 corridor. The applicant states that each unit would range from 1,000 – 1,500 square feet; no plan has been submitted for review and no BDP has been submitted. The Board may wish to memorialize the applicant's request by requiring a BDP to be submitted. The applicant has submitted a companion application for a Small-Scale Comprehensive Plan amendment # **24SS00008** to request a change of the FLU from RES 2 to Community Commercial. Should the Small-Scale application be approved by the Board, then this zoning request can be heard.

This property is located along the north side of Canada Drive lying 254 feet easterly of US Highway 1. The current Binding Site Plan (BSP) limits the site development to seven (7) lots of at least 15,000 square feet in size and provides a 50-foot buffer to the east and a 75-foot buffer to the north. The BSP was part of Zoning Resolution **Z-7827** adopted by the Board on June 22, 1987.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Elementary School	AU	RES 1
South	Mobile home park	TR-3	RES 2
East	Single-family residential use	AU and EU	RES 2
West	Site is improved with a nonconforming billboard	BU-1	CC

To the north, the area is developed as Fairglen Elementary School, under the AU zoning classification.

To the south, the area is developed as the Tradewinds Mobile Home Park under the TR-3 zoning classification.

To the east the adjacent lots are zoned for single-family use and each lot is developed with a homesite under the AU and EU zoning classifications.

To the west, the unimproved portion of the lot is developed with a nonconforming billboard and is zoned BU-1.

TR-3 zoning is a mobile home park zoning classification with a minimum lot size of 10 acres for the park. Mobile home sites must be at least 4,000 square feet, with a minimum width of 40 feet. 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.

AU zoning classification permits single-family residences and agricultural uses on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

EU zoning classification is an estate single family residential zoning classification. The minimum lot size is 15,000 square feet with a minimum lot width and depth of 100 feet. The minimum living area is 2,000 square feet.

EU-2 zoning classification is an estate single family residential zoning classification. The minimum lot size is 9,000 square feet with a minimum lot width of 90 feet and depth of 100 feet. The minimum living area is 1,500 square feet.

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

Future Land Use

The subject property is currently designated under the Residential 2 FLU designation. The TR-3, Mobile home park zoning classification is not consistent with this FLU designation. Commercial development is not allowed under the current RES 2 FLU designation.

Role of the Comprehensive Plan in the Designation of Commercial Lands

FLUE Policy 2.1

The Comprehensive Plan takes into consideration broad criteria for evaluating requests for commercial land use designations within Brevard County. At a minimum, these criteria address the following:

Criteria:

- A. Overall accessibility to the site;

The subject parcel is located along the north side of Canada Drive lying 254 feet easterly of US Highway 1. The applicant proposes to access the property through the existing commercial US Highway 1 frontage, which they own.

- B. Compatibility and inter-connectivity with adjacent adopted Future Land Use designations and land uses;

This parcel lies between an existing elementary school to the north and an existing mobile home park to the south. To the east single-family homes have been developed. No interconnectivity is proposed.

- C. Existing commercial development trend in the area;

The east side of US Highway 1 has a commercial depth between 200 to 400 feet established. A portion of this overall parcel is developed with a billboard use. To the south is an existing retail business in operation.

- D. Fundamental changes in the character of an area prompted by infrastructure improvements undertaken by the County;

No fundamental changes in the character of the area prompted by infrastructure improvements undertaken by the County have been identified.

- E. Availability of required infrastructure at/above adopted levels of service;

The preliminary concurrency analysis did not indicate that the maximum development potential from the proposed Future Land Use Map change would cause a deficiency in the transportation adopted level of service. The parcel is not serviced by public sewer or within the Brevard County service area for potable water. The lot can be serviced by the City of Cocoa for potable water. Concurrency will be reviewed during the site plan process.

- F. Spacing from other commercial activities:

The eastward expansion encroaches into existing residential designations. The expansion of Community Commercial clusters up to 10 acres in size should be spaced at least 2 miles apart, located at the intersection of arterial roads. This parcel is not located at the intersection of arterial roads.

- G. Size of proposed commercial designation compared with current need for commercial lands;

A market study was not provided nor required.

- H. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems:

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

A majority of the subject parcel contains mapped St. Johns River Water Management District (SJRWMD) wetlands and hydric soils; indicators that wetlands may be present

on the property. **A wetland delineation will be required prior to any land clearing or land alteration activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). N. Highway 1 is a MQRs at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

- I. Integration of open space; and

The provisions of this Criterion will be addressed at the site plan stage.

- J. Impacts upon strip commercial development.

The applicant is proposing to develop a multi-business flex space concept to permit retail, office and personal service uses. This proposal could be considered as infill commercial development, however, the depth of the proposal could negatively impact the abutting properties to the north, east and south of the project limits.

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

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

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

The CC FLU allows for an array of light manufacturing, warehouse, retail, personal and professional uses. This property will need to comply with Brevard County Performance Standards noted within Section 62-1482 of Brevard County Code. Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan review stage should the zoning change be approved.

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

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

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

1. historical land use patterns;

The historical land use pattern along the east side of the US Highway 1 corridor is a commercial component ranging from 200 to 400 feet in depth followed by residential zoning classifications. In the vicinity of the subject property request, the residential character includes single-family zonings and mobile home park use. A few vacant residential properties remain within the area between US Highway 1 and the Indian River. A majority of the properties abutting the east side of US Highway 1 in this segment have BU-1 or BU-1-A zoning.

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

There has been no new development within 0.5 miles of the subject property within the last three years.

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

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

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

No material violation of relevant policies of the Comprehensive Plan has been identified.

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

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.

Staff analysis indicates the subject property is not located in an established residential neighborhood but can be considered a residential area. The subject property abuts single-family residential to the east. The Tradewinds mobile home park is developed to the south under a BDP limiting density to 3.4 units per acre recorded in ORB 3249 PG 4775. The elementary school (Fairglen Elementary) to the north requested a buffer from the prior mobile home zoning request. With the requested removal of the Binding Site Plan as part of the zoning request

under 24Z00023, the potential building setback from the school board property will reduce to 15 feet.

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.

The area has development of roads, open spaces, and similar existing features. It is not located in a neighborhood or subdivision but is along a commercial corridor on the east side of US Highway 1.

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.

Staff analysis indicates that the surrounding area along US Highway 1 is a commercial corridor. The request, if approved, would extend the potential commercial usage another 640 feet further east of US Highway 1. The request could be considered an encroachment into a residential area.

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.

This area has not seen recent commercial changes during the previous five years.

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.

Based on Natural Resources analysis, the presence of wetlands and hydric soils on the property may inhibit development of the property to not more than one (1) dwelling unit per five (5) acres or as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis. A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). N. Highway 1 is a MQRs at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e)

including avoidance of impacts, and will require mitigation in accordance with Section 62-3696.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Highway 1, between Hwy 528 to Canaveral Groves Blvd., which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 66.94% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 11.03%. The corridor is anticipated to continue to operate at 77.97% of capacity daily (LOS C). The proposal is not anticipated to create a deficiency in LOS.

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

The subject property can be served potable water by the City of Cocoa. Sewer does not appear to be available and the site may need to utilize septic systems.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

A majority of the subject parcel contains mapped St. Johns River Water Management District (SJRWMD) wetlands and hydric soils; indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing or land alteration activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). N. Highway 1 is a MQRs at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

For Board Consideration

The Board should consider whether the request is consistent and compatible with the surrounding area.

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

Item No. 24Z00023

Applicant: Kimberly Rezanka (Owner: Ibrahim and Haroon Real Estate, Inc)

Zoning Request: TR-3 to BU-1

Note: to develop multi-unit business flex space with each unit being from 1,000-1,500 sf

Zoning Hearing: 08/12/2024; **BCC Hearing:** 09/05/2024

Tax ID No.: 2317736

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

A majority of the subject parcel contains mapped St. Johns River Water Management District (SJRWMD) wetlands and hydric soils; indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing or land alteration activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). N. Highway 1 is a MQRs at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Land Use Comments:

Wetlands and Hydric Soils

A majority of the subject parcel contains mapped SJRWMD wetlands and hydric soils (Copeland-Bradenton-Wabasso complex, limestone substratum); indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). N. Highway 1 is a MQRs at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Aquifer Recharge Soils

This property contains Orsino fine sand, classified as an aquifer recharge soil. Pompano sand, 0 to 2 percent slopes may also function as an aquifer recharge soil. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. 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

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. 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 preservation and canopy coverage requirements and buffer requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

Protected Species

Federally and/or state protected species may be present on properties with aquifer recharge soils and/or wetlands. Gopher tortoises have been observed in this area. If applicable, 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 prior to any plan, permit submittal, or development activity, including land clearing.

LOCATION MAP
IBRAHIM & HAROON REALESTATE INC
24Z00023



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: 5/21/2024

Buffer
Subject Property

ZONING MAP

IBRAHIM & HAROON REALESTATE INC
24Z00023



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.

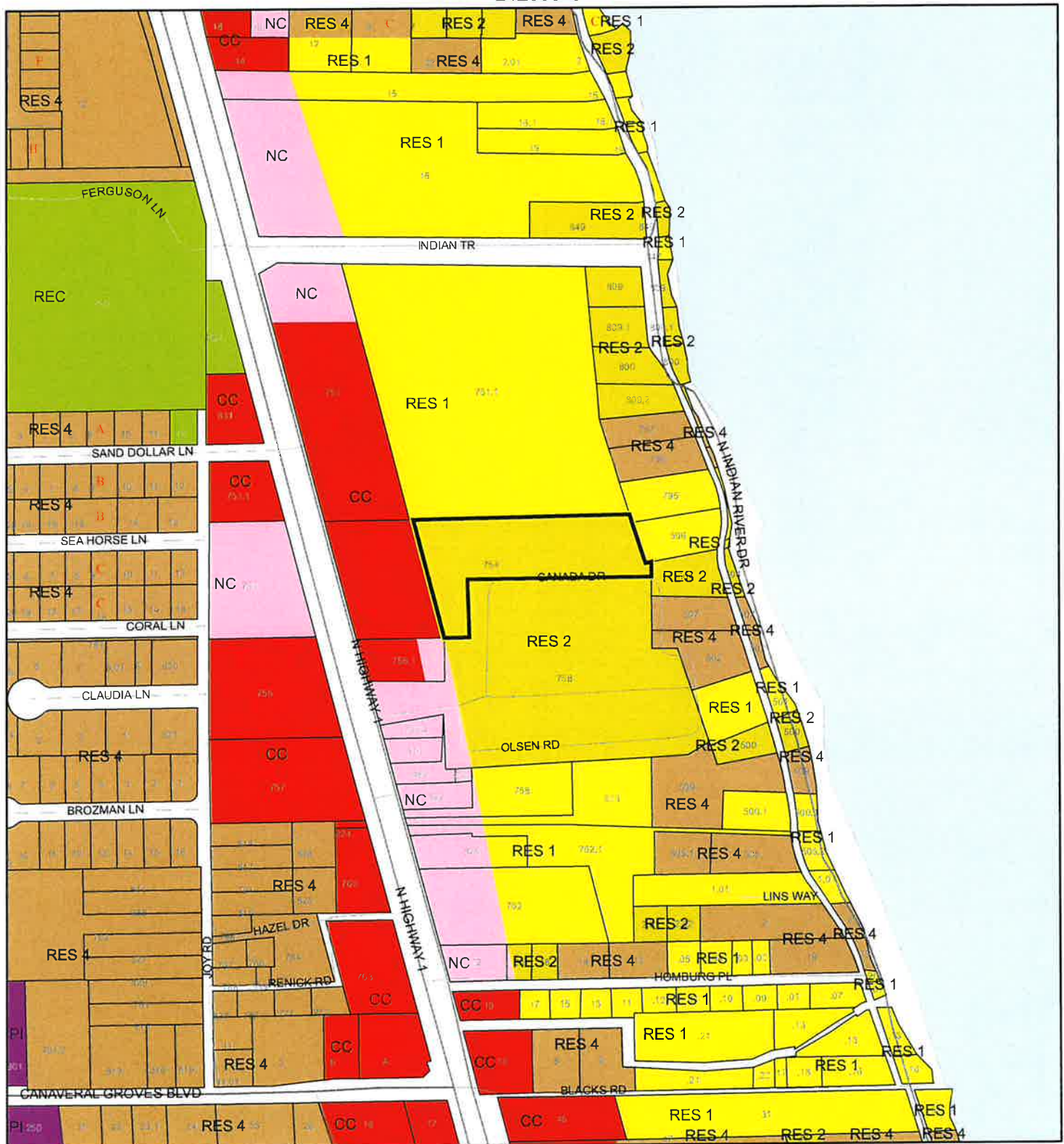
Produced by BoCC - GIS Date: 5/21/2024

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

IBRAHIM & HAROON REALESTATE INC

24Z00023



1:4,800 or 1 inch = 400 feet

Subject Property

Parcels

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AERIAL MAP
IBRAHIM & HAROON REALESTATE INC
24Z00023



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2023

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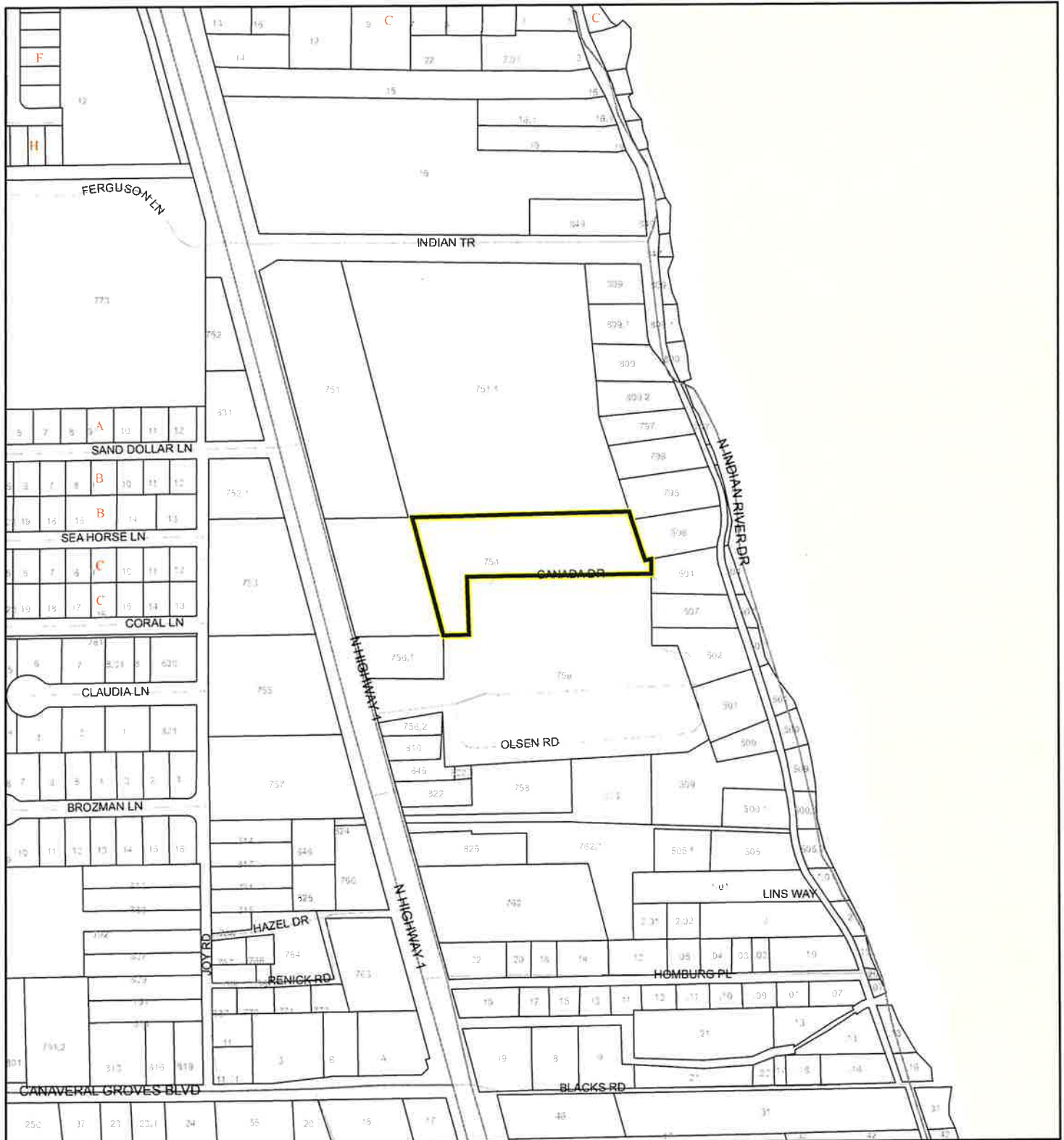
 Subject Property

 Parcels

NWI WETLANDS MAP

IBRAHIM & HAROON REALESTATE INC

24Z00023



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/21/2024

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

IBRAHIM & HAROON REALESTATE INC

24Z00023



1:4,800 or 1 inch = 400 feet

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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

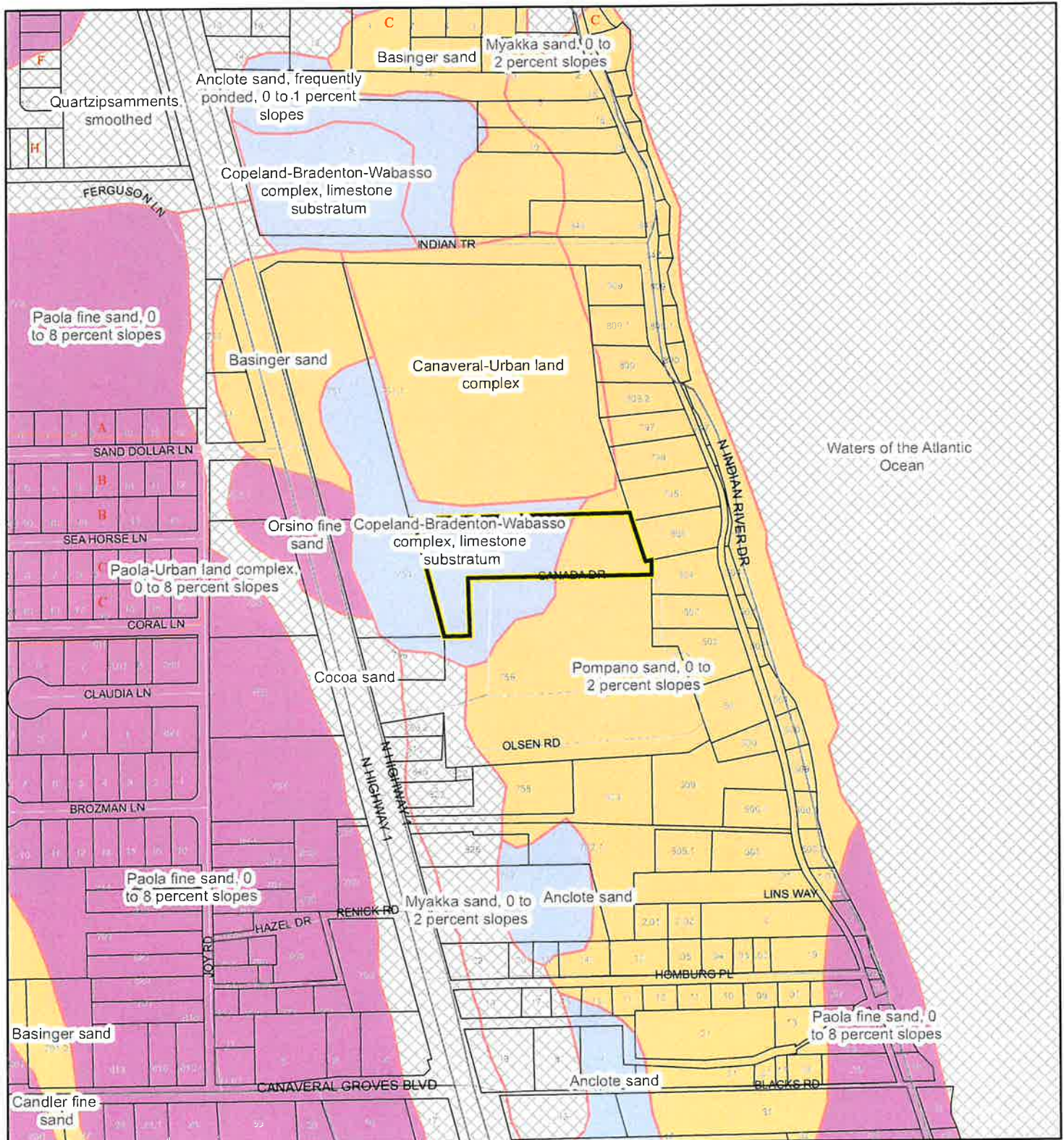
Subject Property

Parcels

USDA SCSSS SOILS MAP

IBRAHIM & HAROON REALESTATE INC

24Z00023



1:4,800 or 1 inch = 400 feet

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USDA SCSSS Soils

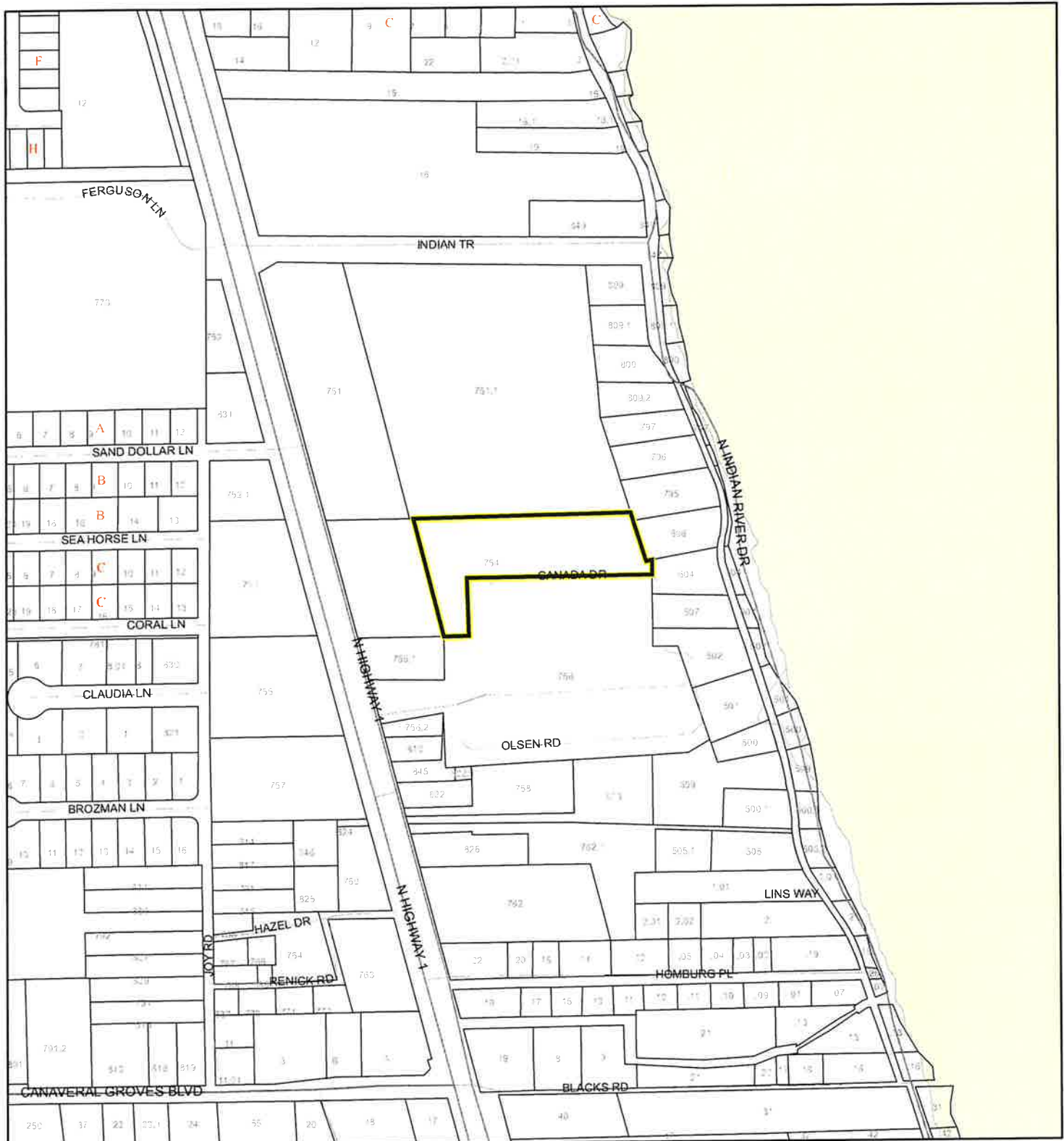
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

IBRAHIM & HAROON REALESTATE INC

24Z00023

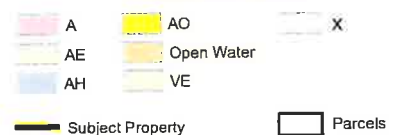


1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/21/2024

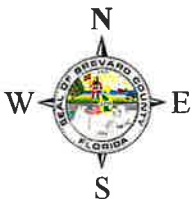
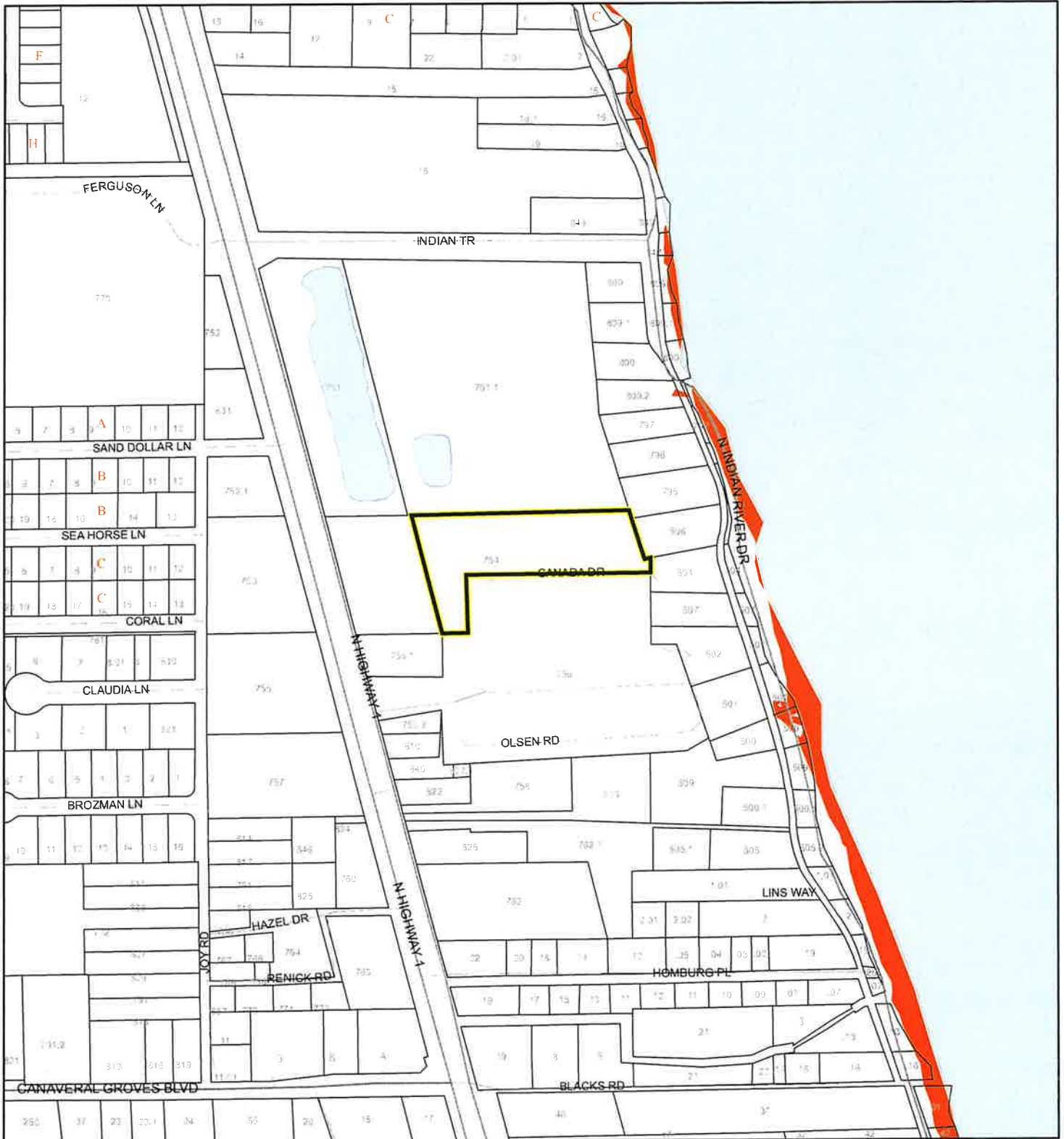
FEMA Flood Zones



COASTAL HIGH HAZARD AREA MAP

IBRAHIM & HAROON REALESTATE INC

24Z00023



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/21/2024

 Subject Property

 Parcels

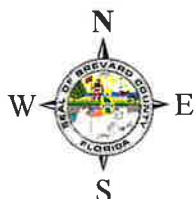
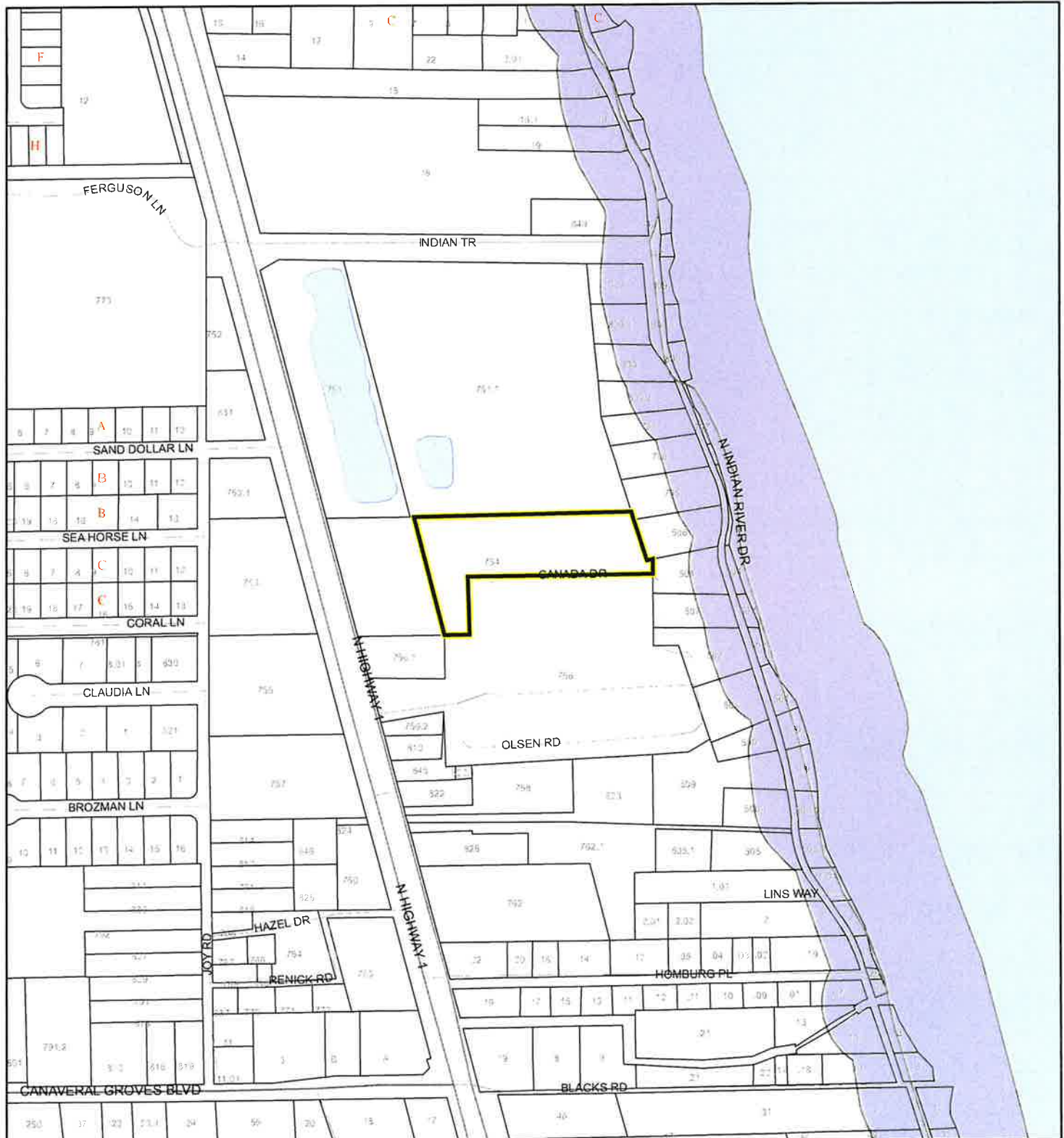
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

IBRAHIM & HAROON REALESTATE INC

24Z00023



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/21/2024

 Subject Property

 Parcels

Septic Overlay

 40 Meters

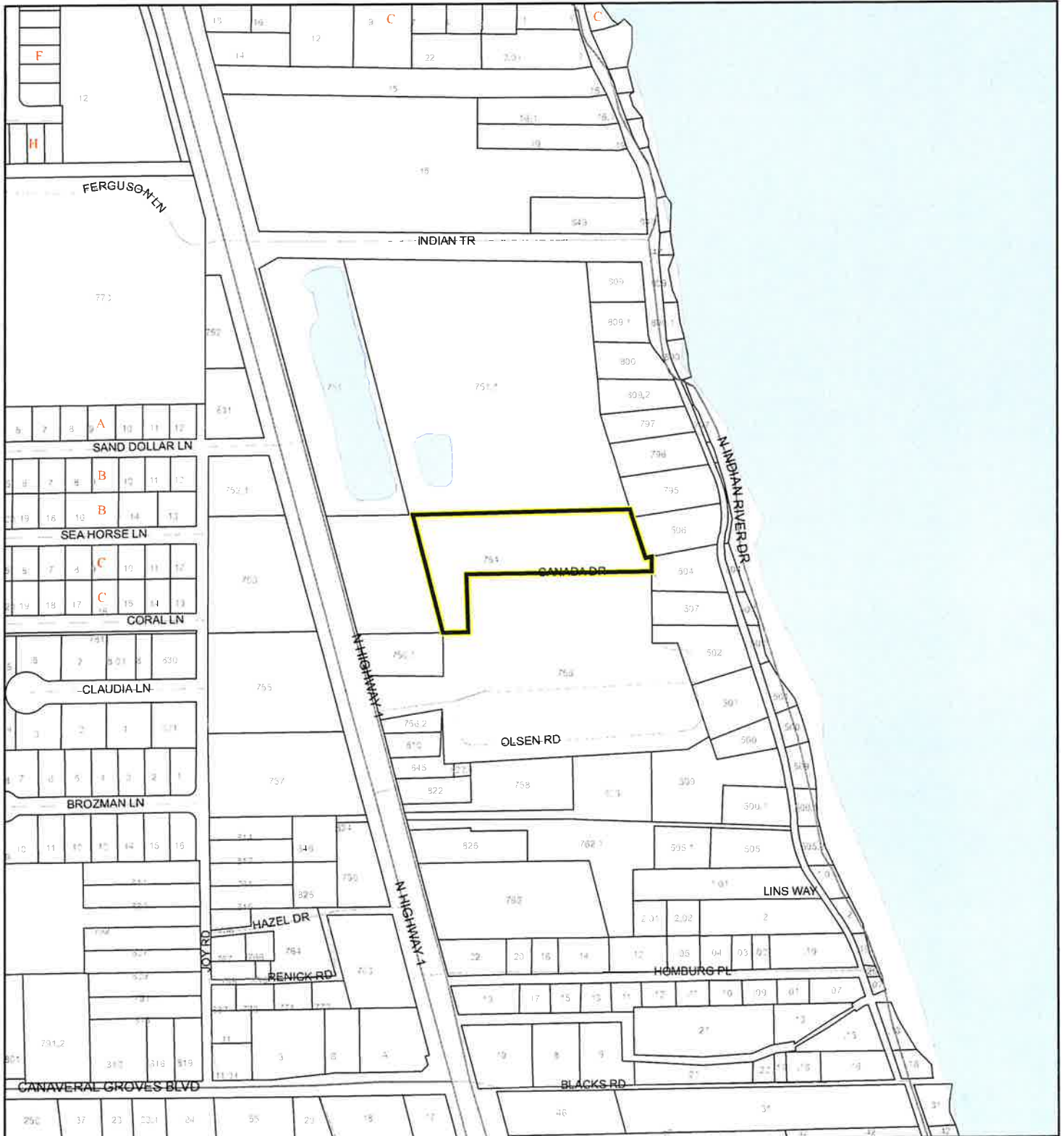
 60 Meters

 All Distances

EAGLE NESTS MAP

IBRAHIM & HAROON REALESTATE INC

24Z00023



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/21/2024

 Subject Property

 Parcels

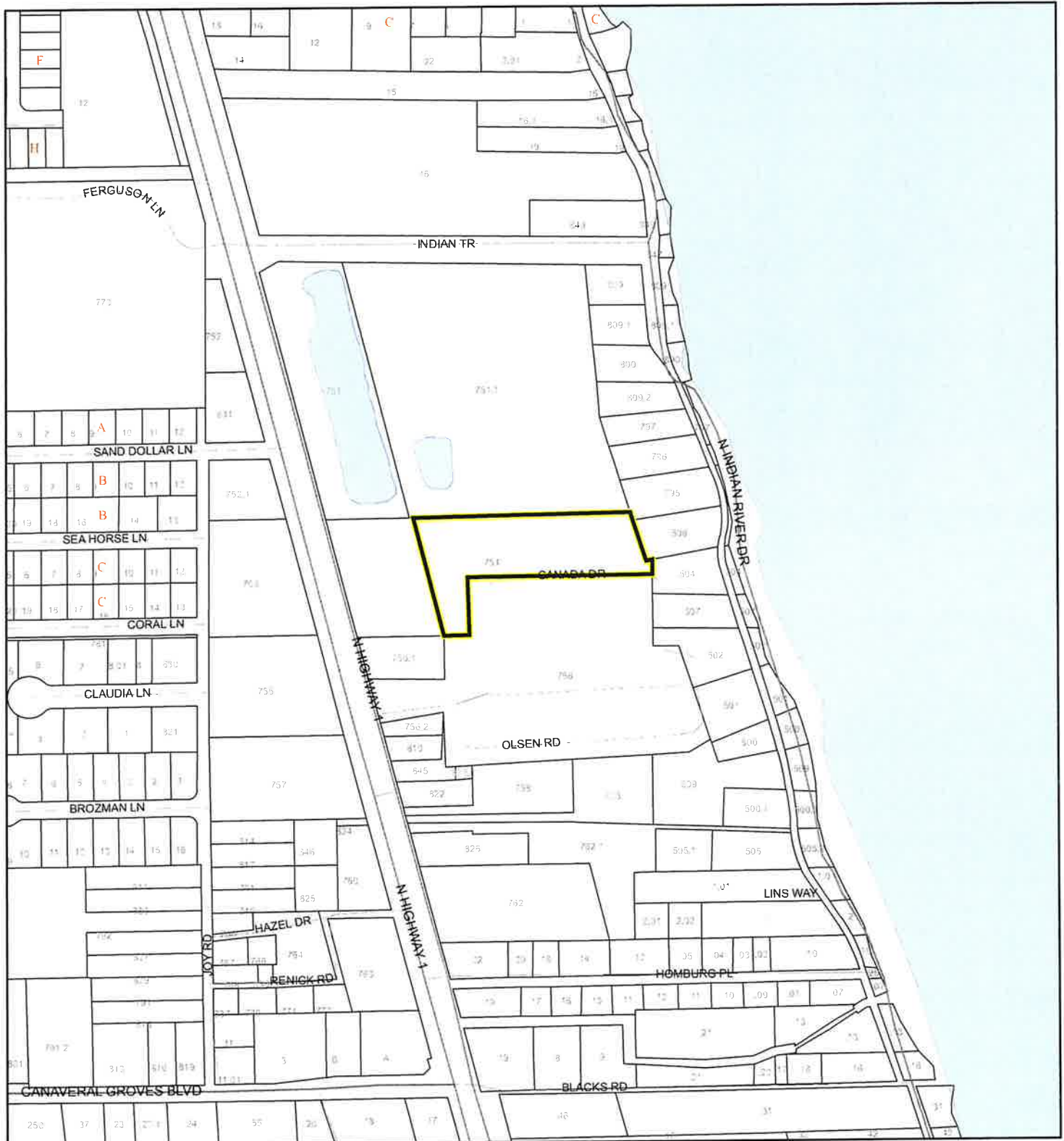


Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

IBRAHIM & HAROON REALESTATE INC

24Z00023



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/21/2024

 Subject Property

 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

IBRAHIM & HAROON REALESTATE INC

24Z00023



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/21/2024

SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

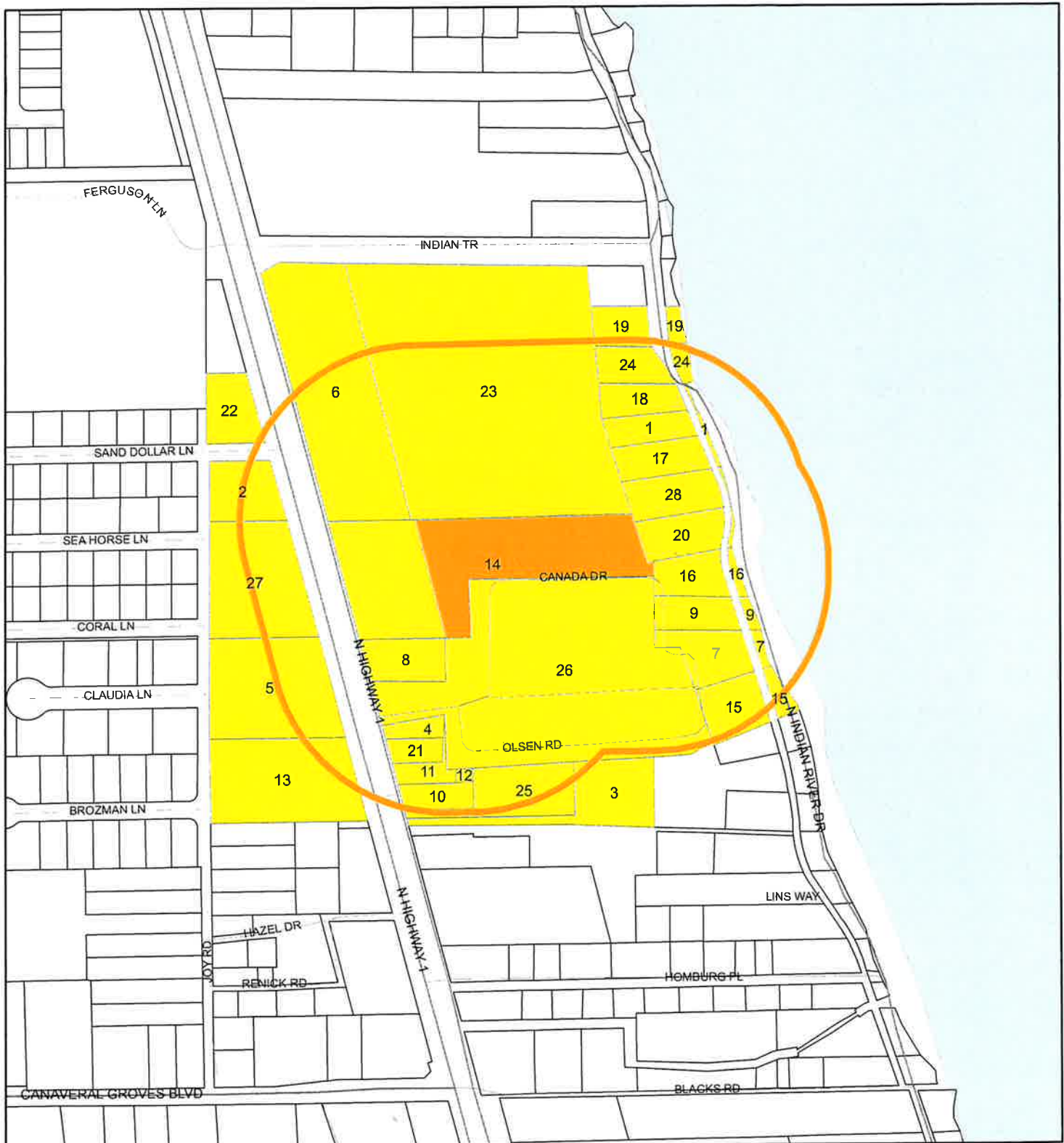
Subject Property

Parcels

RADIUS MAP

IBRAHIM & HAROON REALESTATE INC

24Z00023







1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

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

Produced by BoCC - GIS Date: 5/21/2024

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, August 12, 2024**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Henry Minneboo, Vice-Chair (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Logan Luse (D4-Alt); and John Hopengarten (BPS).

Staff members present were: Tad Calkins, Director (Planning and Development); Alex Esseesse, Deputy County Attorney; Billy Prasad, Deputy Director (Planning and Development); Edward Fontanin, Director (Utility Services); Jeffrey Ball, Planning and Zoning Manager; Trina Gilliam, Planner; Desiree Jackson, Planner; and Kristen Champion, Special Projects Coordinator.

Mark Wadsworth stated that if any Board Member has had an ex-parte communication regarding any application, please disclose so now.

Excerpt of complete agenda.

G.11. (24SS00008) Ibrahim and Haroon Realestate, Inc. (Kim Rezanka) requests a Small-Scale Comprehensive Plan Amendment (24S.08), to change the Future Land Use Designation from RES 2 (Residential 2) to CC (Community Commercial), on property described as Tax Parcel 754, less and except the western 250 ft. The property is 2.86 acres, located on the north side of Canada Dr., approx. 250 ft. east of US Hwy 1. **(24SS00008)** (No address assigned. In the Cocoa area.) (Tax Account 2317736) (District 1)

G.12. (24Z00023) Ibrahim and Haroon Realestate, Inc. (Kim Rezanka) requests a change of zoning classification from TR-3 (Mobile Home Park) with a BSP (Binding Site Plan) to BU-1 (General Retail Commercial) with removal of the BSP (Binding Site Plan), on property described as Tax Parcel 754, less and except the western 250 ft. The property is 2.86 acres, located on the north side of Canada Dr., approx. 250 ft. east of US Hwy 1. **(24Z00023)** (No address assigned. In the Cocoa area.) Tax Account (Tax Account 2317736) (District 1)

Jeffrey Ball read companion items G.11. and G.12. into the record. He referred to the information that Ms. Rezanka had provided which included a concept plan. He noted that staff had not reviewed the concept plan for code compliance or regulations. In addition, the provided zoning map notes GML. That property with a public school on it is actually zoned AU.

Kim Rezanka, on behalf of Ibrahim and Haroon Realestate, noted the information had been provided to show what she believes to be inconsistencies in the zoning and future land use on the map. Fair Glenn Elementary School to the north of this property has a zoning of AU and future land use of RES-1. She believes it should have a future land use of government managed lands institutional by the county code. The land to the west of that is owned by Brevard County and looks like it's mostly just for storm water. To the south of this property is a mobile home park. It's a rental property with Res 2 and it has TR-3 zoning even though it's not big enough and should have 10 acres to have a TR-3 zoning. As discussed, it can't be subdivided so it's a rental community which could be considered commercial. There are three homes to the east of this proposed development. This subject property is accessible from US 1. She went on with explaining that 2.86 acres isn't big enough to be developed, therefore it can't be used right now in its current TR-3 zoning. Ms. Rezanka then noted what the applicant wishes to do and made reference to the concept site plan that was drafted by

Aaron McDonald, the engineer of record. They're looking to do 27 units. They would have office hour time so they would end by 6:00 at night and meet performance standards to make sure they did not impact the residential homes to the east.

Henry Minneboo wondered if the piece that abuts US1 was under same ownership. He also asked to confirm if sewer and water would be available.

Ms. Rezanka confirmed that the 250 feet is owned by the same entity and be used by the entirety of the property. Sewer and water were noted to be available.

John Hopengarten asked how big the lot to the west is.

Kim Rezanka responded by stating under two acres and that the two lots together are almost five acres.

Ron Bartcher asked for the applicant to describe the buffering.

Kim Rezanka noted there would be a 25-foot type A buffer with a six-foot high completely opaque visual buffer. Actually, she believes it's going to be larger than that based upon the placement of the driveway. For the property to the east there's a substantial natural buffer on the owner's property that's going to be preserved.

Ron Bartcher recommends the condition of a BDP that restricts him to BU-1 uses such as the mentioned retail, office, and personal services.

Jeffrey Ball stated to clarify that the current BSP. It's limited to seven lots of at least 15,000 square feet provides a 50-foot buffer to the east and a 75-foot buffer to the north.

Ron Bartcher stated he was concerned less concern of buffering to the north because they have their own fence. He was more concerned about the buffering to the east where its residential and to the south. He'd like to see as much buffering as possible there. He understood that there isn't enough room for a 50-foot buffer but also enough for 20-25 foot. Mr. Bartcher went on to ask whether a six-foot wall, because its commercial to residential, would be required to the south and east.

Tad Calkins said yes.

Ron Bartcher and Henry Minneboo discussed the aerials and whether the existing vegetation that's depicted were Brazilian peppers.

Public Comment:

Jennifer Parish, 1260 Old Dixie Highway, Titusville, Florida. Ms. Parish has little kids. She had a question as to whether there were any restrictions to what commercial stores, or anything could go there right next to a school.

End Public Comment:

Jeffrey Ball went on to explain what uses are allowed in BU-1 zoning and the BDP runs with the land. Therefore, even if the property is sold those restrictions would still apply unless there's a request and approved by the board to remove those restrictions.

Kim Rezanka added that there couldn't be any alcohol sales or adult entertainment there either because it's so close to a school so those would be restrictions also.

Motion to recommend approval of item G.11 by Ron Bartcher, seconded by Debbie Thomas. The vote passed unanimously.

Motion to recommend approval of item G.12, on the condition of entering into in a BDP that requires a 20-foot buffer along the east and south and restricts the restrict the BU-1 uses to retail, office, and personal service, by Ron Bartcher and seconded by Debbie Thomas. The vote passed unanimously.