



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.4.

2/1/2024

Subject:

Florida Dealer Center, LLC (Bruce Moia) requests a change of zoning classification from BU-1 and BU-2 with an existing BDP to all BU-2 and removal of existing BDP. (23Z00081) (Tax Account 2314551 and 2314553.) (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 BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Wholesale Commercial) with an existing BDP (Binding Development Plan) to all BU-2 and removal of existing BDP.

Summary Explanation and Background:

The applicant is requesting a change of zoning classification on 1.6 acres from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing and Wholesale Commercial) on with an existing BDP (Binding Development Plan) to all BU-2 and with removal of the existing BDP to construct a self-storage mini-warehouse facility with the individual units to be rented out. The property is 2.9 acres in size with the remainder having BU-2 zoning. BU-1 zoning permits mini-warehouses with conditions.

The current and proposed BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats, and mobile homes.

The existing BDP stipulates the property:

- The Developer/Owner will sub-divide existing property into two parcels.
- Developer/Owner shall develop 150 feet from existing road frontage as BU-1 and the balance as BU-2.
- Developer/Owner will plan for a shared entrance for both parcels.

To the north is a 3-acre undeveloped parcel with GU zoning. To the east across Grissom Parkway is an undeveloped 4.36-acre parcel used for retention with GU zoning. To the south are two 1.25-acre undeveloped parcels with GU zoning. To the west is a 8.94-acre parcel developed with a single-family residence with GU zoning.

The closest developed BU-2 zoned parcel is located approximately one mile south of the subject property on the east side of Grissom Parkway.

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

On January 8, 2024, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

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

Resolution 23Z00081

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

WHEREAS, Florida Dealer Center, LLC requests a change of zoning classification from BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Wholesale Commercial) with an existing BDP (Binding Development Plan) to all BU-2 and removal of existing BDP, on property described as Lots 1 & 2, Block 2, Canaveral Groves Subdivision, as recorded in ORB 9884, Pages 2198 - 2200, of the Public Records of Brevard County, Florida. **Section 35, Township 23, Range 35.** (2.97 +/- acres) Located on the west side of Grissom Pkwy., approx. 150 ft. south of the Camp Rd. Grissom Pkwy. intersection. (No assigned address. 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 BU-1 and BU-2 to all BU-2 with 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 February 1, 2024.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



Jason Steele, Chair

Brevard County Commission

As approved by the Board on February 1, 2024.

ATTEST:



RACHEL SADOFF, CLERK

(SEAL)

P&Z Board Hearing – January 8, 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

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

23Z00081

Florida Dealer Center, LLC - James Boozer (Bruce A. Moia)

BU-1 (General Retail Use) and BU-2 (Retail, Warehousing and Wholesale Commercial) with BDP (Binding Development Plan) to all BU-2 (Retail, Warehousing and Wholesale Commercial) with removal of existing BDP

Tax Account Number: 2314553 & 2314551
Parcel I.D.: 23-35-35-01-2-2 & 23-35-35-01-2-2
Location: West side of Grissom Parkway, approx. 150 feet south of Camp Rd. (District 1)
Acreage: 2.9 acres

Planning & Zoning Board: 1/08/2024
Board of County Commissioners: 2/01/2024

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

| | CURRENT | PROPOSED |
|--|-------------|------------|
| Zoning | BU-1 & BU-2 | All BU-2 |
| Potential* | FAR of 1.0 | FAR of 1.0 |
| Can be Considered under the Future Land Use Map | Yes CC | Yes CC |

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

Background and Purpose of Request

The applicant is requesting a change of zoning classification from BU-1 (General Retail Commercial) on 1.6 acres and BU-2 (Retail, Warehousing and Wholesale Commercial) on 1.3 acres with an existing BDP (Binding Development Plan) to all BU-2 with removal of the existing BDP to construct a self-storage mini-warehouse facility.

Please note: The concept plan included in the application was provided as a courtesy. This is not a requirement for rezoning and has not been reviewed for compliance with the land development codes and other County departments. The concept plan is non-binding.

The subject property is currently undeveloped and is located on the west side of Grissom Pkwy which is a county-maintained Road.

The parcels original zoning was GU (General Use). On May 13, 2004, zoning action Z-10924 rezoned the parcels to BU-1 on the easterly 150 feet and BU-2 on the remainder of the parcels with a Binding Development Plan (BDP). This zoning action also included a Small-Scale Plan Amendment (04S.2) that changed the Future Land Use Map (FLUM) designation from Planned Industrial (PI) to Community Commercial (CC).

The recorded Binding Development Plan stipulates:

1. The Developer/Owner will sub-divide existing property into two parcels.
2. Developer/Owner shall develop 150 feet from existing road frontage as BU-1 and the balance as BU-2.
3. Developer/Owner will plan for a shared entrance for both parcels.

Surrounding Area

| | Existing Land Use | Zoning | Future Land Use |
|--------------|----------------------------------|---------------|------------------------|
| North | Undeveloped | GU | PI |
| South | Undeveloped | GU | RES 1:2.5 |
| East | Undeveloped Across Grissom Pkwy. | GU | RES 1:2.5 |
| West | SF Residence | GU | RES 1:2.5 |

To the north is a 3-acre undeveloped parcel with GU zoning. To the east across Grissom Parkway is an undeveloped 4.36-acre parcel used for retention with GU zoning. To the south are two 1.25-acre undeveloped parcels with GU zoning. To the west is a 8.94-acre parcel developed with a single-family residence with GU zoning.

The current BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing and wholesaling or outdoor storage.

The current and proposed BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic, and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats, and mobile homes.

The GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

There have been one zoning action, 22Z00005, within a half-mile radius of the subject property which rezoned 11.8 acres from GU to RR-1 (Rural Residential) with a BDP limiting development to 4 units.

There are no pending zoning actions within a half-mile radius of the subject property.

Future Land Use

The subject property contains the Community Commercial (CC) FLUM designation. Both the existing BU-1 and proposed BU-2 zoning classifications are consistent with the CC FLUM designation.

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

Criteria:

A. Permitted/prohibited uses;

BU-2 zoning Retail, Warehousing and Wholesale Commercial zoning classification is the County's most intense commercial zoning classification. BU-2 encompasses lands devoted to general retail and wholesale business, contracting and heavy repair services and warehousing activities. Retail items of substantial size or which of necessity must remain outside of a building may be permitted to be displayed outside the building. Storage yards must be enclosed with a six-foot wall, louvered fence or chain-link fence. BU-1 zoning permits mini-warehouses with conditions.

B. Existing commercial zoning trends in the area;

There have been no existing commercial trends in the area. The closest developed BU-2 zoned parcel is located approximately one mile south of the subject property on the east side of Grissom Parkway.

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

Existing single-family residential uses are located west of the subject property; the primary zoning classification along the west side of Grissom Parkway is GU. This request could be considered an expansion of BU-2 into the immediate area. The closest BU-2 is located approximately one mile south of the subject property.

- D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;

The preliminary concurrency analysis did not indicate that the proposed development has the potential to cause a deficiency in the transportation adopted level of service.

The subject property has access to the City of Cocoa for potable water and on private septic.

- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and the following land use issues were identified:

This property contains mapped aquifer recharge soils as shown on the USDA Soil Conservation Service Soils Survey map. Aquifer Recharge soils have impervious area restrictions.

The applicant is hereby notified of the northern portion of the subject parcel contains mapped St. Johns River Water Management District (SJRWMD) wetlands; an indicator 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. The wetland delineation shall be verified at time of site plan submittal.

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

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

This property will need to comply with Brevard County Performance Standards noted within Section 62-1483 and 62-1837.5 of Brevard County Code regarding the BU-2 zoning classification ordinance as well as self storage mini-warehouse.

Activities Permitted in the Community Commercial (CC) Future Land Use Designations

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

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;

Depending on the use, the hours of operation, lighting and traffic is not anticipated to affect the quality of life in the existing neighborhood. There is no anticipation of odor, noise level or site activity more so than already exists. Potential nuisance performance factors will be address at site plan review.

- 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;

Staff analysis indicates the character of the surrounding area along the east side of Grissom Pkwy. is undeveloped single-family residential. Immediately to the west is a single-family residence. North of the subject property is undeveloped with a PI (Planned Industrial) FLU designation.

There are four (4) FLU designations within 500 feet of the subject site: CC, PI, RES 1:2.5 and PUB. The predominant FLU designation along the east side of Grissom Pkwy. is PI to the north and RES 1:2.5 to the south.

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

There has not been any new development to the immediate area within the last three years:

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

There has not been any actual development approved within this area in the preceding three (3) years.

- 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 has been identified.

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

Criteria:

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

Staff analysis indicates the request is not located within an existing neighborhood. However, there is a pattern of existing undeveloped and developed single-family residential surrounding the property. The primary zoning classifications along the east side of Grissom Pkwy. is GU.

The BU-2 zoning classification is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted (i.e, major auto-repair facilities, paint and body shops, and contractor storage yards). Off-site impacts such as noise, light, traffic and other potential nuisance factors associated with BU-2 activities should be considered.

A preliminary concurrency evaluation did not indicate that the proposal has the potential to cause a deficiency in the transportation adopted level of service; however, the maximum development potential from the proposed rezoning increases the percentage of MAV by 0.12%.

- 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 an Urban Minor Arterial corridor.

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 to the east is developed with residential in character. The abutting areas to the north and south of the subject parcel are undeveloped residential parcels.

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.

The subject parcel is proposed to be rezoned from BU-1 and BU-2 to all BU-2. The surrounding area to the east is developed with residential in character. The abutting areas to the north and south of the subject parcel are undeveloped residential parcels.

The closest BU-2 is located approximately one mile south of the subject property.

Analysis of 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.

Per Natural Resource Management Department: A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal and meet all Natural Resource Management Department codes.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Grissom Parkway, between Canaveral Groves Blvd. and Camp Road, which has a Maximum Acceptable Volume (MAV) of 17,700 trips per day, a Level of Service (LOS) of D, and currently operates at 48.47% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.59%. With the maximum development potential from the proposed rezoning, the corridor is anticipated to operate at 49.06% of capacity daily (LOS D). The proposal is not anticipated to create a deficiency in LOS. During the site plan review process, staff will evaluate the proposed use to determine roadway capacities.

No school concurrency information has been provided as the proposed project is a commercial development and not intended for residential uses.

The subject property has access to the City of Cocoa potable water and on private septic.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

The northern portion of the subject parcel contains mapped St. Johns River Water Management District (SJRWMD) wetlands; an indicator 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.** The wetland delineation shall be verified at time of site plan submittal.

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). Grissom Parkway is an MQR in this location. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Brevard County Board of County Commissioners 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 no net loss mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at (321) 633-2016 prior to any site plan design or permit submittal.

Florida Scrub Jay occupancy is mapped on the entire parcel, and there is potential for existence of Gopher Tortoises on site. 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 (FWC) and/or U.S. Fish and Wildlife Service, as applicable. **A valid FWC Scrub Jay permit or clearance letter is required at time of site planning.**

For Board Consideration

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 23Z00081**

Applicant: Bruce A. Moia, P.E. (Owner: Florida Dealer Center LLC)

Zoning Request: BU-1 and BU-2 with BDP to all BU-2 and removal of BDP

Note: to construct warehouse units (4 buildings with a total of 73 warehouse units)

Zoning Hearing: 01/08/2024; **BCC Hearing:** 02/01/2024

Tax ID Nos: 2314553 & 2314551

- 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 Species
- Protected and Specimen Trees

The northern portion of the subject parcel contains mapped St. Johns River Water Management District (SJRWMD) wetlands; an indicator 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.** The wetland delineation shall be verified at time of site plan submittal.

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). Grissom Parkway is an MQR in this location. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Brevard County Board of County Commissioners 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 no net loss mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at (321) 633-2016 prior to any site plan design or permit submittal.

Florida Scrub Jay occupancy is mapped on the entire parcel, and there is potential for existence of Gopher Tortoises on site. 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 (FWC) and/or U.S. Fish and Wildlife Service, as applicable. **A valid FWC Scrub Jay permit or clearance letter is required at time of site planning.**

Land Use Comments:

Wetlands

The northern portion of the subject parcel contains mapped St. Johns River Water Management District (SJRWMD) wetlands; an indicator 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.** The wetland delineation shall be verified at time of site plan submittal.

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). Grissom Parkway is an MQR in this location. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Brevard County Board of County Commissioners 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 site plan design or permit submittal.**

Aquifer Recharge Soils

This property contains Pomello sand, classified 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 Species

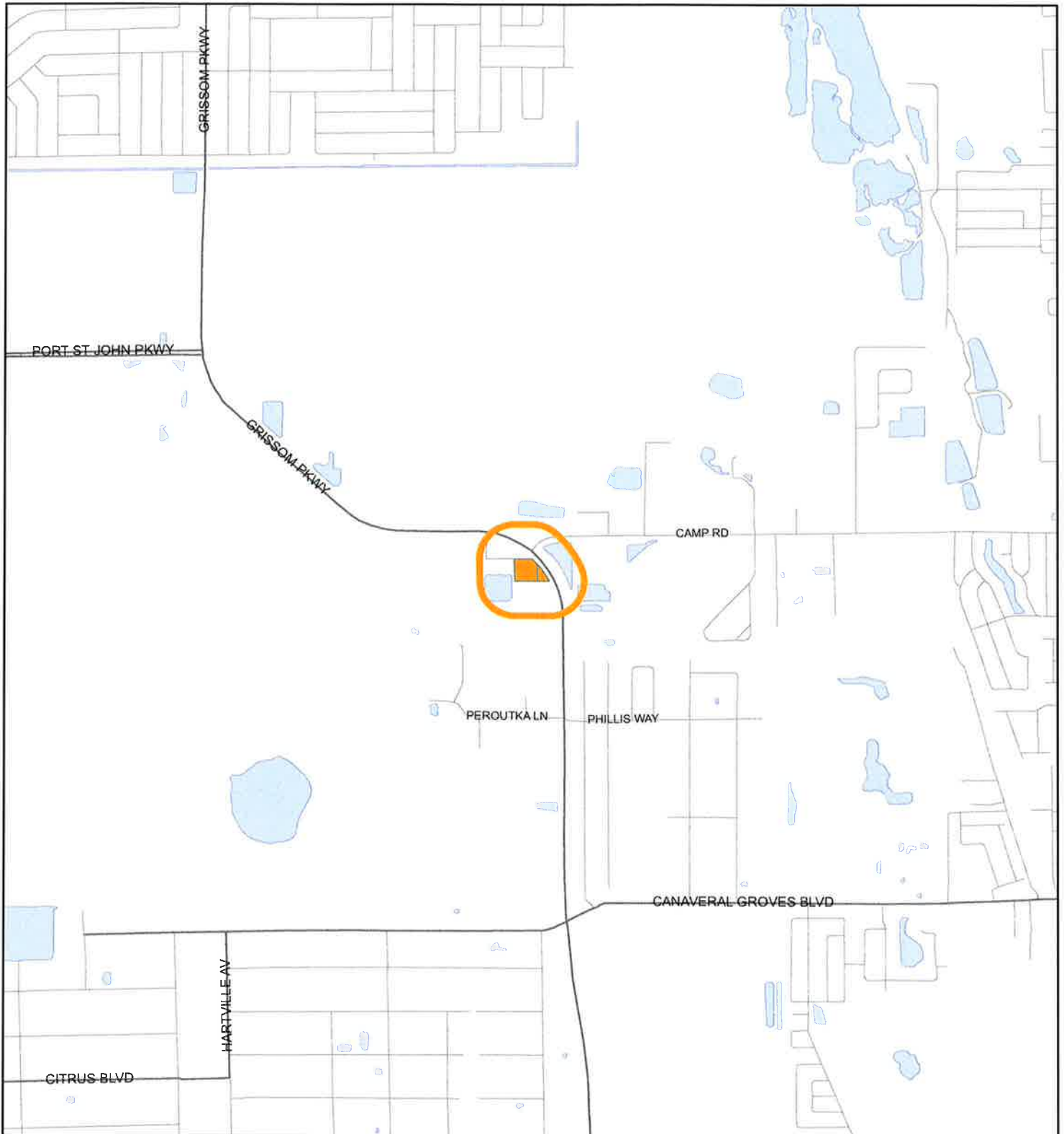
Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, **Florida Scrub Jay occupancy is mapped on the entire parcel, and there is potential for existence of Gopher Tortoises on site.** Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC) and/or U.S. Fish and Wildlife Service, as applicable. A valid FWC Scrub Jay permit or clearance letter is required at time of site planning.

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. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

LOCATION MAP
FLORIDA DEALER CENTER LLC
23Z00081



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

Buffer Distance: 500 feet

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

Produced by BoCC - GIS Date: 11/8/2023

— Buffer
— Subject Property

ZONING MAP

FLORIDA DEALER CENTER LLC
23Z00081



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 11/8/2023

Subject Property

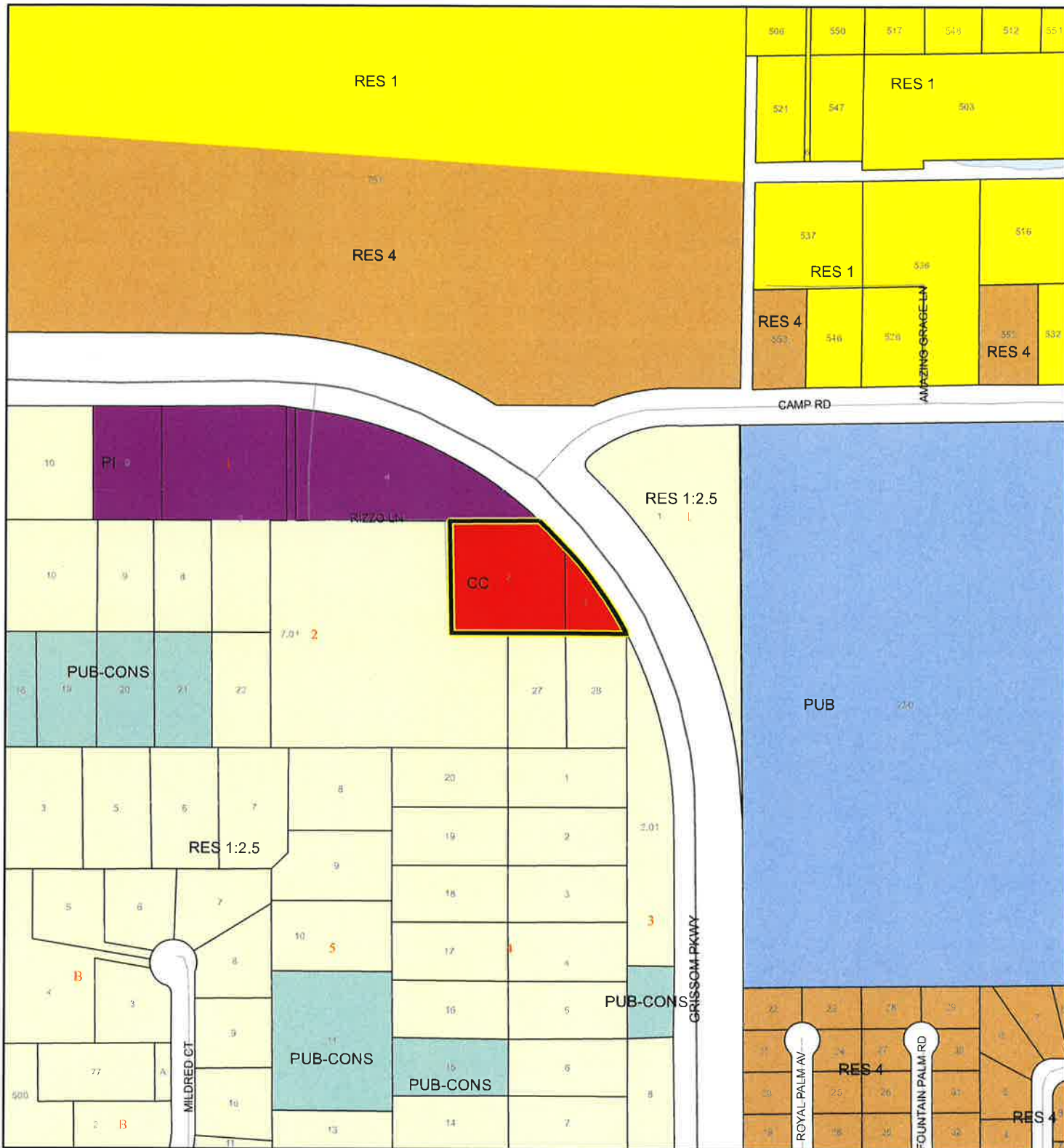
Parcels

Zoning

FUTURE LAND USE MAP

FLORIDA DEALER CENTER LLC

23Z00081



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 11/8/2023

— Subject Property
 □ Parcels

AERIAL MAP
FLORIDA DEALER CENTER LLC
23Z00081



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2023

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

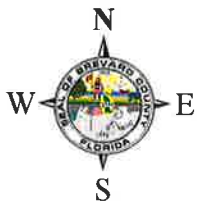
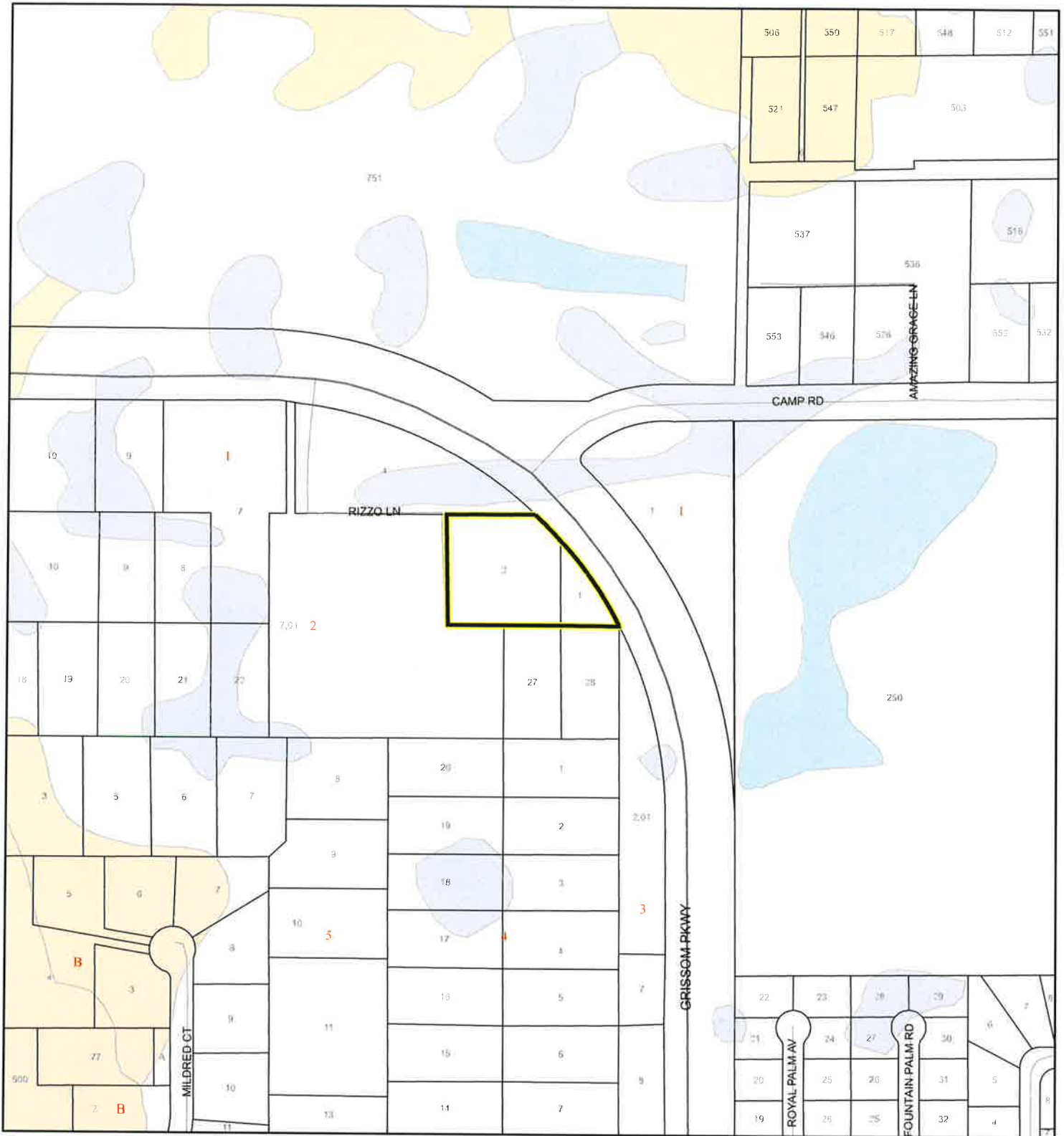
Produced by BoCC - GIS Date: 11/8/2023

— Subject Property
□ Parcels

NWI WETLANDS MAP

FLORIDA DEALER CENTER LLC

23Z00081



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 11/8/2023

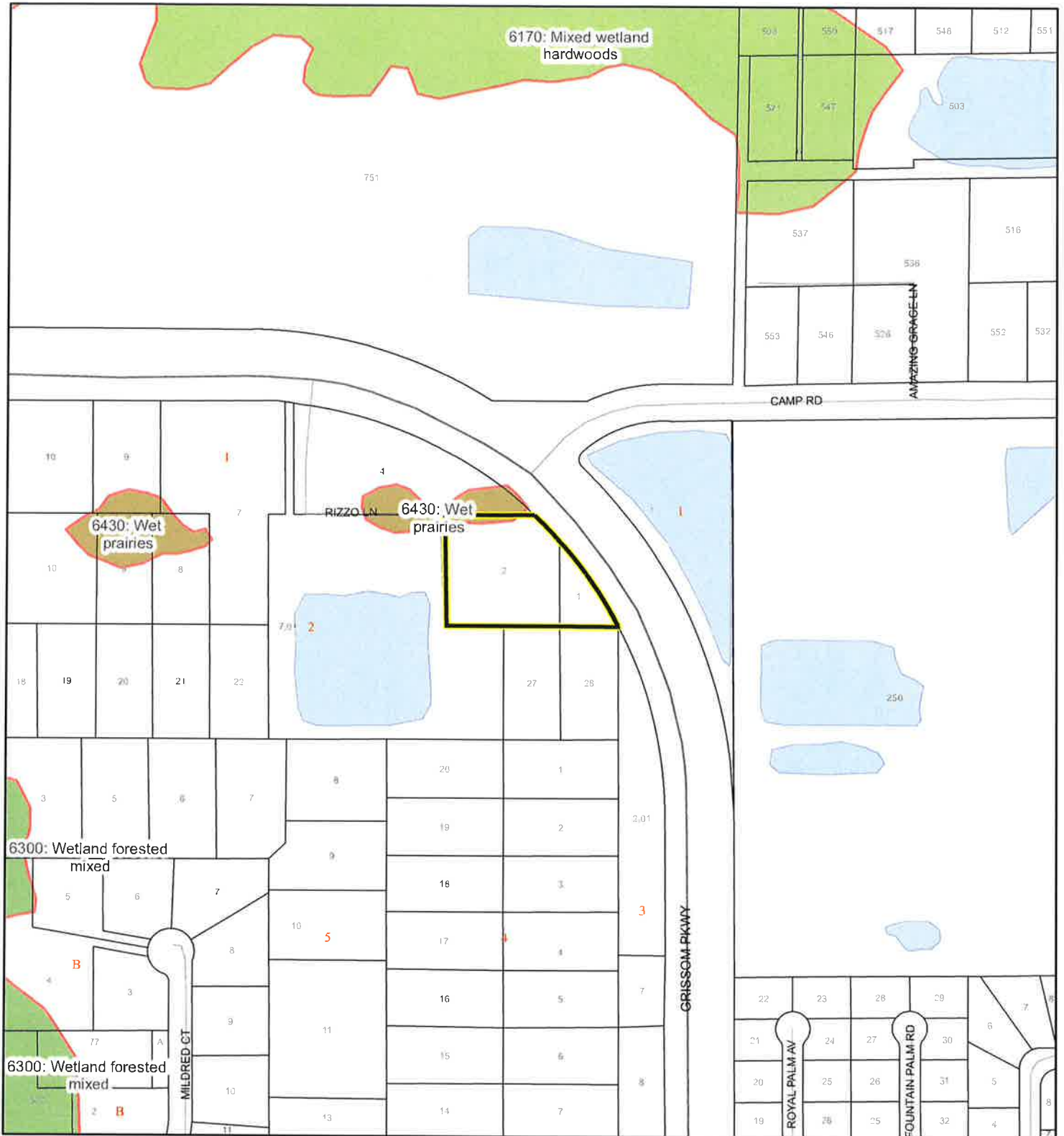
National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

FLORIDA DEALER CENTER LLC

23Z00081



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 11/8/2023

SJRWMD FLUCCS WETLANDS

- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

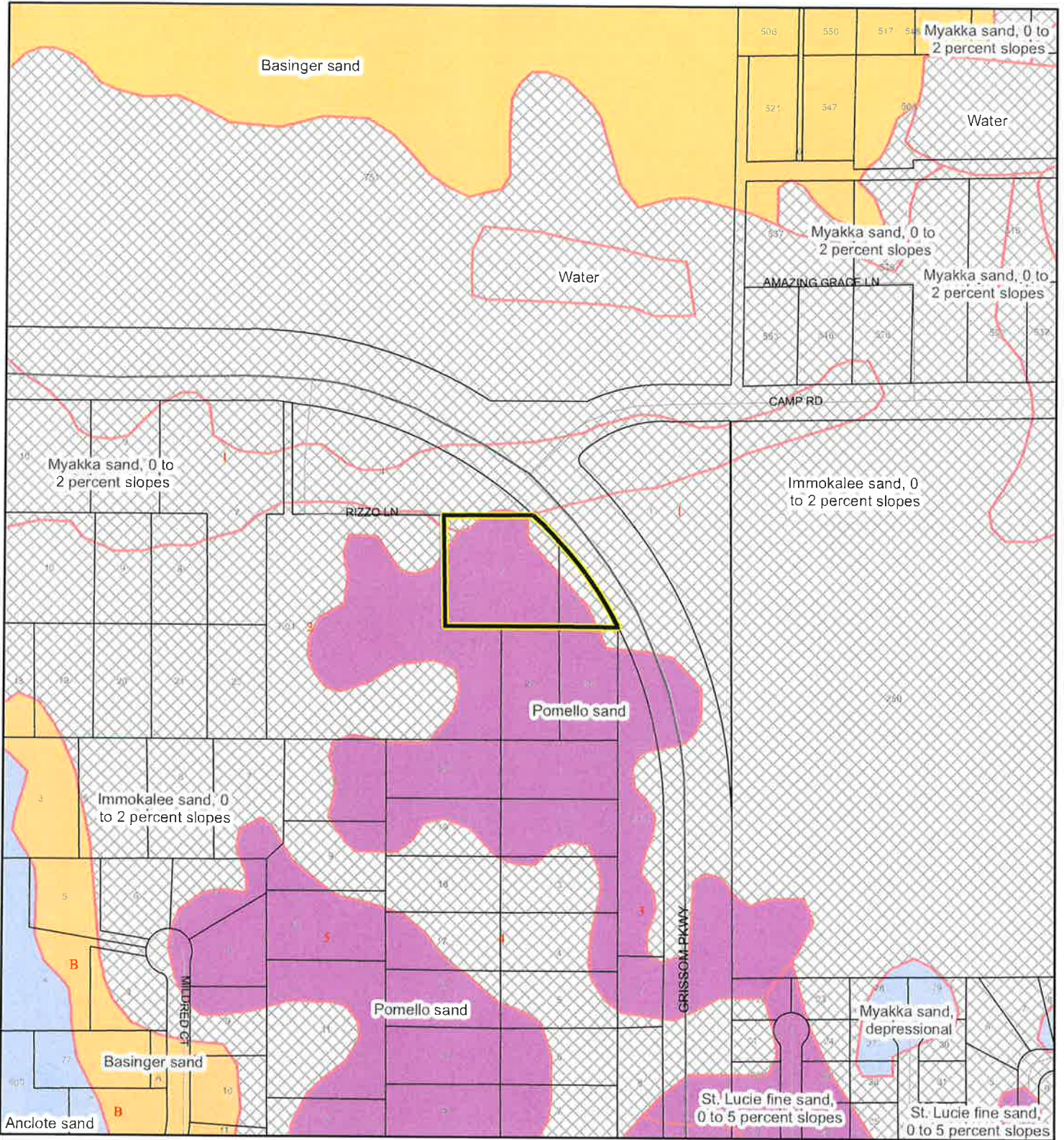
Subject Property

Parcels

USDA SCSSS SOILS MAP

FLORIDA DEALER CENTER LLC

23Z00081



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 11/8/2023

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

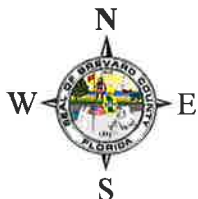
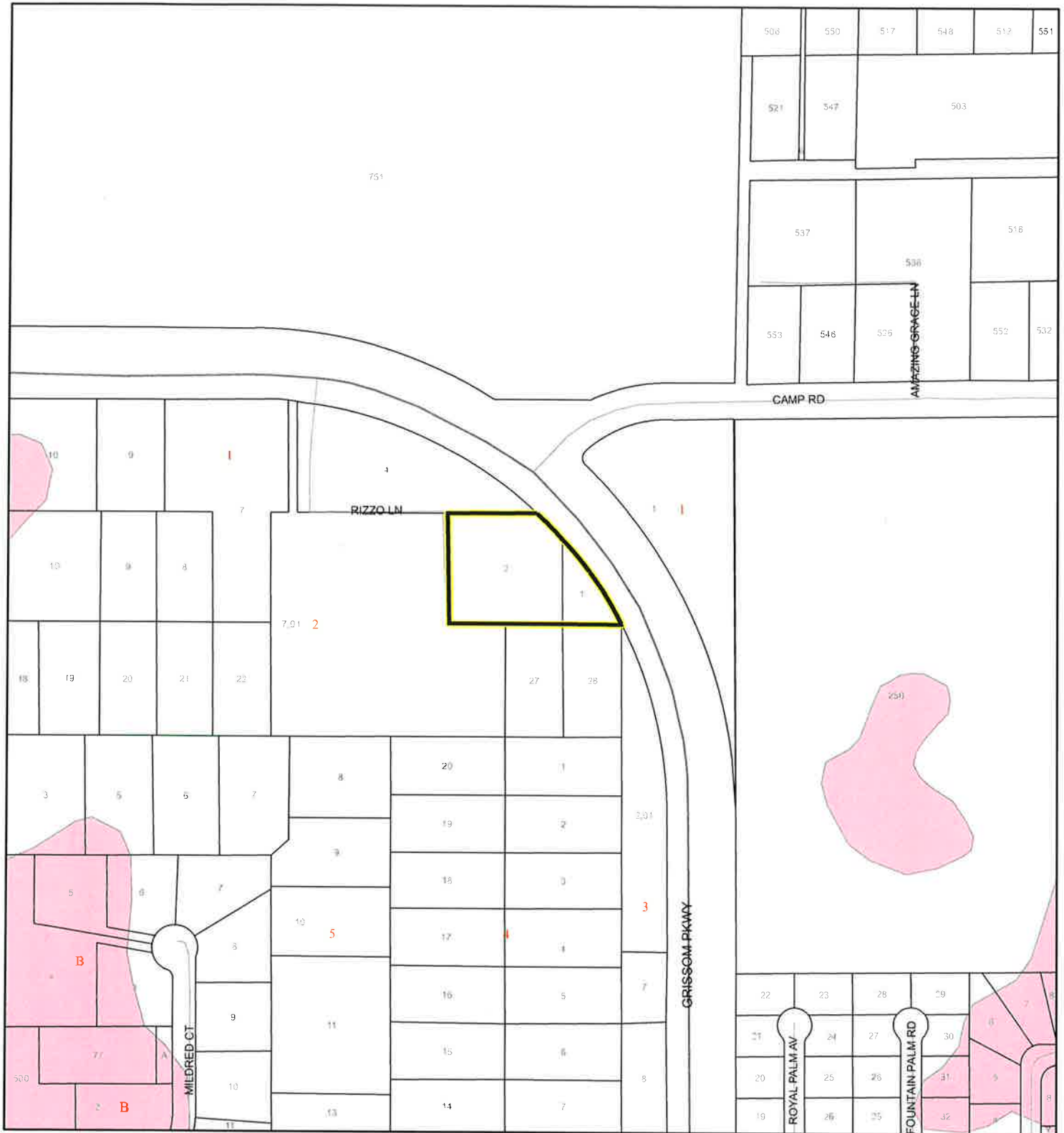
Subject Property

Parcels

FEMA FLOOD ZONES MAP

FLORIDA DEALER CENTER LLC

23Z00081



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 11/8/2023

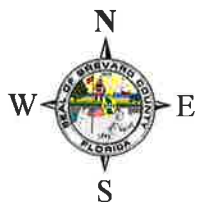
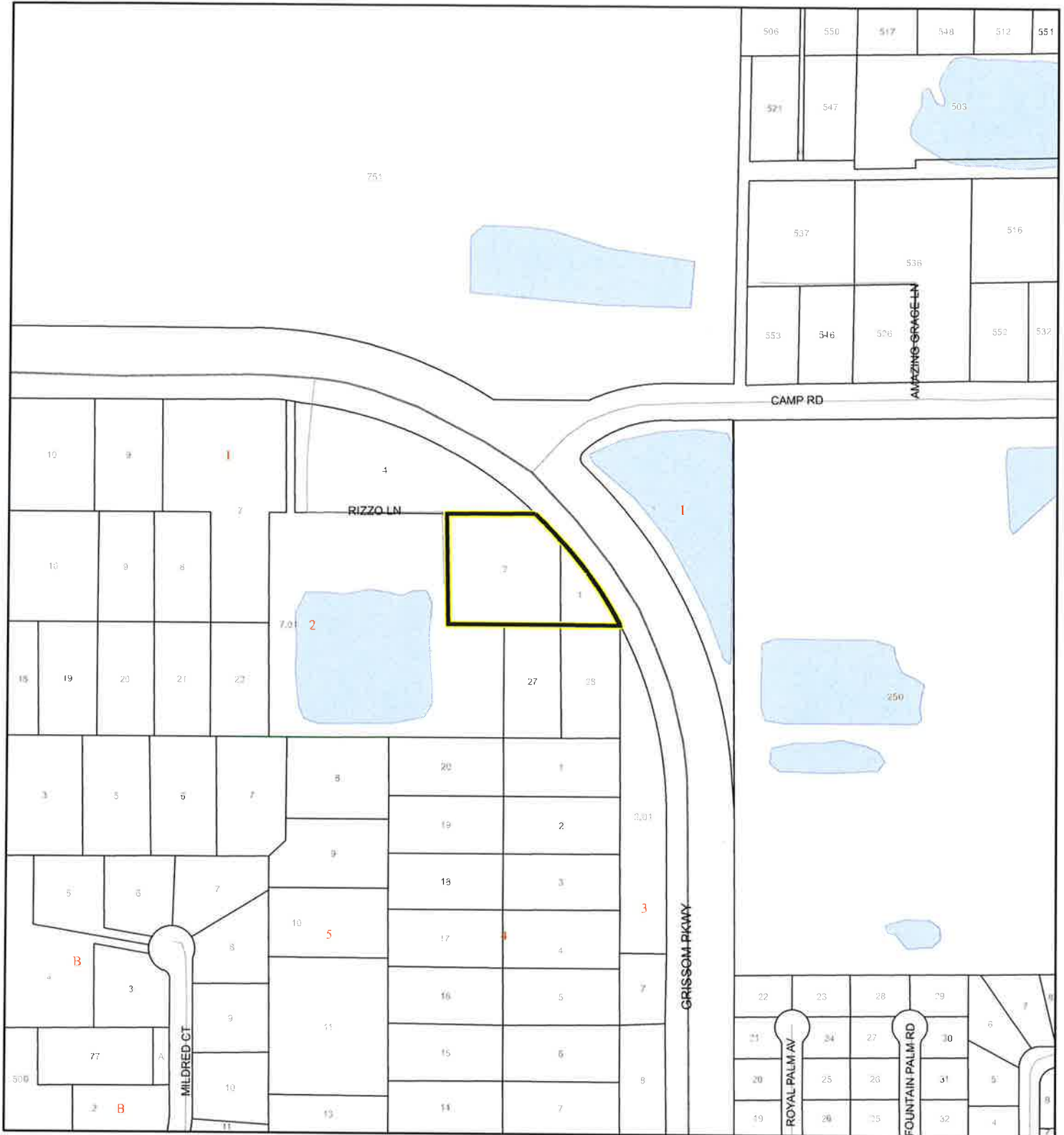
FEMA Flood Zones

- | | | |
|------------------|------------|---|
| A | AO | X |
| AE | Open Water | |
| AH | VE | |
| Subject Property | Parcels | |

COASTAL HIGH HAZARD AREA MAP

FLORIDA DEALER CENTER LLC

23Z00081



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 11/8/2023

— Subject Property

□ Parcels

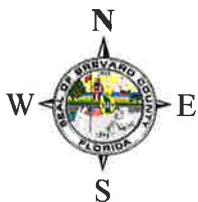
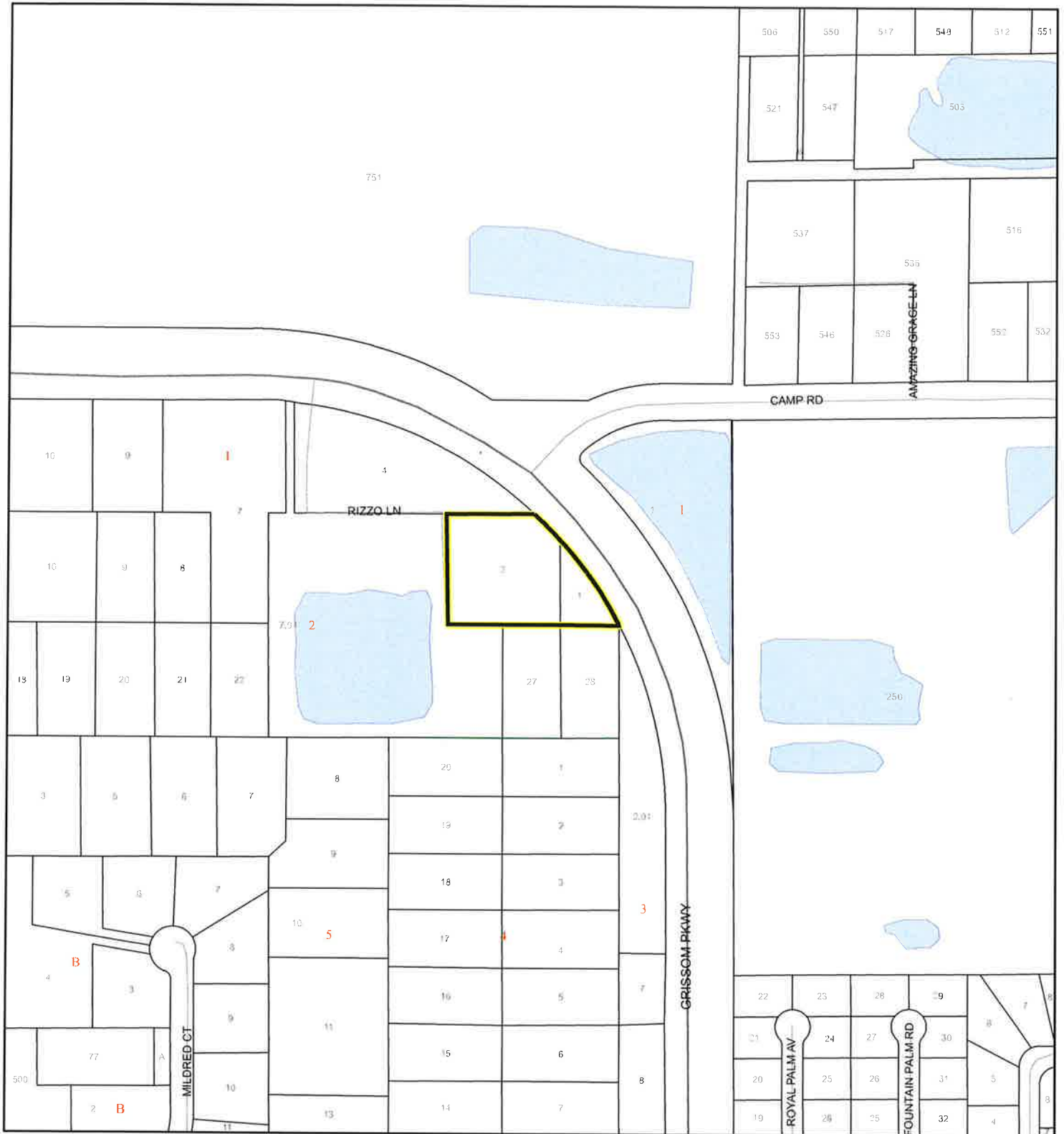
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

FLORIDA DEALER CENTER LLC

23Z00081



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 11/8/2023

— Subject Property

□ Parcels

Septic Overlay

■ 40 Meters

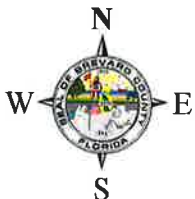
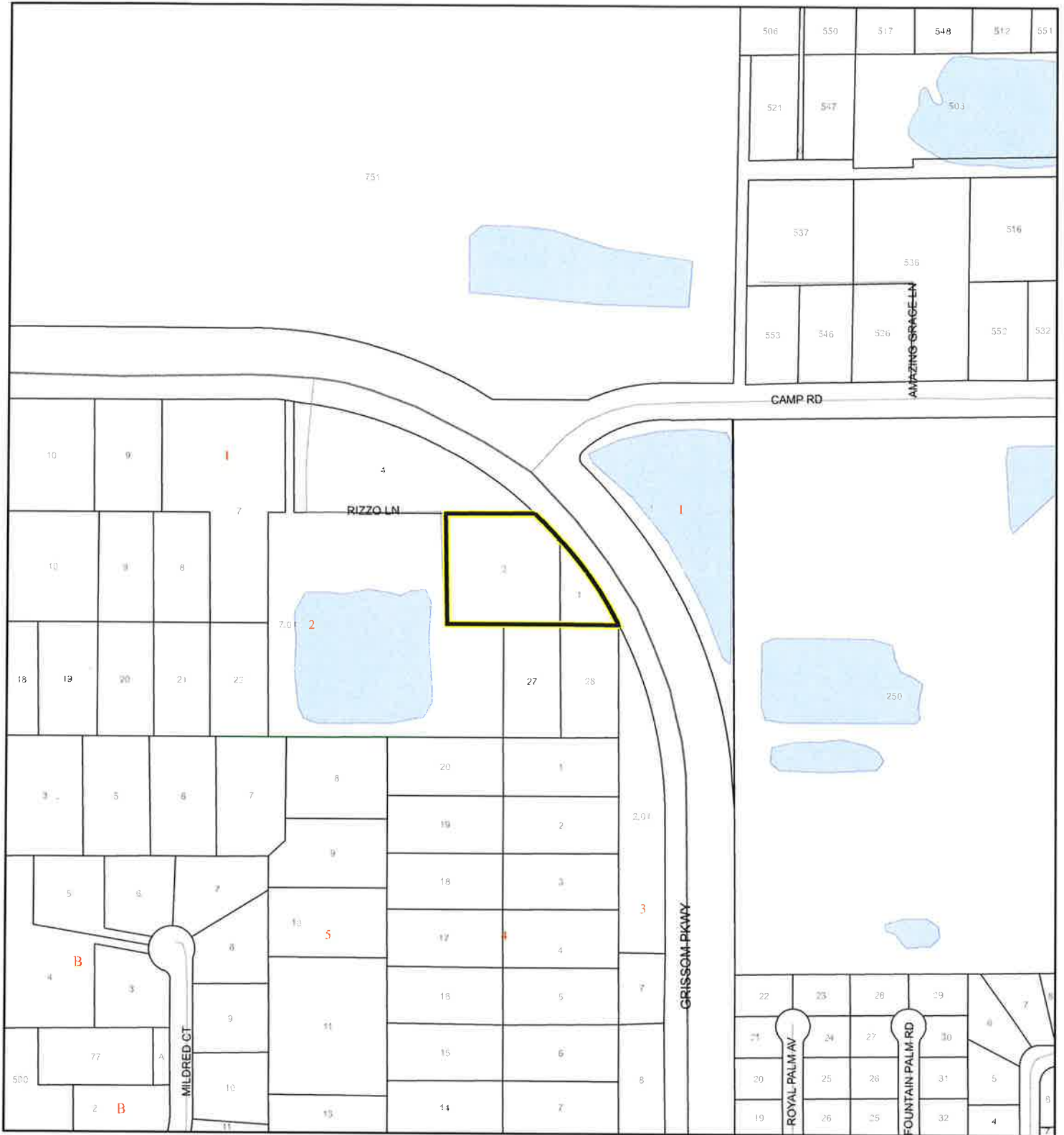
■ 60 Meters

■ All Distances

EAGLE NESTS MAP

FLORIDA DEALER CENTER LLC

23Z00081



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 11/8/2023

 Subject Property

 Parcels

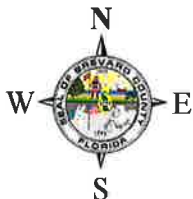
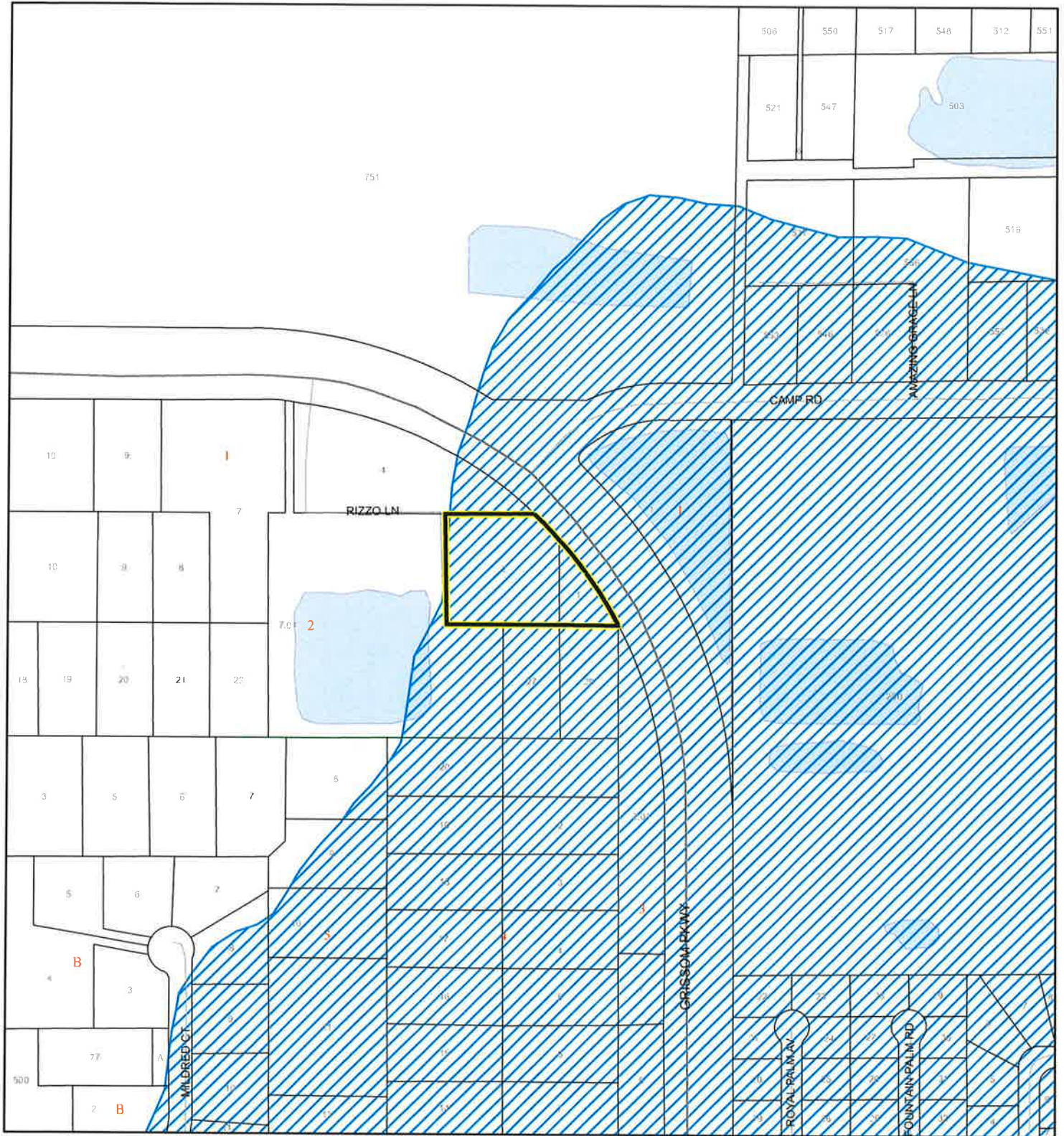


Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

FLORIDA DEALER CENTER LLC

23Z00081



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 11/8/2023

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

FLORIDA DEALER CENTER LLC

23Z00081



1:4,800 or 1 inch = 400 feet

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

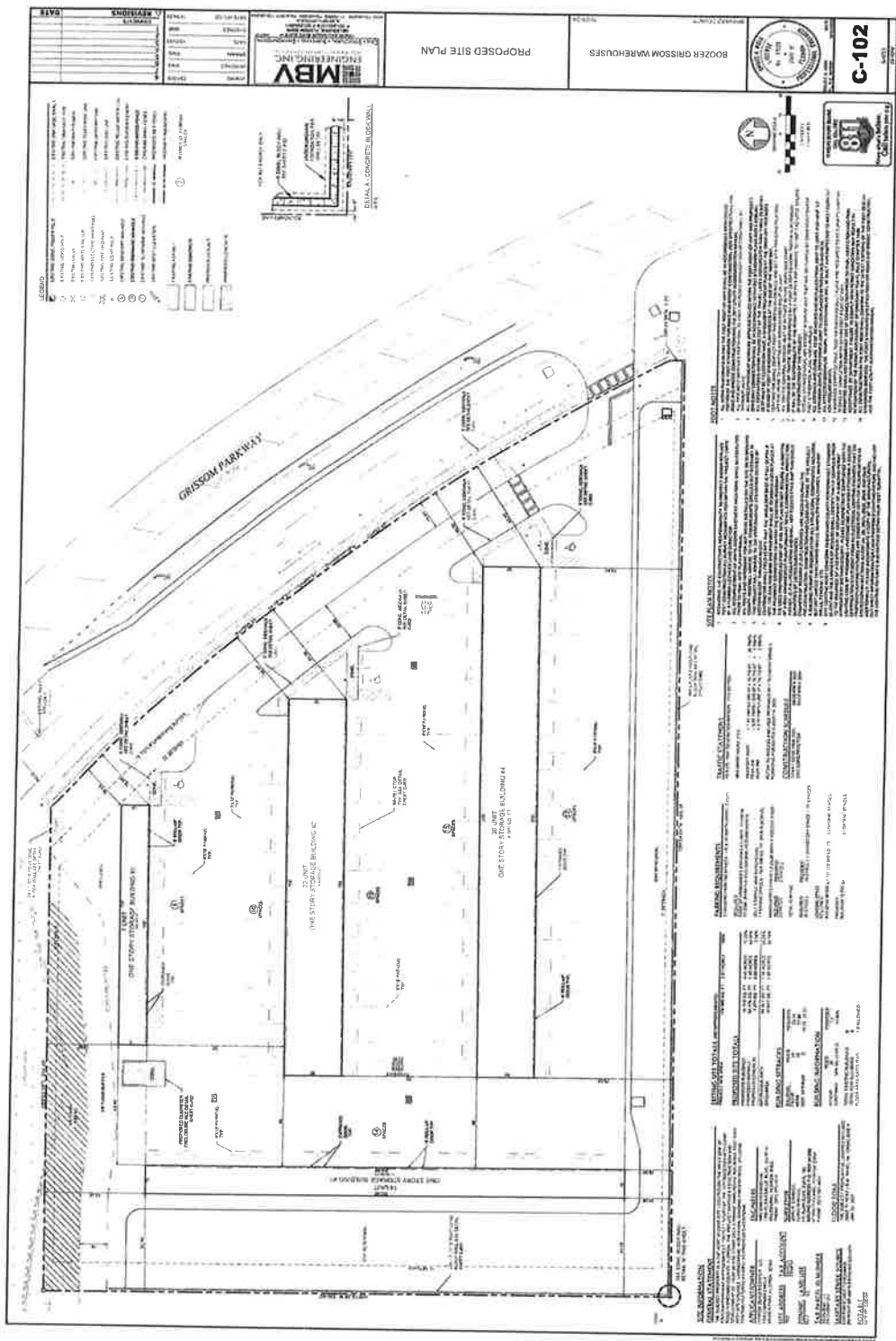
Produced by BoCC - GIS Date: 11/8/2023

SJRWMD FLUCCS Upland Forests

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

Subject Property

Parcels



Prepared by: Ray and Carol Brown
Address: 6460 Aberfoyle Ave.
Cocoa, FL 32927



CFN:2004150464 05-13-2004 02:47 pm
OR Book/Page: 5292 / 3822

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 4th day of March, 2004, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Ray E. Brown, Jr. and Carol A. Brown, husband and wife (hereinafter referred to as "Developer/Owner")

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by the reference; and

WHEREAS, as part of its plan for development of the property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
2. Developer/Owner will sub-divide existing property into two parcels.
3. Developer/Owner shall develop 150 feet from existing road frontage as BU-1, and the balance as BU-2.
4. Developer/Owner will plan for a shared entrance for both parcels.

Scott Ellis

Clerk Of Courts, Brevard County

#Pgs: 5

#Names: 3

Trust: 3.00

Rec: 21.00

Serv: 0.00

Deed: 0.00

Excise: 0.00

Mtg: 0.00

Int Tax: 0.00

5. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owners' agreement to meet additional standards or restrictions in developing the property. This agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to this property.
6. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.
7. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject property.

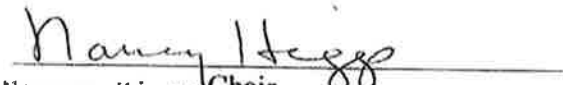
IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940



Scott Ellis, Clerk
(SEAL)



Nancy Higgs, Chair
As approved by the Board on 05/04/04

STATE OF FLORIDA
COUNTY OF BREVARD

This is to certify that the foregoing is a
true and current copy of Binding
Dev. Plan witness my hand
and official seal this 17th day of
May 2004

SCOTT ELLIS
Clerk Circuit Court
BY km Henry D.C.



CFN:2004150464

OR Book/Page: 5292 / 3823

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before this 4th day of
May, 2004, by Nancy Higgs,
Chairman of the Board of County Commissioners of Brevard County, Florida, who is
personally known to me or who has produced as identification.

My commission expires


Notary Public

Seal

Commission No.:

(Name typed, printed, or stamped)



CFN:2004150464

OR Book/Page: 5292 / 3824



WITNESSES:

X Robert T. Kolczynski

Robert T. Kolczynski
(Witness Name typed or printed)

X Michelle Kolczynski

Michelle Kolczynski
(Witness Name typed or printed)

DEVELOPER/OWNER

X Ray E. Brown, Jr.
6460 Aberfoyle Avenue, Cocoa, FL 32927

DEVELOPER/OWNER

X Carol A. Brown
6460 Aberfoyle Avenue, Cocoa, FL 32927

X Robert T. Kolczynski

Robert T. Kolczynski
(Witness Name typed or printed)

X Michelle Kolczynski

Michelle Kolczynski
(Witness Name typed or printed)

STATE OF Florida §

COUNTY OF Brevard §

The foregoing instrument was acknowledged before me this 14th day of April, 2004,
by Ray E. Brown, Jr. and Carol A. Brown, owners who are personally known to me or who has produced _____
as identification.

My commission expires 4/24/05
SEAL
Commission No.: DD020445

Michelle Kolczynski
Notary Public
Michelle Kolczynski
(Name typed, printed or stamped)



CFN:2004150464
OR Book/Page: 5292 / 3825

Exhibit "A"

Property described as Canaveral Groves Sub., #01, Block 2, Lot 1, as recorded in ORB 4343, Page 1752, and Lot 2, as recorded in ORB 4266, Pages 2790 & 2791, Public Records, Brevard County, Florida. **Section 35, Township 23, Range 35** on 2.96 acres. Located on the west side of Grissom Pkwy., approx. 150 ft. south of Camp Rd.

BSJL
Owner Initial



CFN:2004150464

OR Book/Page: 5292 / 3826

RETURN: Clerk to the Board #27



PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, January 8, 2024**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Board members present were: Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodggers (D2); Ben Glover (D3); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Logan Luse (D4 Alt); David Bassford (D5 Alt); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Alex Esseesse, Deputy County Attorney; Billy Prasad, Deputy Director, Planning & Development; Paul Body, Senior Planner; and Kristen Champion, Special Projects Coordinator.

Approval of the November 13, 2023, P&Z/LPA Minutes

Motion by Davis Bassford, seconded by Robert Sullivan, to approve the P&Z/LPA minutes of November 13, 2023. The motion passed unanimously.

Florida Dealer Center, LLC (Bruce Moia)

A change of zoning classification from BU-1 and BU-2 with an existing BDP to all BU-2 and removal of the existing BDP. The property is 2.97 acres, located on the west side of Grissom Pkwy., approx. 150 ft. south of the Camp Rd. Grissom Pkwy. intersection. (No assigned address. In the Cocoa area.) (23Z00081) (Tax Accounts 2314551 & 2314553)

Bruce Moia of MBV Engineering, Melbourne stated he would like to rezone in order to build warehouse offices.

No public comment.

Motion by John Hopengarten, seconded by Ron Bartcher, to recommend approval of the change of zoning classification from BU-1 and BU-2 to all BU-2 with the removal of an existing BDP. The motion passed unanimously.

3955 King's Hwy, LLC (Bryan Potts)

A Small-Scale Comprehensive Plan Amendment (23S.11), to change the Future Land Use designation RES 8 (Residential 8) and CC (Community Commercial) to all CC (Community Commercial). The property is 3.5 acres, located on the southeast corner of Kings Highway and the Florida East Coast Railroad. (No assigned address. In the Cocoa area.) (23SS00011) (Tax Account 2301890) (District 1)

Bryan Potts, 2494 Rose Spring Drive, Orlando, stated his clients were in the process of designing a self-storage facility on the larger parcel, and intended to maximize the property by putting the stormwater on the adjacent smaller parcel, but it did not have the proper Future Land Use. The larger parcel has the proper zoning and Future Land Use.

No public comment.

Motion by Ben Glover, seconded by Ron Bartcher, to recommend approval of the change of the Future Land Use designation from RES 8 and CC to all CC. The motion passed unanimously.

Quality RV Florida, LLC (David John Mancini)

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

Quality RV Florida, LLC (David John Mancini)

A change of zoning classification from RU-1-7 (Single-Family Residential) to BU-1 (General Retail Commercial). The property is 5.32 acres, located on the south side of Aurora Rd., approx. 0.27 miles east of N. John Rodes Blvd. (4213 & 4255 Aurora Rd., Melbourne) (23SS00024) (Tax Account 2702826) (District 5)

David Mancini, 1455 Aurora Rd., Melbourne, stated he would like to rezone the property to bring the existing business use into compliance.

Public comment.

Terrance Burt, 1531 Morgan Court, Melbourne, asked for clarification that there is no proposed change of the existing business use.

Mr. Mancini clarified that they're only rezoning the property to be able to install a taller fence and bring the property into County compliance.

Motion by Ron Bartcher, seconded by Debbie Thomas, to recommend approval of the change of the Small Scale Comprehensive Plan Amendment from RES 6 to CC. The motion passed unanimously.

Motion by Ron Bartcher, seconded by Debbie Thomas, to recommend approval of the change of zoning classification from RU-1-7 to BU-1. The motion passed unanimously.

Travis and Rebecca Pless

A Small-Scale Comprehensive Plan Amendment (23S.23), to change the Future Land Use designation from AGRIC (Agricultural) to RES 1 (Residential 1). The property is 1.21 acres, located on the south side of Pine Needle St., approx. 840 ft. west of Meadow Green Rd. (4753 Pine Needle St., Mims) (23SS00023) (Tax Account 2002077) (District 1)

Travis and Rebecca Pless

A change of zoning classification from GU (General Use) to RRMH-1 (Rural Residential Mobile Home). The property is 1.21 acres, located on the south side of Pine Needle St., approx. 840 ft. west of Meadow Green Rd. (4753 Pine Needle St., Mims) (23SS00023) (Tax Account 2002077) (District 1)

Travis Pless, 3403 Dione St., West Melbourne, stated he would like to rezone in order to build a single-family residence.

No public comment.

Motion by Ron Bartcher, seconded by Robert Sullivan, to recommend approval of the change of the Small Scale Comprehensive Plan Amendment from AGRIC to RES 1. The motion passed unanimously.

Motion by Ron Bartcher, seconded by Robert Sullivan to recommend approval of the change of zoning classification from GU to RRMH-1. The motion passed unanimously.