



AGENDA REPORT
August 2, 2018

**Public Hearing, Re: Merritt Square Realty, LLC; Merritt Square CH, LLC;
and Merritt Square Nassim, LLC (Phil Nohrr) request a CUP for Trailer and
Truck Rental in a BU-1 Zoning classification. (18PZ00061) (District 2)**

SUBJECT:

Public Hearing, Re: Merritt Square Realty, LLC; Merritt Square CH, LLC; and Merritt Square Nassim, LLC (Phil Nohrr) request a CUP for Trailer and Truck Rental in a BU-1 Zoning classification. The property is 5.388 +/- acres, located at 777 E. Merritt Island Cswy. (18PZ00061) (District 2)

FISCAL IMPACT:

None.

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct a public hearing to consider the request for a CUP for Trailer and Truck Rental in a BU-1 Zoning classification.

SUMMARY EXPLANATION and BACKGROUND:

The applicant is seeking a CUP for Trailer & Truck Rental on a portion of a greater developed parcel that currently retains the BU-1 Zoning classification. The subject property to which this CUP is proposed to apply is a 5.39 acre portion of the greater 81 acre Merritt Square Mall development in the Merritt Island Redevelopment Area (MIRA).

The retail plaza once contained a movie theater, a grocery store, and several units in between. Currently, there are only two active tenants. Within the existing buildings, a unit on the northwest corner is currently occupied by *Europe Crew Corner*, a restaurant and grocery store. Another unit is occupied by *Paws in Motion*, a doggie day care with accessory retail sales. All other units and the former Publix grocery store within the greater outparcel are currently vacant.

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901. Section 62-1901 provides that 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.

The General Retail Commercial (BU-1) Zoning classification allows for a Conditional Use Permit for Trailer and Truck Rental pursuant to section 62-1954. The conditions require:

1. Trucks and trailers to be parked within the confines of the lot, tract, or parcel of land.
2. No trailers or trucks shall be permitted to be parked or stored on any public streets, roads, or rights-of-way, or on or across public sidewalks.
3. All parking areas shall be paved.

Adjacent uses are high end retail, a retirement multi-family residential condo community, and a well-developed and maintained, frequently utilized regional park with amenities and a military museum. The character of outdoor truck and trailer rental and storage may not be compatible with existing uses, at least not as the site is currently developed.

The Board may wish to consider whether existing pedestrian and vehicular site improvements including, but not limited to, the loading docks, driveway aisles, sidewalks and overall parking shall demonstrate they meet current Land Development Code requirements or satisfy the provisions of the conditional use.

Additionally, the proposal for trailer and truck rental includes a concept plan which demonstrates that the trailers and trucks are proposed to be stored in the location of existing parking spaces, which are proposed for removal and restriping. The concept plan depicts that 54 spaces, or 24% of the subject property's existing parking will be utilized for this purpose and no new parking is proposed to be constructed. Repurposing existing parking spaces may severely impede the ability for the Merritt Square Mall to subdivide in the future, as the parcel would become severely deficient in meeting the minimum parking space requirements.

On July 9, 2018, the Planning and Zoning Board heard the request and unanimously recommended approval with the conditions recommended by the Merritt Island Redevelopment Agency (MIRA) Board of Directors as follows: 1.) Site is to accommodate only cargo vans and pick-up trucks. Box trucks and/or other equipment would not be kept on site. Upon being dropped off by lease, the box truck and/or equipment would be removed promptly to another site; 2.) Outdoor parking would be limited to 40 U-Haul cargo vans and pick-up trucks. No repairs will be done on site; 3.) Cargo vans assigned to the site will be presented with military imaging. Non-conforming vans or pick-up trucks will be moved within 72 hours; 4.) Enhanced/more mature landscaping to be compatible with the Veteran's Park area; 5.) The applicant agrees to close off the southeast entrance at the intersection of Fortenberry and Sykes Creek and provide sidewalk on Fortenberry Rd. behind the property for the length of the property; 6.) The applicant is to consider sidewalk for the Sykes Creek side of the property; 7.) U-Haul parking will be available for use by the Veteran's Park, with every available spot to be reserved for the Veteran's functions; 8.) The applicant is willing to participate in upgrades to the intersection to include landscaping, sidewalks, and crosswalks; 9.) The applicant is willing to commit to the presented renderings with minor deviations; 10.) The applicant will address orange doors with U-Haul's Corporate Office, and possibly consider another paint color; 11.) The applicant would commit to the removal of the existing loading docks.

ATTACHMENTS:

Description

- ▢ **Administrative Policies**
- ▢ **Staff Comments**
- ▢ **Maps**
- ▢ **FYI Proposed Site Plan**
- ▢ **FYI MIRA Memo and Exhibits**
- ▢ **FYI Letters of Area Concern**
- ▢ **FYI Conceptual Imaging**
- ▢ **FYI Revised Proposed Site Plan**
- ▢ **Public Comment**
- ▢ **Enhanced Landscaping Language 08-01-18**

H9

RESOLUTION NO. 18PZ00061

On motion by Commissioner Barfield, seconded by Commissioner Isnardi, the following resolution was adopted by a unanimous vote:
(Commissioner Tobia absent)

WHEREAS, MERRITT SQUARE REALTY, LLC; MERRITT SQUARE CH, LLC; AND MERRITT SQUARE NASSIM, LLC – have applied for a CUP (Conditional Use Permit) for Trailer and Truck Rental in a BU-1 (General Retail Commercial) zoning classification, on property described as : SEE ATTACHED; and

Section 36, Township 24S, Range 36E, and,

WHEREAS, a public hearing of the Brevard County Planning & Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning & Zoning Board recommended that the application be approved with the conditions recommended by the Merritt Island Redevelopment Agency (MIRA) as follows: (1.) The site is to accommodate only cargo vans and pick-up trucks. Box trucks and/or other equipment would not be kept onsite. Upon being dropped off by leasee, the box truck and/or equipment would be removed promptly to another site; (2.) Outdoor parking would be limited to 40 U-Haul cargo vans and pick-up trucks. No repairs will be done onsite; (3.) Cargo vans assigned to the site will be presented with military imaging. Non-conforming vans or pick-up trucks will be moved within 72 hours; (4.) Enhanced/more natural mature landscaping to be compatible with the Veteran’s Park area; (5.) The applicant agrees to close off the southeast entrance at the intersection of Fortenberry Road and Sykes Creek Parkway, and provide a sidewalk on Fortenberry Road behind the property for the length of the property; (6.) The applicant is to consider sidewalk for the Sykes Creek Parkway side of the property; (7.) U-Haul parking will be available for use by the Veteran’s Park, with every available spot to be reserved for Park functions; (8.) The applicant is willing to participate in upgrades to the intersection to include landscaping, sidewalks, and crosswalks; (9.) The applicant is willing to commit to the presented renderings with minor deviations; (10.) The applicant will address orange doors with U-Haul’s Corporate Office, and possibly consider another paint color; and (11.) The applicant would commit to the removal of the existing loading docks.; and,

WHEREAS, the Board, after considering said application and the Brevard County Planning & Zoning Board’s recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be Approved as recommended, with new language submitted by the applicant relating to Condition (4) as follows: Enhanced landscaping with more mature landscaping will be used at the U-Haul site to be compatible with the Veteran’s Park area; enhanced landscaping shall mean Type B buffer that is vegetated per Appendix B of the Landscape Ordinance, except that the height for the trees shall be 20% higher than called for in Appendix B, subject only to County requirements for visual corridor. The Board also approved two additional conditions to the MIRA and P&Z recommendations as follows: (12) All non-conforming cargo vans, pick-ups, cargo trucks, box trucks, and/or other undefined equipment that may be dropped off by leasees, or otherwise parked on site, will be parked, with designated signage, on the west side of the parcel behind the existing structure; and (13) The key-kiosk for return of the non-conforming vehicles and equipment will be located on the west side of the parcel behind the existing structure, with signage advising it is not a drop-off site; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested CUP for Trailer and Truck Rental in a BU-1 zoning classification, be APPROVED as recommended by the Planning and Zoning Board, with new language submitted by the applicant relating to Condition (4) as follows: Enhanced landscaping with more mature landscaping will be used at the U-Haul site to be compatible with the Veteran’s Park area; enhanced landscaping shall mean Type B buffer that is vegetated per Appendix B of the Landscape Ordinance, except that the height for the trees shall be 20% higher than called for in Appendix B, subject only to County requirements for visual corridor. The Board also approved two additional conditions to the MIRA and P&Z recommendations as follows: (12) All non-conforming cargo vans, pick-ups, cargo trucks, box trucks, and/or other undefined equipment that may be dropped off by leasees, or otherwise parked on site, will be parked, with designated signage, on the west side of the parcel behind the existing structure; and (13) The key-kiosk for return of the non-conforming vehicles and equipment will be located on the west side of the parcel behind the existing structure, with signage advising it is not a drop-off site. The zoning classification relating to the property described in the attachment shall remain unchanged, and the Planning & Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of August 2, 2018.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida


by Rita Pritchett, Chair
Brevard County Commission
As approved by Brevard County Commission on August 2, 2018.

ATTEST:



SCOTT ELLIS, CLERK
(SEAL)

(P&Z Hearing – July 9, 2018)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years. **THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.**

18PZ00061 (Continued)

Legal Description

A parcel of and being portion of **Section 36, Township 24S, Range 36E**, Brevard County, Florida, more particularly described as follows: Begin at a rebar marking the intersection of the northerly right-of-way line of Fortenberry Rd. (60-ft. right-of-way) with the westerly right-of-way line of Sykes Creek Pkwy. (150-ft. right-of-way), thence S89deg30'46"W, along said right-of-way line of Fortenberry Rd., a distance of 797.50 ft. to a rebar and cap (stamped "BMEG"); thence N00deg29'22"W, a distance of 260.64 ft. to a nail and disk (stamped "BMEG") thence N89deg25'57"E, a distance of 294.25 ft. to a rebar & cap (stamped "BMEG") thence N00deg34'03"W, a distance of 57.97 ft.; thence N89deg47'15"E, a distance of 490.67 ft. to said westerly right-of-way line of Sykes Creek Pkwy., thence S02deg46'45"E, along said right-of-way line of Sykes Creek Pkwy., a distance of 316.92 ft. to the point of beginning. (5.388 +/- acres). Located on the northwest corner of S. Sykes Creek Pkwy., and Fortenberry Rd. (777 E. Merritt Island Cswy.)

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in

existing neighborhoods within the area which could foreseeably be affected by the proposed use;

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) *General standards of review.*

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in section 62-1151(c) plus a determination that the following general standards are satisfied. The Board shall make the determination whether an application meets the intent of this section.
 - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1) the number of persons anticipated to be using, residing or working under the conditional use; (2) noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3) the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an MAI certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:
 - a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1) adequate to serve the proposed use without burdening adjacent and nearby uses, and (2) built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the

numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.

- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than thirty-five (35) feet higher than the highest residence within 1000 feet of the property line.
- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

Current Volume: Building permit related trips added to the latest MPO traffic counts.

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

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

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

Acceptable Level of Service (ALOS): Acceptable Level of Service currently adopted by the County.

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

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

REZONING REVIEW WORKSHEET

18PZ00061

Commission District # 2

Hearing Dates: P&Z 07/09/18

BCC 08/02/18

Owner Name: MERRITT SQUARE REALTY, LLC; MERRITT SQUARE CH, LLC; AND MERRITT SQUARE NASSIM, LLC

Request: CUP for Trailer & Truck Rental in a BU-1 Zoning Classification

Subject Property:

Parcel ID# 24-36-36-00-253.1 (a portion of)

Tax Acct.# 2427788

Location: Northwest corner of S. Sykes Creek Pkwy. and Fortenberry Rd.

Address: 777 E. Merritt Island Cswy.

Acreage: 5.39 +/-

Consistency with Land Use Regulations

- YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255
- YES Proposal can be considered under the Future Land Use Designation. Sec. 62-1255
- YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	BU-1	BU-1 with CUP for Trailer & Truck Rental
Potential*	62,313 sq. ft. Shopping Center	62,313 sq. ft. Trailer & Truck Rental
Can be Considered under FLU MAP	Yes Community Commercial	Yes Community Commercial

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

	ADT	PM PEAK			ADT	PM PEAK	
Trips from Existing Zoning	2,661	231	Segment Number	345A	Trips from Existing Zoning	2,661	231
Trips from Proposed Zoning	2,696	243	Segment Name	S. Sykes Creek Pkwy. Fortenberry to Hwy 520	Trips from Proposed Zoning	2,696	243
Maximum Acceptable Volume (MAV)	33,800	3,042	Acceptable LOS	E	Maximum Acceptable Volume (MAV)	15,600	1,404
Current Volume	5,390	486	Direction at Split	0.55	Current Volume	5,170	465
Volume With Proposed Development	5,425	488	ITE CODE		Volume With Proposed Development	5,205	468
Current Volume / MAV	15.95%	15.95%	710		Current Volume / MAV	33.14%	33.14%
Volume / MAV with Proposal	16.05%	16.05%			Volume / MAV with Proposal	33.37%	33.37%
Current LOS	C	C			Current LOS	C	C
LOS With Proposal	C	C			LOS With Proposal	C	C
Findings	Non-Deficiency		<input type="checkbox"/> Deficiency		Findings	Non-Deficiency	

Background & Purpose of Request

The applicant is seeking a Conditional Use Permit (CUP) for Trailer & Truck Rental on a portion of a greater developed parcel that currently retains the General Retail Commercial (BU-1) Zoning classification. The subject property to which this CUP is proposed to apply is a 5.39 acre portion of the greater 81 acre Merritt Square Mall development in the Merritt Island Redevelopment Area (MIRA). The retail plaza once contained a movie theater, a grocery store, and several units in between. Currently, there are only two active tenants. Within the existing buildings, a unit on the northwest corner is currently occupied by *Europe Crew Corner*, a restaurant and grocery store. Another unit is occupied by *Paws in Motion*, a doggie day care with accessory retail sales. All other units and the former Publix grocery store within the greater outparcel are currently vacant.

On October 31, 1966, the subject parcel was rezoned (**Z-2013**) from Retail, Warehousing and Wholesale (BU-2); General Use (GU) and Single-family Residential (RU-1) to General Retail Commercial (BU-1) for a shopping center, subject to approved site plan (BSP). This shopping center was developed as The Merritt Square Mall. This portion of The Merritt Square Mall formerly included a Publix grocery store, a retail strip center which included Jungle Jim's Restaurant and was also the site for the AMC South Theaters. The AMC South Theaters building, previously located at the west end of the retail plaza, was later demolished.

On February 02, 2006, a portion of the property described as strip center space #108, Suite #441, (formerly known as Jungle Jim's Restaurant) was approved for a CUP (**Z-11188**) for Alcoholic Beverages for On Premises Consumption was approved for a new restaurant. The CUP is still valid and is retained, but is not being utilized by the *Europe Crew Corner* restaurant and grocery.

On April 05, 2018, a site plan (**18SD00009**) for a proposed subdivision of the Merritt Square Mall was applied for by Allen Engineering Inc. to subdivide the Mall Parcel and make a platted subdivision with nine proposed lots/parcels. The portion of the Merritt Square Mall that this CUP is proposed to apply to is also known as Parcel 9 of the New Merritt Square Subdivision per the site plan. A Preapplication meeting for the subdivision of the site plan was held with the Engineer for the project. Many of the Brevard County departments had concerns that the parking lots do not meet the code requirements. The new proposed Merritt Square Mall subdivision was also heard by the MIRA Board on April 26, 2018 and approved with concerns about parking requirement. The applicant has not resolved outstanding staff comments and the subdivision has not been approved.

Land Use Compatibility

This site retains the Community Commercial (CC) Future Land Use (FLU) designation.

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

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

Environmental Constraints

N/A

Applicable Land Use Policies

This request is for a Conditional Use Permit (CUP) for Trailer & Truck Rental in a BU-1 Zoning classification. The BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling. The site is in the southeast corner of the parking lot

of Merritt Square Mall and is zoned BU-1. This area of Central Merritt Island is located at the northwest corner of the developed corridors of Fortenberry Rd. and Sykes Creek Pkwy, which are both functionally classified as urban major collector roadways.

The sites to the north and west are also part of what is currently the greater Merritt Square Mall property and likewise retain CC FLU designation and BU-1 zoning. The property to the east and southeast is developed Merritt Towers Condominium, with a significant elderly population, and which retains the Neighborhood Commercial (NC) FLU designation and Medium-Density Multiple-Family Residential (RU-2-30) zoning. Veterans Park, owned by Brevard County, is also located to the southeast and retains the Recreation (REC)FLU designation and Government Managed Lands (GML) zoning. To the south are county drainage facilities and wetlands that are part of a partially developed county regional park with parking and interior roads. This park has Public Facilities (PUB) FLU designation and mostly retains of Government Managed Lands, Preservation and Wildlife Management (GML(P)) zoning though a water retention area and a natural wetland area. An adjacent parking lot retains BU-1 zoning.

Special Considerations for Conditional Use Permit

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901. Section 62-1901 provides that 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.** The applicant's responses are indicated in **bold** and staff observations, if any, are provided in *italics*.

Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context of public health, safety and welfare. The applicant has submitted documentation in order to demonstrate consistency with the standards set forth in Section 62-1901 and Section 62-1906, on-premises consumption of alcohol.

The General Retail (BU-1) Zoning classification allows for a Conditional Use Permit for Trailer and Truck Rental pursuant to section 62-1954. The conditions require:

1. Trucks and trailers be parked within the confines of the lot, tract or parcel of land.
2. No trailers or trucks shall be permitted to be parked or stored on any public streets, roads or rights of way, or on or across public sidewalks.
3. All parking areas shall be paved.

The applicant has not delineated a portion of the property that will be utilized for the truck and trailer rental; therefore, the CUP is proposed to apply to entire site, without limitation. The concept plan submitted with the request indicates that the truck and trailer parking is proposed to be located on a portion of the existing parking lot, on the east and south sides of the property. The applicant has not demonstrated on the concept plan where the office for the proposed truck and trailer is to be located. There would be no limitation to the final location of the truck and trailer parking, as currently proposed, as it would apply to the entire property included within this request.

Section 62-1901(c)(1)(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.

The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties, U-Haul Stores generate very little traffic, estimated 35 daily trips during

a weekday on average. U-Haul Stores are quiet and act as a good buffer between zones. Allowing the proposed use will allow an adaptive reuse of an existing building that happens to be vacant.

The preliminary concurrency analysis indicates that the site will not generate a significant number of additional trips and that the roadways adjacent to the site have capacity available for the impact. Despite this, the trucks, regardless of size, are usually driven by patrons with standard driving privileges and no formal training or experience driving trucks or pulling trailers.

There is a pedestrian walkway across Sykes Creek Parkway, connecting the condos on the east side to the north end of the portion of the property where the trucks and trailers are proposed to be stored. Sidewalks around the perimeter of the site are nonexistent.

On the south side of this proposed truck and trailer rental area there is a 300 ft. section of parking lot that has no separation between the pavement of site's parking lot and the pavement of Fortenberry Rd. This is directly across Fortenberry Rd. from the County park. The lack of separation between the parking lot and Fortenberry Rd., the proximity to pedestrian crosswalk to a residential condo with elderly population, in conjunction with at times heavy vehicular and pedestrian traffic in and out of Veteran's Park, make for potentially unsafe site conditions for the proposed use that would negatively impact existing use of adjacent land uses of multi-family residential and Veteran's Park.

Section 62-1901(c)(1)(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.

The project entails an adaptive reuse project by converting an existing vacant building into a thriving business. Reusing the existing building will result in compatibility with the character of adjacent and nearby properties. Hours of operation are similar to that of surrounding businesses while traffic generated is much lower. Building size, setbacks, and parking will abide zoning code.

Adjacent uses are high end retail, a retirement multi-family residential condo community, and a well-developed and maintained, frequently utilized regional park with amenities and military museum. The character of out-door truck and trailer rental and storage may not be compatible with existing uses, at least not as the site is currently developed and with the proposed location for truck and trailer storage.

Section 62-1901(c)(1)(c) The proposed use will not cause a substantial diminution in value of abutting residential property.

Note: 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 proposed use will allow a nationally recognized, publicly traded company, to reuse a currently vacant property. The property in its current state is not generating revenue or jobs and instead acting as an eye sore. Over time the property will become distressed and more difficult to reuse.

The Board may wish to consider whether the newly proposed use would create a diminution in value of surrounding property.

Section 62-1901(c)(2)(a) Ingress and egress to the property and proposed structures (including vehicular and pedestrian safety and convenience, traffic flow and control, and emergency response access) shall be: (1) adequate to serve the proposed use without burdening adjacent and nearby uses, and (2) built to applicable county standards, if any.

Note: Burdening adjacent and nearby uses is defined as 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 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.

This is an adaptive reuse project in which we are reusing a building. The parking area, ingress and egress, and existing structures are built to county standards and will not burden adjacent/nearby uses. The proposed new structures will be an expansion to better accommodate our customers.

Several elements of the current site do not appear to meet current land development regulations. The Board may wish to consider whether site improvements that address pedestrian and vehicular safety issues should be required in order to demonstrate that the conditional use provisions are adequately satisfied. The 300 foot wide driveway along the south side of the subject property does not comply with applicable county standards. Section 62-3206(c)(6) states: "All points of ingress and egress for accessing parking lots from either a public street or an adjacent parking lot, internal collector driveway, shall not exceed 24 feet in width unless otherwise approved by the county." Additionally, the loading dock area does not provide adequate protection of the right of way and is not built to current code provisions. Section 62-3206(c)(9) states: "All parking and loading areas shall be designed and constructed to prevent backing vehicles directly onto a public road right-of-way, except for single-family residential dwellings..." Additionally, site modifications are necessary to meet the requirements of 14-97.003, F.A.C., particularly those pertaining to separation of ingress and egress from intersections.

The Board may wish to consider whether these site improvements must be made in order to demonstrate that the CUP conditions are satisfied.

Section 62-1901(c)(2)(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.

The noise, glare, odor, particulates, smoke, fumes or other emissions will not be an issue. U-Haul Stores are quiet, generate very little traffic, and act as a great buffer between zones.

Section 62-1901(c)(2)(c) Noise levels for a conditional use shall comply with Section 62-2271 of the Code:

A U-Haul Store produces a db(A) that is lower than the maximum allowable level.

Section 62-1901(c)(2)(d) The proposed conditional use shall not cause the adopted level of service for solid waste disposal for the property or area covered by such level of service, to be exceeded. The proposed conditional use will not exceed the adopted level of service for solid waste disposal.

U-Haul Stores have very little impact on solid waste.

Section 62-1901(c)(2)(e) The proposed conditional use shall not cause the adopted level of service for potable water or wastewater for the property or the area covered by such level of service, to be exceeded by the proposed use.

The proposed conditional use will not exceed the adopted level of service for portable water or waste water. U-Haul Stores have very little impact on solid waste. In fact, the proposed use will have less impact than the former user.

The applicant has not designated a portion of the currently constructed building as the location of the office for the truck and trailer rental use; therefore, staff cannot determine the impact in level of service that the additional use would create or determine whether it is proposed to replace any existing impact on level of service.

Section 62-1901(c)(2)(f) The proposed conditional use must have existing or proposed screening or buffering, in terms of type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.

This is a reuse project, therefore, existing screening/buffering will be kept in place.

The existing buffering and screening is not adequate to address adverse nuisance, sight, or noise impacts impacts of the proposed use on adjacent residential and park uses. Also, additional buffering could be utilized in a way that increases vehicular and pedestrian safety by providing more clear delineations between the parking lot and adjacent public rights-of-way.

Section 62-1901(c)(2)(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.

Proposed signs and lighting will not interfere with adjacent or nearby properties. Any newly proposed items will abide by development code governing the property.

Section 62-1901(c)(2)(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.

Hours of operation will be consistent with surrounding properties with no adverse effects.

Section 62-1901(c)(2)(i) The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than thirty-five (35) feet higher than the highest residence within 1000 feet of the property line.

Note: A survey of building heights within 1000 feet of the property lines should be furnished for applications requesting a CUP for additional building height.

The height of the proposed use will be compatible with the character of the area and abide by the controlling zoning code.

Section 62-1901 (c)C2)(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.

Note: 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.

Parking on this site is existing and will stay in place.

There are significant portions of the current parking lot and loading areas that do not meet current County code provisions. The addition of the truck and trailer rental use at the site could exacerbate the overflow of parking into the right of way or otherwise impede bicycle, pedestrian, and vehicle access within the right of way.

Additionally, staff review the current plan to subdivide the subject property from the greater Merritt Square Mall parcel demonstrates that this proposed parcel has significantly fewer parking spaces than code requires. The concept plan submitted with this application demonstrates a proposal to remove 54 current parking spaces and replace those with vehicle storage areas for the truck and trailer parking. No proposal to construct any additional replacement parking has been provided. This will reduce the subject property's overall parking by 24% and could further impede the Merritt Square Mall subdivision proposal that is currently in for review and could impact the use of those adjacent properties and the other units within this subject property.

For Board Consideration

This property is within the Merritt Island Redevelopment Area and is a portion of the greater Merritt Square Mall parcel. The subject property is adjacent to an established condominium complex and a highly-utilized County Park, known as Veteran's Park. The Board should evaluate whether proposed Conditional Use Permit (CUP) for Trailer & Truck Rental on a portion of a greater developed parcel containing the Merritt Square Mall is consistent and compatible with the surrounding development.

The General Retail (BU-1) Zoning classification allows for a Conditional Use Permit for Trailer and Truck Rental pursuant to section 62-1954. The conditions require:

1. Trucks and trailers be parked within the confines of the lot, tract or parcel of land.
2. No trailers or trucks shall be permitted to be parked or stored on any public streets, roads or rights of way, or on or across public sidewalks.
3. All parking areas shall be paved.

The application for a CUP for Trailer and Truck Rental is proposed to apply to the entire portion of the greater Merritt Square Mall parcel, with no delineation of where within the building the office is proposed to be located with no proposed restrictions or delineation of where the business will be limited to operating. The use will also share a parking lot with other uses on the subject property. The Board may wish to consider whether the proposed trailer and truck rental use will impede safe ingress and egress both to the Merritt Square Mall overall, to the subject property and to adjacent roadways or whether the proposal, as submitted, demonstrates that the aforementioned CUP conditions have been satisfied. Current Pursuant to section 62-1901, the Board should consider whether the impact upon the infrastructure and public safety and welfare could be exacerbated by this new use.

Additionally, the proposal for trailer and truck rental includes a concept plan which demonstrates that the trailers and trucks are proposed to be stored in the location of existing parking spaces, which are proposed for removal and restriping. The concept plan depicts that 54 spaces, or 24% of the subject property's existing parking will be utilized for this purpose and no new parking is proposed to be constructed. Repurposing existing parking spaces may severely impede the ability for the Merritt Square Mall to subdivide in the future, as the parcel would become severely deficient in meeting the minimum parking space requirements.

Several elements of the current site do not appear to meet current land development regulations, including the loading docks, driveway aisles, sidewalks and overall parking availability. The Board may wish to consider whether site improvements that address pedestrian and vehicular safety issues should be required in order to demonstrate that the conditional use provisions are adequately satisfied.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review

SUMMARY

Item #: 18PZ00061	Applicant: Philip Nohrr
Zoning Request: CUP for Trailer & Truck Rental	
P&Z Hearing: 07/09/18;	BCC Hearing: 08/02/18

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

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Hydric Soils/Wetlands	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	N/A
Floodplains	Mapped	Wildlife	Potential

Comments:

**This review relates to the following property: Twp 24, Rng. 36, Sec. 36;
Tax ID No. 2427788**

The subject parcel contains mapped hydric soils (Canaveral-Anclote complex – gently undulating) as shown on the United States Department of Agriculture (USDA) Soils Conservation Service Soils Survey (SCSSS) Map; an indicator that wetlands may be present on the property. Section 62-3694(c)(3)c has allowances for wetland impacts for properties designated for commercial or industrial land uses on the Future Land Use Map prior to February 23, 1996, if the property abuts land(s) developed as commercial or industrial as of December 31, 2010, and has sufficient infrastructure available to serve the commercial or industrial use. 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 Sections 62-3694(e) and 62-3696.

Canaveral-Anclote complex sand may also function as an aquifer recharge soil. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

A portion of the property is mapped as being within the floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Zones Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance.

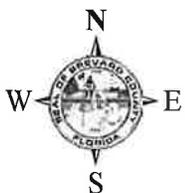
Information available to NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and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

Staff Comments: Page 9
(18PZ00061)
07/09/18 PZ // 08/02/18 BCC

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. Land clearing is not permitted without prior authorization by NRM.

LOCATION MAP

MERRITT SQUARE REALTY, LLC; MERRITT SQUARE CH, LLC; MERRITT SQUARE NASSIM, LLC
18PZ00061



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

Buffer Distance: 500 feet

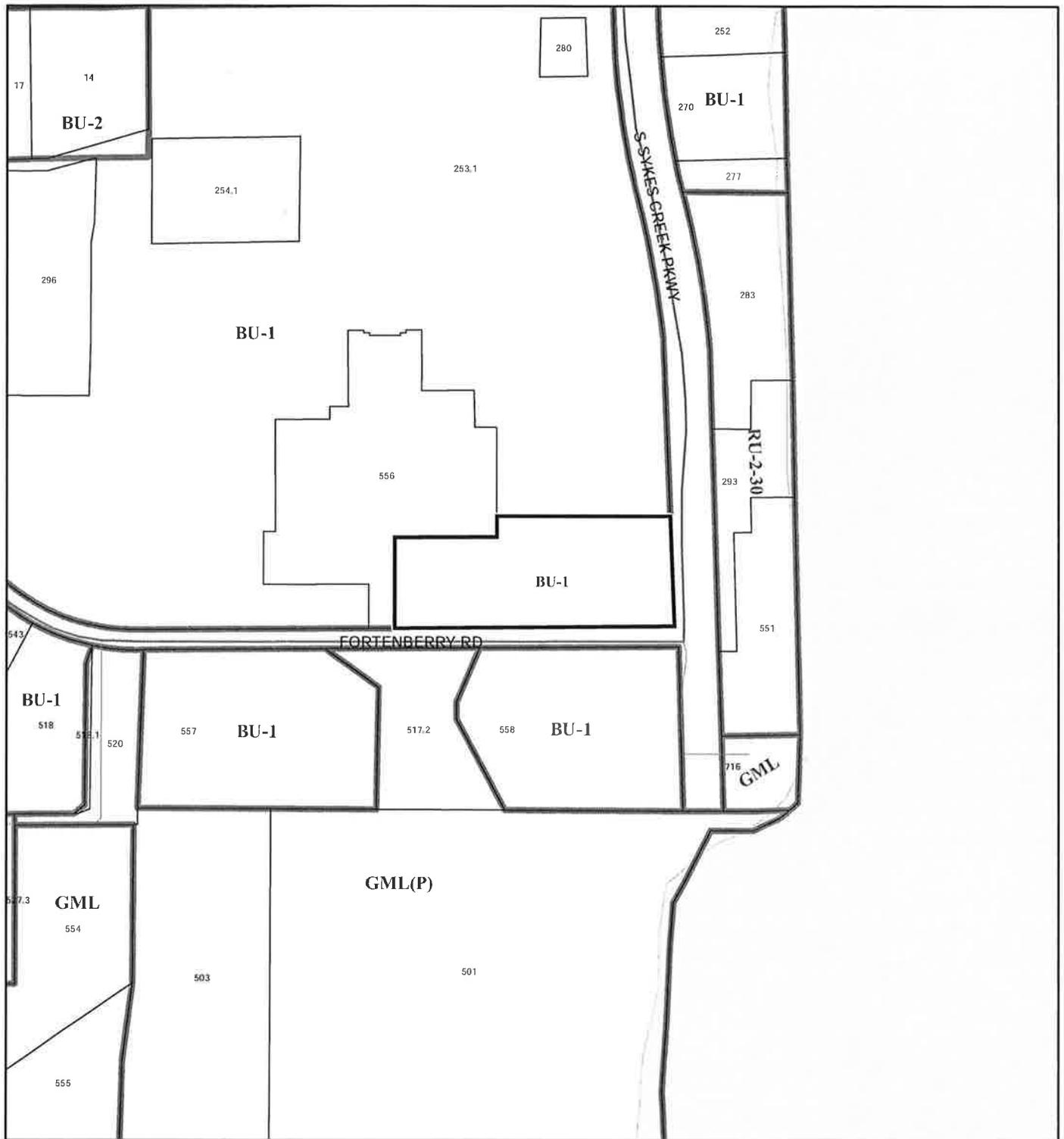
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/17/2018

-  Buffer
-  Subject Property

ZONING MAP

MERRITT SQUARE REALTY, LLC; MERRITT SQUARE CH, LLC; MERRITT SQUARE NASSIM, LLC
18PZ00061



1:4,800 or 1 inch = 400 feet

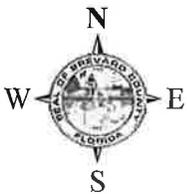
- Subject Property
- Parcels
- Zoning

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Produced by BoCC - GIS Date: 5/17/2018

FUTURE LAND USE MAP

MERRITT SQUARE REALTY, LLC; MERRITT SQUARE CH, LLC; MERRITT SQUARE NASSIM, LLC
18PZ00061



1:4,800 or 1 inch = 400 feet

 Subject Property

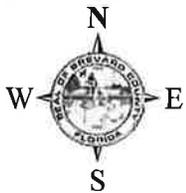
 Parcels

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AERIAL MAP

MERRITT SQUARE REALTY, LLC; MERRITT SQUARE CH, LLC; MERRITT SQUARE NASSIM, LLC
18PZ00061



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2018

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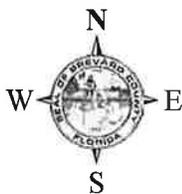
Produced by BoCC - GIS Date: 5/17/2018

 Subject Property

 Parcels

NWI WETLANDS MAP

MERRITT SQUARE REALTY, LLC; MERRITT SQUARE CH, LLC; MERRITT SQUARE NASSIM, LLC
18PZ00061



1:4,800 or 1 inch = 400 feet

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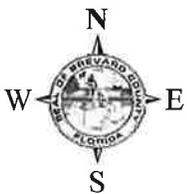
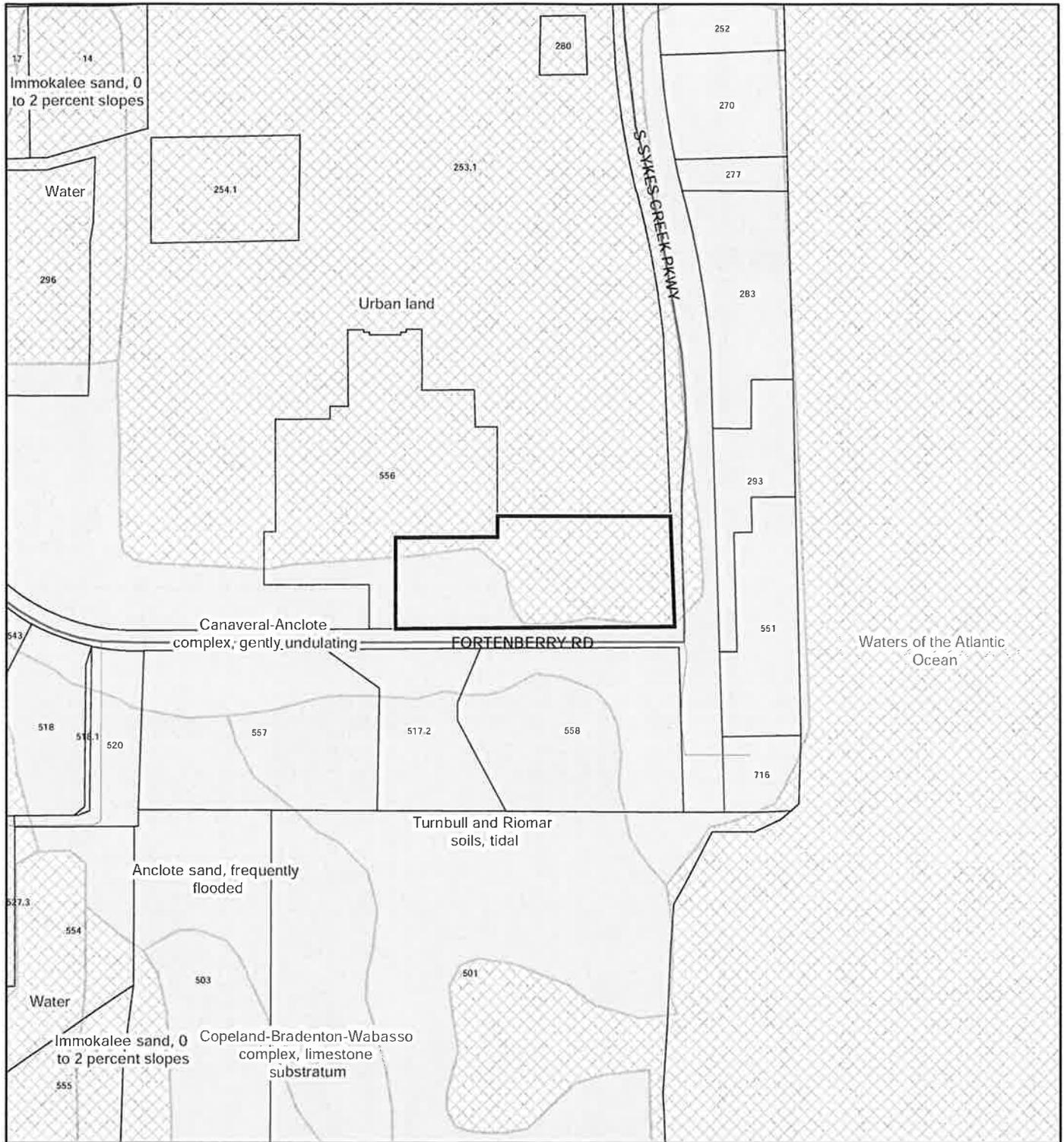
Produced by BoCC - GIS Date: 5/17/2018

National Wetlands Inventory (NWI)

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

USDA SCSSS SOILS MAP

MERRITT SQUARE REALTY, LLC; MERRITT SQUARE CH, LLC; MERRITT SQUARE NASSIM, LLC
18PZ00061



1:4,800 or 1 inch = 400 feet

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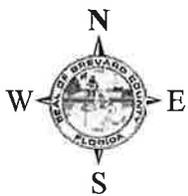
Produced by BoCC - GIS Date: 5/17/2018

USDA SCSSS Soils

-  Aquifer and Hydric
-  Aquifer
-  Hydric
-  None
-  Subject Property
-  Parcels

FEMA FLOOD ZONES MAP

MERRITT SQUARE REALTY, LLC; MERRITT SQUARE CH, LLC; MERRITT SQUARE NASSIM, LLC
18PZ00061



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Produced by BoCC - GIS Date: 5/17/2018

FEMA Flood Zones

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

EAGLE NESTS MAP

MERRITT SQUARE REALTY, LLC; MERRITT SQUARE CH, LLC; MERRITT SQUARE NASSIM, LLC
18PZ00061



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/17/2018

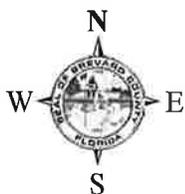
 Subject Property

 Parcels

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

MERRITT SQUARE REALTY, LLC; MERRITT SQUARE CH, LLC; MERRITT SQUARE NASSIM, LLC
18PZ00061



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Produced by BoCC - GIS Date: 5/17/2018

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

GENERAL NOTES

FVI
Proposed
Site Plan
187ZD0061
Merritt Sq.

REVISIONS

NO.	DATE	DESCRIPTION
1	02/27/17	PRELIMINARY
2	03/01/17	REVISED PER COMMENTS
3	03/01/17	REVISED PER COMMENTS
4	03/01/17	REVISED PER COMMENTS
5	03/01/17	REVISED PER COMMENTS
6	03/01/17	REVISED PER COMMENTS
7	03/01/17	REVISED PER COMMENTS
8	03/01/17	REVISED PER COMMENTS
9	03/01/17	REVISED PER COMMENTS
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26	03/01/17	REVISED PER COMMENTS
27	03/01/17	REVISED PER COMMENTS
28	03/01/17	REVISED PER COMMENTS
29	03/01/17	REVISED PER COMMENTS
30	03/01/17	REVISED PER COMMENTS

PROPOSED LOCKER MIX

LOCKER SIZE	NO.	SQ. FT.	%	TOTAL SQ. FT.	TOTAL %
10' x 10'	10	100	10.0%	100	10.0%
10' x 15'	20	300	30.0%	400	40.0%
10' x 20'	30	600	60.0%	1000	100.0%
15' x 10'	10	150	15.0%	150	15.0%
15' x 15'	20	450	45.0%	900	90.0%
15' x 20'	30	900	90.0%	1350	135.0%
20' x 10'	10	200	20.0%	200	20.0%
20' x 15'	20	600	60.0%	1200	120.0%
20' x 20'	30	1200	120.0%	1800	180.0%
25' x 10'	10	250	25.0%	250	25.0%
25' x 15'	20	750	75.0%	1500	150.0%
25' x 20'	30	1500	150.0%	2250	225.0%
30' x 10'	10	300	30.0%	300	30.0%
30' x 15'	20	900	90.0%	1200	120.0%
30' x 20'	30	1800	180.0%	2700	270.0%
35' x 10'	10	350	35.0%	350	35.0%
35' x 15'	20	1050	105.0%	2100	210.0%
35' x 20'	30	2100	210.0%	3150	315.0%
40' x 10'	10	400	40.0%	400	40.0%
40' x 15'	20	1200	120.0%	1600	160.0%
40' x 20'	30	2400	240.0%	3600	360.0%
45' x 10'	10	450	45.0%	450	45.0%
45' x 15'	20	1350	135.0%	1800	180.0%
45' x 20'	30	2700	270.0%	4050	405.0%
50' x 10'	10	500	50.0%	500	50.0%
50' x 15'	20	1500	150.0%	2000	200.0%
50' x 20'	30	3000	300.0%	4500	450.0%
55' x 10'	10	550	55.0%	550	55.0%
55' x 15'	20	1650	165.0%	2200	220.0%
55' x 20'	30	3300	330.0%	4950	495.0%
60' x 10'	10	600	60.0%	600	60.0%
60' x 15'	20	1800	180.0%	2400	240.0%
60' x 20'	30	3600	360.0%	5400	540.0%
65' x 10'	10	650	65.0%	650	65.0%
65' x 15'	20	1950	195.0%	2600	260.0%
65' x 20'	30	3900	390.0%	5850	585.0%
70' x 10'	10	700	70.0%	700	70.0%
70' x 15'	20	2100	210.0%	2800	280.0%
70' x 20'	30	4200	420.0%	6300	630.0%
75' x 10'	10	750	75.0%	750	75.0%
75' x 15'	20	2250	225.0%	3000	300.0%
75' x 20'	30	4500	450.0%	6750	675.0%
80' x 10'	10	800	80.0%	800	80.0%
80' x 15'	20	2400	240.0%	3200	320.0%
80' x 20'	30	4800	480.0%	7200	720.0%
85' x 10'	10	850	85.0%	850	85.0%
85' x 15'	20	2550	255.0%	3400	340.0%
85' x 20'	30	5100	510.0%	7650	765.0%
90' x 10'	10	900	90.0%	900	90.0%
90' x 15'	20	2700	270.0%	3600	360.0%
90' x 20'	30	5400	540.0%	8100	810.0%
95' x 10'	10	950	95.0%	950	95.0%
95' x 15'	20	2850	285.0%	3800	380.0%
95' x 20'	30	5700	570.0%	8550	855.0%
100' x 10'	10	1000	100.0%	1000	100.0%
100' x 15'	20	3000	300.0%	4000	400.0%
100' x 20'	30	6000	600.0%	9000	900.0%
105' x 10'	10	1050	105.0%	1050	105.0%
105' x 15'	20	3150	315.0%	4200	420.0%
105' x 20'	30	6300	630.0%	9450	945.0%
110' x 10'	10	1100	110.0%	1100	110.0%
110' x 15'	20	3300	330.0%	4400	440.0%
110' x 20'	30	6600	660.0%	9900	990.0%
115' x 10'	10	1150	115.0%	1150	115.0%
115' x 15'	20	3450	345.0%	4600	460.0%
115' x 20'	30	6900	690.0%	10350	1035.0%
120' x 10'	10	1200	120.0%	1200	120.0%
120' x 15'	20	3600	360.0%	4800	480.0%
120' x 20'	30	7200	720.0%	10800	1080.0%
125' x 10'	10	1250	125.0%	1250	125.0%
125' x 15'	20	3750	375.0%	5000	500.0%
125' x 20'	30	7500	750.0%	11250	1125.0%
130' x 10'	10	1300	130.0%	1300	130.0%
130' x 15'	20	3900	390.0%	5200	520.0%
130' x 20'	30	7800	780.0%	11700	1170.0%
135' x 10'	10	1350	135.0%	1350	135.0%
135' x 15'	20	4050	405.0%	5400	540.0%
135' x 20'	30	8100	810.0%	12150	1215.0%
140' x 10'	10	1400	140.0%	1400	140.0%
140' x 15'	20	4200	420.0%	5600	560.0%
140' x 20'	30	8400	840.0%	12600	1260.0%
145' x 10'	10	1450	145.0%	1450	145.0%
145' x 15'	20	4350	435.0%	5800	580.0%
145' x 20'	30	8700	870.0%	13050	1305.0%
150' x 10'	10	1500	150.0%	1500	150.0%
150' x 15'	20	4500	450.0%	6000	600.0%
150' x 20'	30	9000	900.0%	13500	1350.0%
155' x 10'	10	1550	155.0%	1550	155.0%
155' x 15'	20	4650	465.0%	6200	620.0%
155' x 20'	30	9300	930.0%	13950	1395.0%
160' x 10'	10	1600	160.0%	1600	160.0%
160' x 15'	20	4800	480.0%	6400	640.0%
160' x 20'	30	9600	960.0%	14400	1440.0%
165' x 10'	10	1650	165.0%	1650	165.0%
165' x 15'	20	4950	495.0%	6600	660.0%
165' x 20'	30	9900	990.0%	14850	1485.0%
170' x 10'	10	1700	170.0%	1700	170.0%
170' x 15'	20	5100	510.0%	6800	680.0%
170' x 20'	30	10200	1020.0%	15600	1560.0%
175' x 10'	10	1750	175.0%	1750	175.0%
175' x 15'	20	5250	525.0%	7000	700.0%
175' x 20'	30	10500	1050.0%	16200	1620.0%
180' x 10'	10	1800	180.0%	1800	180.0%
180' x 15'	20	5400	540.0%	7200	720.0%
180' x 20'	30	10800	1080.0%	17400	1740.0%
185' x 10'	10	1850	185.0%	1850	185.0%
185' x 15'	20	5550	555.0%	7400	740.0%
185' x 20'	30	11100	1110.0%	17850	1785.0%
190' x 10'	10	1900	190.0%	1900	190.0%
190' x 15'	20	5700	570.0%	7600	760.0%
190' x 20'	30	11400	1140.0%	18100	1810.0%
195' x 10'	10	1950	195.0%	1950	195.0%
195' x 15'	20	5850	585.0%	7800	780.0%
195' x 20'	30	11700	1170.0%	18450	1845.0%
200' x 10'	10	2000	200.0%	2000	200.0%
200' x 15'	20	6000	600.0%	8000	800.0%
200' x 20'	30	12000	1200.0%	18000	1800.0%
205' x 10'	10	2050	205.0%	2050	205.0%
205' x 15'	20	6150	615.0%	8200	820.0%
205' x 20'	30	12300	1230.0%	18450	1845.0%
210' x 10'	10	2100	210.0%	2100	210.0%
210' x 15'	20	6300	630.0%	8400	840.0%
210' x 20'	30	12600	1260.0%	18600	1860.0%
215' x 10'	10	2150	215.0%	2150	215.0%
215' x 15'	20	6450	645.0%	8600	860.0%
215' x 20'	30	12900	1290.0%	18900	1890.0%
220' x 10'	10	2200	220.0%	2200	220.0%
220' x 15'	20	6600	660.0%	8800	880.0%
220' x 20'	30	13200	1320.0%	19000	1900.0%
225' x 10'	10	2250	225.0%	2250	225.0%
225' x 15'	20	6750	675.0%	9000	900.0%
225' x 20'	30	13500	1350.0%	19200	1920.0%
230' x 10'	10	2300	230.0%	2300	230.0%
230' x 15'	20	6900	690.0%	9200	920.0%
230' x 20'	30	13800	1380.0%	19400	1940.0%
235' x 10'	10	2350	235.0%	2350	235.0%
235' x 15'	20	7050	705.0%	9400	940.0%
235' x 20'	30	14100	1410.0%	19600	1960.0%
240' x 10'	10	2400	240.0%	2400	240.0%
240' x 15'	20	7200	720.0%	9600	960.0%
240' x 20'	30	14400	1440.0%	19800	1980.0%
245' x 10'	10	2450	245.0%	2450	245.0%
245' x 15'	20	7350	735.0%	9800	980.0%
245' x 20'	30	14700	1470.0%	20000	2000.0%
250' x 10'	10	2500	250.0%	2500	250.0%
250' x 15'	20	7500	750.0%	10000	1000.0%
250' x 20'	30	15000	1500.0%	20200	2020.0%
255' x 10'	10	2550	255.0%	2550	255.0%
255' x 15'	20	7650	765.0%	10200	1020.0%
255' x 20'	30	15300	1530.0%	20400	2040.0%
260' x 10'	10	2600	260.0%	2600	260.0%
260' x 15'	20	7800	780.0%	10400	1040.0%
260' x 20'	30	15600	1560.0%	20600	2060.0%
265' x 10'	10	2650	265.0%	2650	265.0%
265' x 15'	20	7950	795.0%	1060	



MERRITT ISLAND REDEVELOPMENT AGENCY

FYI MIRA Memo and Exhibits
18PZ00061
Merritt Square, et. al.

DATE: June 29, 2018

TO: Tad Calkins, Planning & Development Director
Erin Sterk, Planning & Zoning Manager
Jennifer Jones, Special Projects Coordinator

FROM: Cindy Thurman, MIRA Land Development Manager on behalf of the
Merritt Island Redevelopment Agency Board of Directors

RE: **June 28, 2018 MIRA Meeting; Merritt Square CH, LLC & Merritt
Square Nassim, LLC; 18PZ00061 (U-HAUL)**

Pursuant to Section 62-2114 of Brevard County Code, "When an application is made to the P&Z Board for a change in zoning or approval of a conditional use permit, or to the Board of Adjustment for a variance, for property located in the MIRA area, the application shall be forwarded to the MIRA agency prior to the applicable public hearing before the P&Z board or the Board of Adjustment."

On June 28, 2018 at their regular meeting, the Merritt Island Redevelopment Agency Board of Directors heard the CUP request for Trailer & Truck Rental in a BU-1 zoning classification under 18PZ00061 and pursuant to section 62-1954, 62-1151(c) and 62-1901.

The Board voted to approve the CUP (4 Yes; 1 No; 1 abstention) with conditions agreed to by Cal Connor, President of U-Haul. **The conditions as recommended by the MIRA Board and agreed to by Mr. Connor, are as listed below:**

- 1) Site is to accommodate only cargo vans and pick-up trucks. Box trucks and/or other equipment would not be kept on site. Upon being dropped off by leasee, the box truck and/or other equipment would be removed promptly to another site;
- 2) Outdoor parking would be limited to 40 U-Haul cargo vans and pick-up trucks. No repairs will be done on site;
- 3) Cargo Vans assigned to the site will be presented with the military imaging as provided to the Board during the meeting on June 28, 2018; non-conforming vans or pick-up trucks will be moved within 72 hours.
- 4) Enhanced landscaping with more mature landscaping (i.e. higher dba) will be used at the U-Haul site to be compatible with the Veteran's Park area;
- 5) The applicant agrees to close off the southeast entrance at the intersection of Fortenberry and Sykes Creek and provide sidewalk on Fortenberry Road behind the property for the length of the property;

- 6) The applicant is to consider sidewalk for the Sykes Creek side of the property.
- 7) Mr. Conner agreed that the U-Haul parking will be available for use by the Veteran's Park - with every available spot to be reserved for the Veteran's functions;
- 8) Mr. Connor is willing to participate in upgrades to the intersection to include landscaping, sidewalks and crosswalks;
- 9) Mr. Connor is willing to commit to the presented renderings with minor deviations;
- 10) Mr. Connor will address with U-Haul's CO the orange doors. Would he consider another paint color possibly with the military shadow?
- 11) Mr. Connor would commit to the removal of the existing loading docks.

With these conditions as agreed to by the Applicant, the MIRA Board recommends approval. Please note however, there are several ongoing and simultaneous development related issues in this area of Merritt Island, specifically within the MIRA area. If these issues are not coordinated, the opportunities for future redevelopment in this area will be severely impacted. Among the issues are the following:

1. MIRA in it's adopted plan approved by the County Commissioners - has identified this area specifically as a commercial core and area of concern for future redevelopment.
2. Subdivision of the Merritt Square Mall property – IS NOT FINALIZED. MIRA is seeking easements for North, South, East and West for future roadways.
3. MIRA is also seeking participation in the filling of the existing stormwater ponds presently holding all the retention for the Mall site. This is absolutely crucial to redevelopment in this area.
4. Status of the Merritt Square Mall ownership – No local contact. The Mall owners own 100's of malls around the nation, many of which are in severe decline.
5. The existing dangerous intersection at Sykes Creek Drive and Fortenberry Road is at the entrance to Veteran's Center and Park. Many people do not stop; they go straight and fail to make the turn going east crashing into the Merritt Towers fence. Testimony from a Merritt Tower resident was heard at the MIRA Board meeting when this item was discussed.
6. MIRA has done a "Complete Streets" plan for Sykes Creek Drive south of 520 going into the Veteran's Center. (Without knowing what the Mall commitments and subdivision is going to look like, this project that had funding will have to be postponed. This is a huge disappointment to our local Veterans.)
7. Veterans Center Park Enhancements – ongoing and fully funded.
8. Stormwater Utility Pond Participation – it is development related not just about utilities and public works. Lack of participation eliminates future opportunities for the business community to have new land and access with better road frontage.

I have attached some exhibits for your reference.

Sykes Creek

The design of a complete street concept sketch for South Sykes Creek Parkway from the Merritt Island Causeway to Fortenberry Road was performed in 2017. As South Sykes Creek Parkway serves as the main corridor for the entrance of the Veteran's Memorial Park, several improvements have been identified in this otherwise neglected right of way. Improvements such as hardscaping, landscaping, roadway improvements for bike lanes, signage, lighting and enhanced crosswalks and intersections are currently being considered.



LEGEND

- ▣▣▣▣ MULTI-MODAL TRAIL
- ▣▣▣▣ SIDEWALK
- ▣ ENHANCED CROSSWALK
- ☼ PEDESTRIAN REFUGE
- ▣ GATEWAY SIGNAGE
- ▣ BIO-SWALE
- ▣ STREET TREES

ROTARY ALTERNATIVE



SYKES CREEK

**VETERANS
MEMORIAL
CENTER**

SR 520/ MERRITT ISLAND CAUSEWAY

SYKES CREEK PARKWAY

FORTENBERRY ROAD

ALTERNATIVE AREA

MERRITT SQUARE MALL

321 TRANSIT HUB
(IN FRONT OF SEAS)

MERRITT ISLAND

MERRITT ISLAND FLORIDA

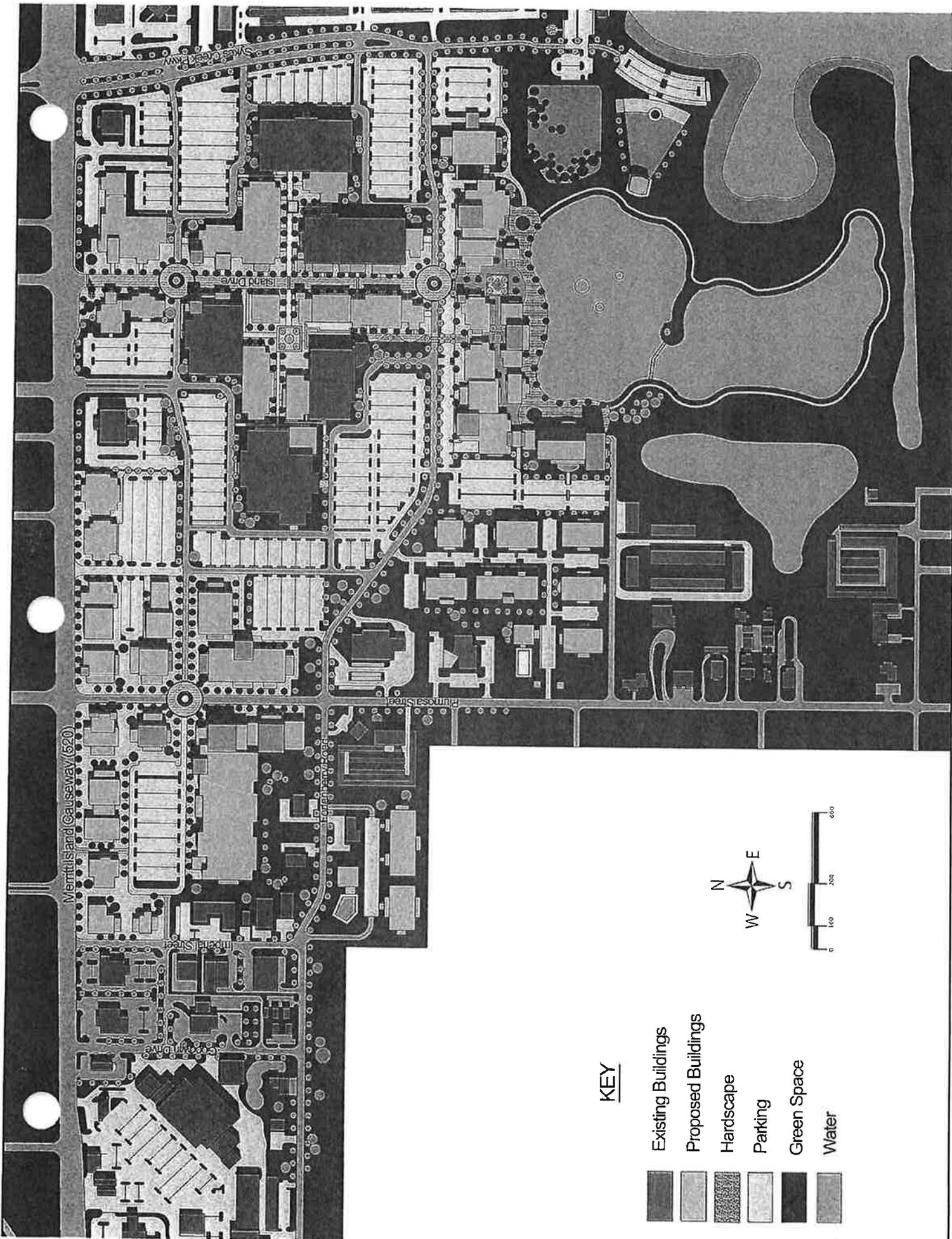
SYKES CREEK PARKWAY - COMPLETE STREETS ACTION PLAN

03/17/2017 CONTRACT: K242424 REF: 1614 - PCP (M) 177-160 AERIAL DATA © GOOGLE EARTH 2016



Kimley»Horn



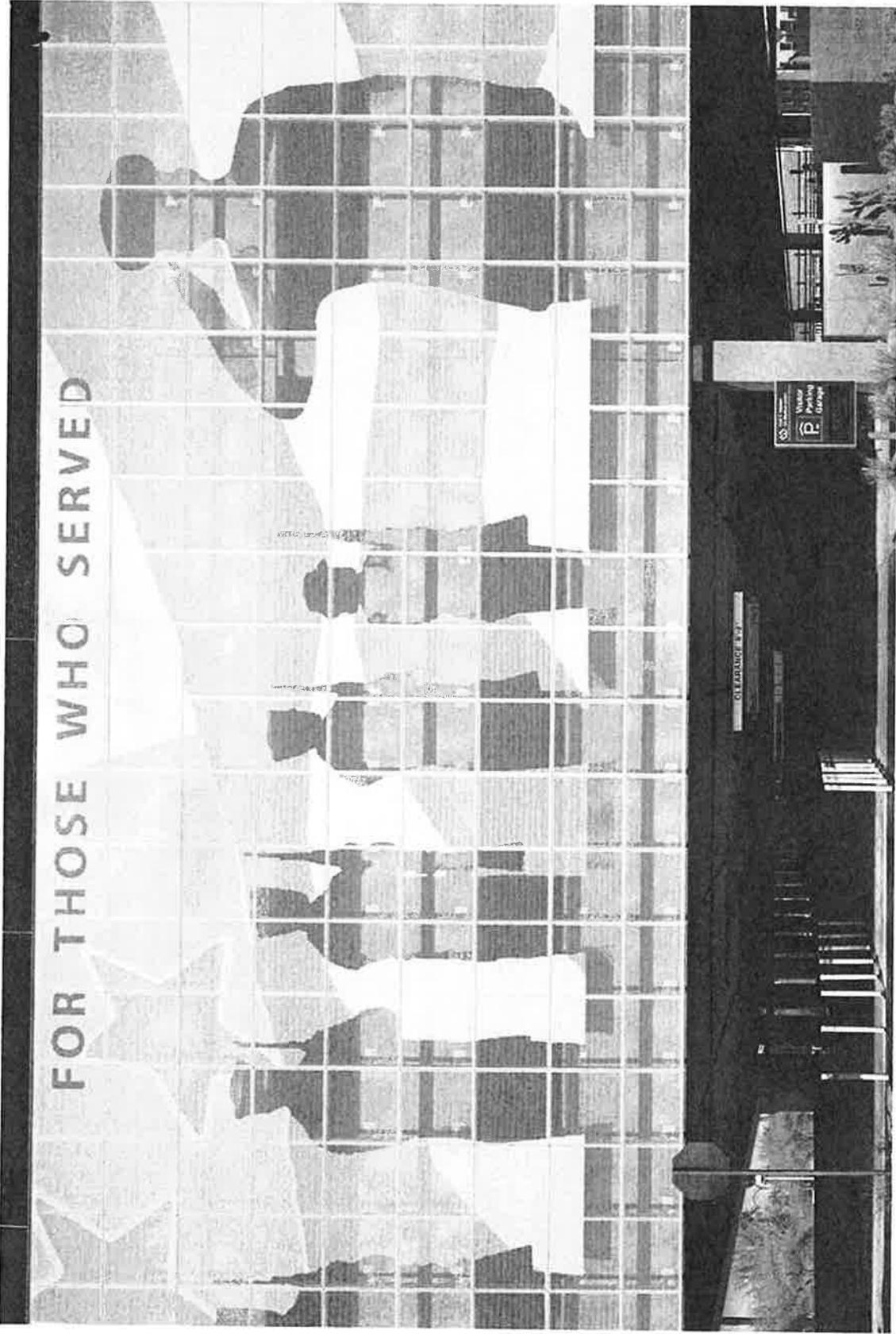


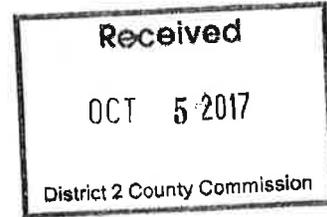
KEY

- Existing Buildings
- Proposed Buildings
- Hardscape
- Parking
- Green Space
- Water



FOR THOSE WHO SERVED





FYI Letters of
Area Concern
18PZ00061
Merritt Square

200-300 S. Sykes Creek Parkway
Merritt Island, Florida 32952

October 3, 2017

Dear Commissioners:

Merritt Towers is located on the west end of the Fortenberry Road and Sykes Creek Parkway intersection. Several months ago, an out-of-control driver ran the stop sign, crashed through our fence and finally stopped but not before damaging a car parked under the carport and damaging an upright support of the carport itself. As the car was there in the morning, the Sheriff's Department was able to track down the offender. Naturally, he had no insurance.

More recently another similar incident occurred. Another automobile did exactly the same thing, taking out our fence once again but evidently not going far enough to damage more cars. This time the car was gone in the morning. It has been reported to us that during late hours, cars congregate behind the old Publix and then have drag races on that stretch of Fortenberry.

We are concerned, not only about the cost of replacing our fence, but the possible endangerment of residents who do indeed walk around the complex during late hours.

We are respectfully asking that the appropriate county agency evaluate this situation and take necessary steps to address this obviously dangerous intersection. Perhaps a dead end barrier would help to correct the situation. The signs and markers currently installed are clearly not working.

Your attention would be most appreciated.

Sincerely,

The Merritt Towers Board of Directors
Robert J. Daria, President

Dear Commissioners:



Merritt Towers is located at the west end intersection of Fortenberry Road and Sykes Creek Parkway. Several months ago, an out-of-control driver ran the stop sign, crashed through our fence, and finally stopped, but not before damaging a car parked under the carport and damaging an upright support of the carport itself. As the car was there in the morning, the Sheriff's Department was able to track down the offender. Naturally, he had no insurance.

More recently another similar incident occurred. Another automobile did exactly the same thing, taking out our fence once again (but evidently not far enough to damage more cars). The car was gone in the morning. It has been reported to us that during late hours, cars congregate behind the old Publix and then have drag races on that stretch of Fortenberry.

We are concerned, not only about the cost of replacing our fence, but the possible endangerment of residents who do indeed walk around the complex during late hours.

We are respectfully asking that the appropriate county agency evaluate this situation and take necessary steps to address this obviously dangerous intersection. Perhaps one of those dead end barriers would go a long way to correct the situation. The signs and markers currently installed are clearly not working.

Your attention would be most appreciated.

The Merritt Towers Board of Directors


Robert J. Daria, President



777 E MERRITT ISLAND CSWY,
MERRITT ISLAND, FL 32954

PRELIMINARY IMAGING

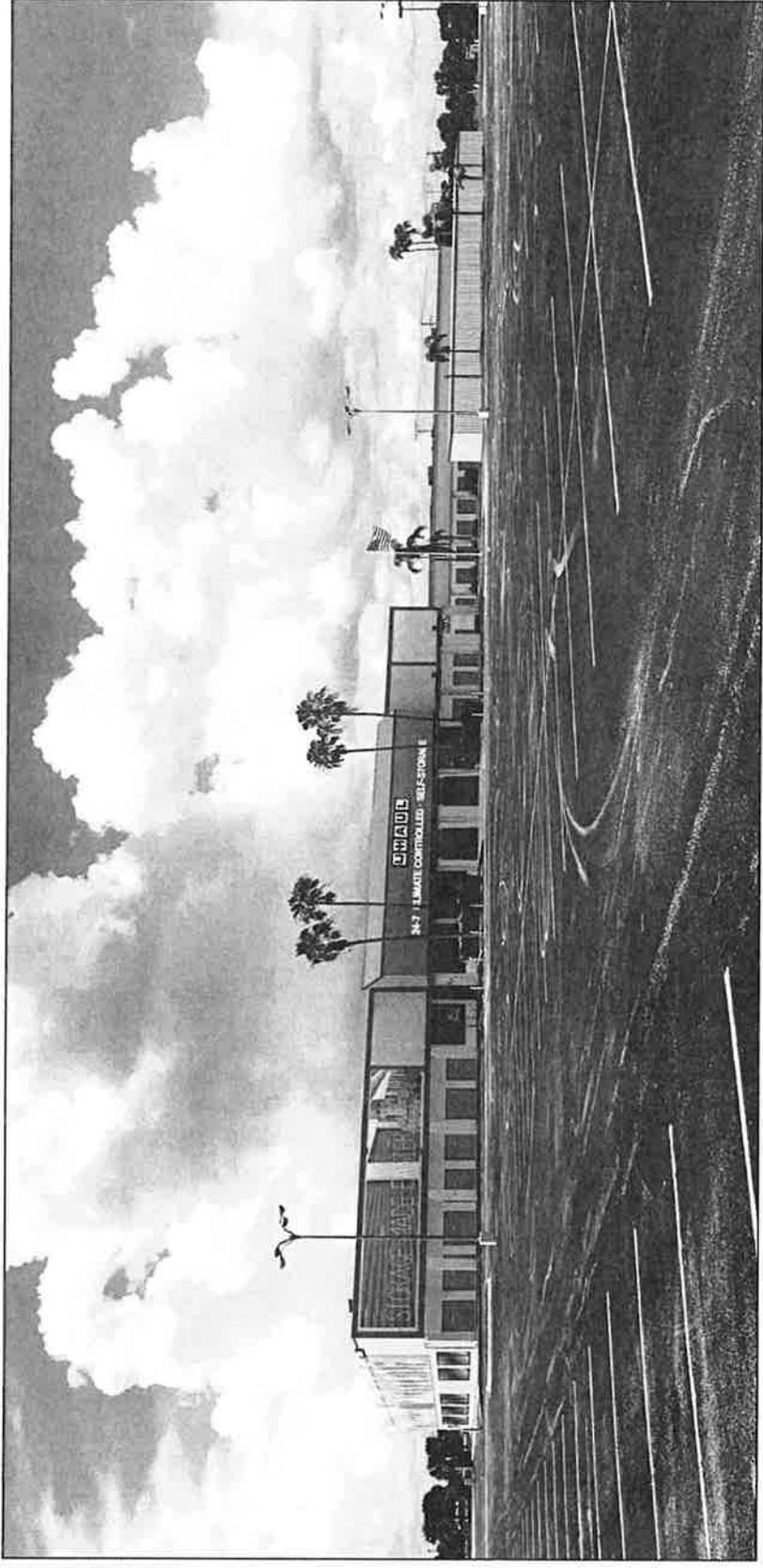
- Meditative
- Web Gray
- Accessible Beige
- Ultra White
- Smokehouse
- Sierra Sunset
- Eggshell Black
- Light Gray

ANY CHANGES REQUIRE
REBID OF PROJECT

761072
761072 MSTR ART NHO1
07/06/2018



FYI Conceptual Imaging
18PZ00061
Merritt Square Realty, et al.
(Submitted by applicant 07/09/18)



NORTHEAST ELEVATION / CONCEPTUAL IMAGING

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OF
MERRITT ISLAND

777 E MERRITT ISLAND CSWY,
MERRITT ISLAND, FL 32954

PRELIMINARY IMAGING



Metallic



Web Gray



Accessible Beige



Ultra White



Smokehouse



Sierra Sunset



Eggshell Black

Light Gray

ANY CHANGES REQUIRE
REBID OF PROJECT

781072

781072 MSTR ART NHO1

07/06/2018



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SOUTHEAST ELEVATION / CONCEPTUAL IMAGING

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OF
MERRITT ISLAND

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MERRITT ISLAND, FL 32954

PRELIMINARY IMAGING

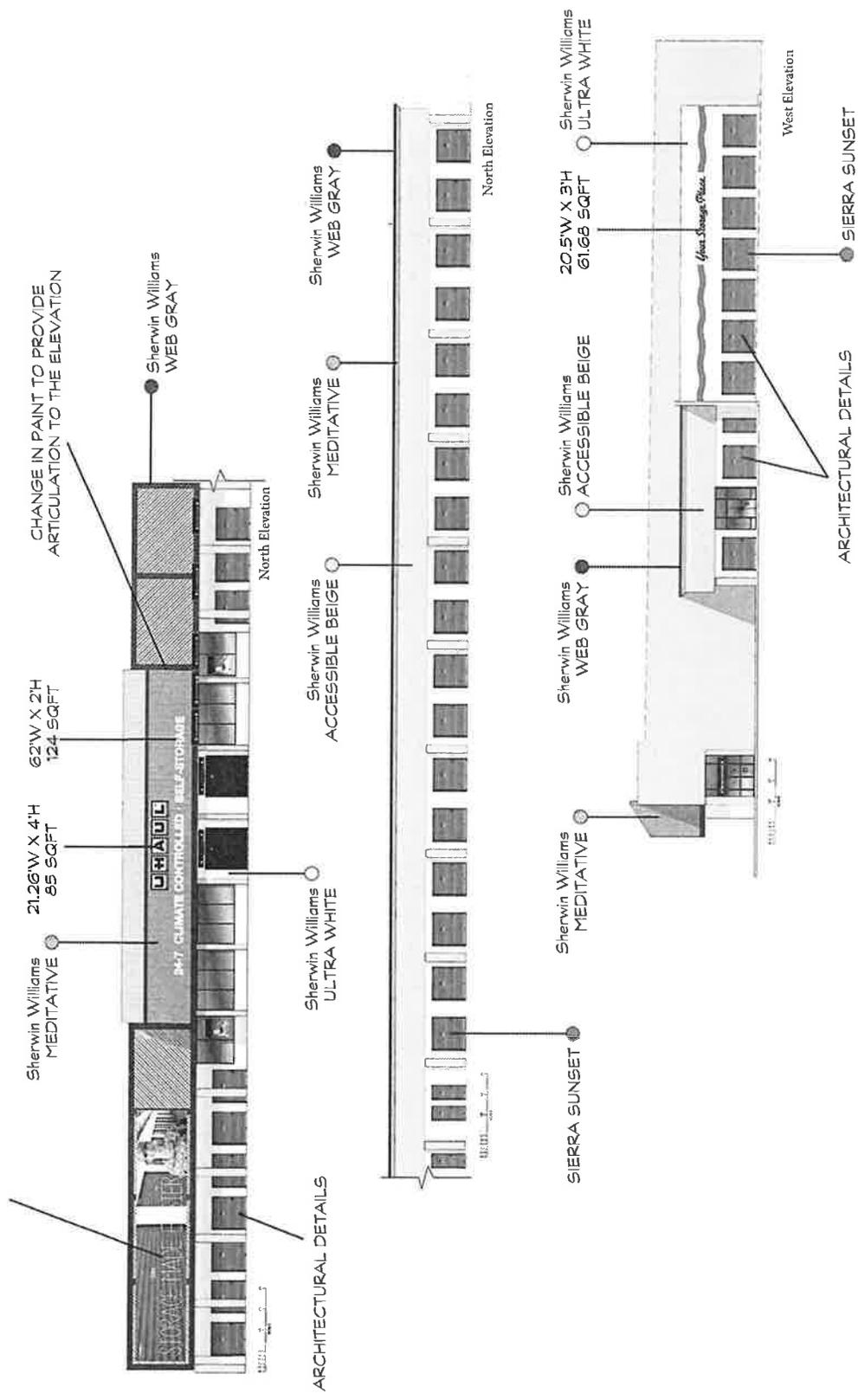
- Meditative
- Web Gray
- Accessible Beige
- Ultra White
- Smokehouse
- Sierra Sunset
- Eggshell Black
- Light Gray

ANY CHANGES REQUIRE
REBID OF PROJECT

781072
781072 MSTR ART NHO1
07/06/2018



COMMUNITY LIFESTYLE TO PROMOTE A
SAFE AND WELCOMING ENVIRONMENT

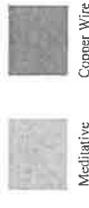


ELEVATION / CONCEPTUAL IMAGING



OF
MERRITT ISLAND

777 E MERRITT ISLAND CSWY,
MERRITT ISLAND, FL 32954



Copper Wire

Meditative



Web Gray

Accessible Beige



Ultra White

Smokehouse



Sierra Sunset

Eggshell Black

Light Gray

PRELIMINARY
IMAGING

ANY CHANGES REQUIRE
REBID OF PROJECT

781072
781072 MSTR ART NH01
07/06/2018

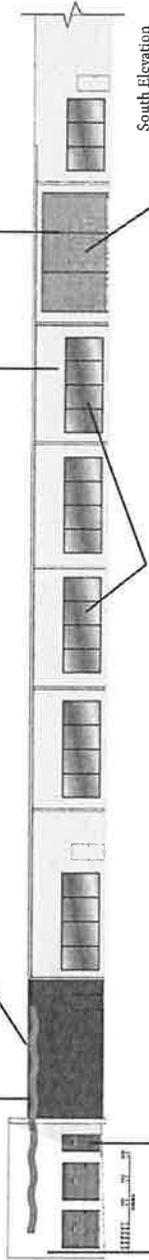


ARCHITECTURAL MODULATION CONVEYING
A MORE RETAIL APPEARANCE

SIERRA SUNSET

Sherwin Williams
ACCESSIBLE BEIGE

Sherwin Williams
COPPER WIRE



South Elevation

WINDOW FENESTRATION
TO REPLICATE RETAIL LOOK

ELECTRICAL PANEL SCREENING

MESH LIFESTYLE BANNERS
USED AS HVAC SCREENING



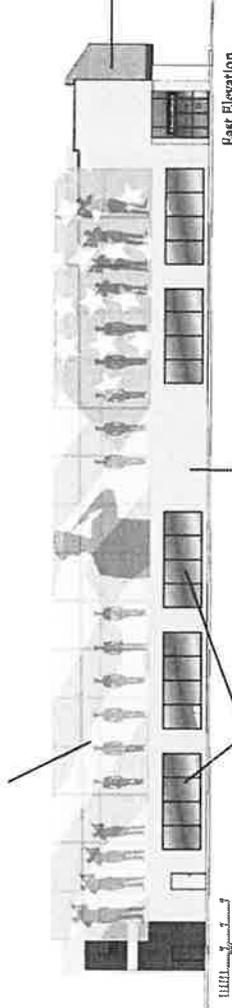
South Elevation

Sherwin Williams
WEB GRAY

Sherwin Williams
ACCESSIBLE BEIGE

CHANGE IN PAINT TO PROVIDE
ARTICULATION TO THE ELEVATION

MESH LIFESTYLE BANNERS
USED AS HVAC SCREENING



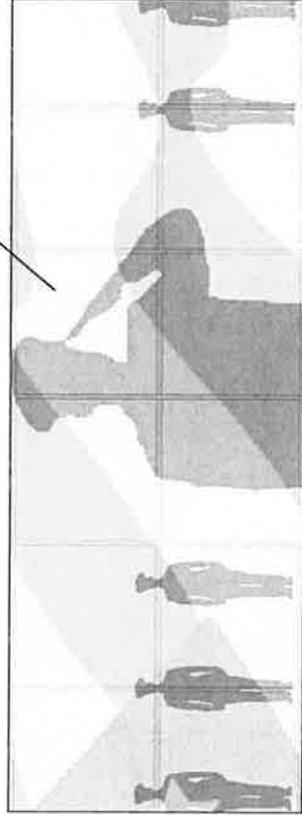
East Elevation

Sherwin Williams
ACCESSIBLE BEIGE

WINDOW FENESTRATION
TO REPLICATE RETAIL LOOK

Sherwin Williams
MEDATATIVE

STRUCTURALLY SUPPORTED
MESH LIFESTYLE BANNERS



ELEVATION / CONCEPTUAL IMAGING



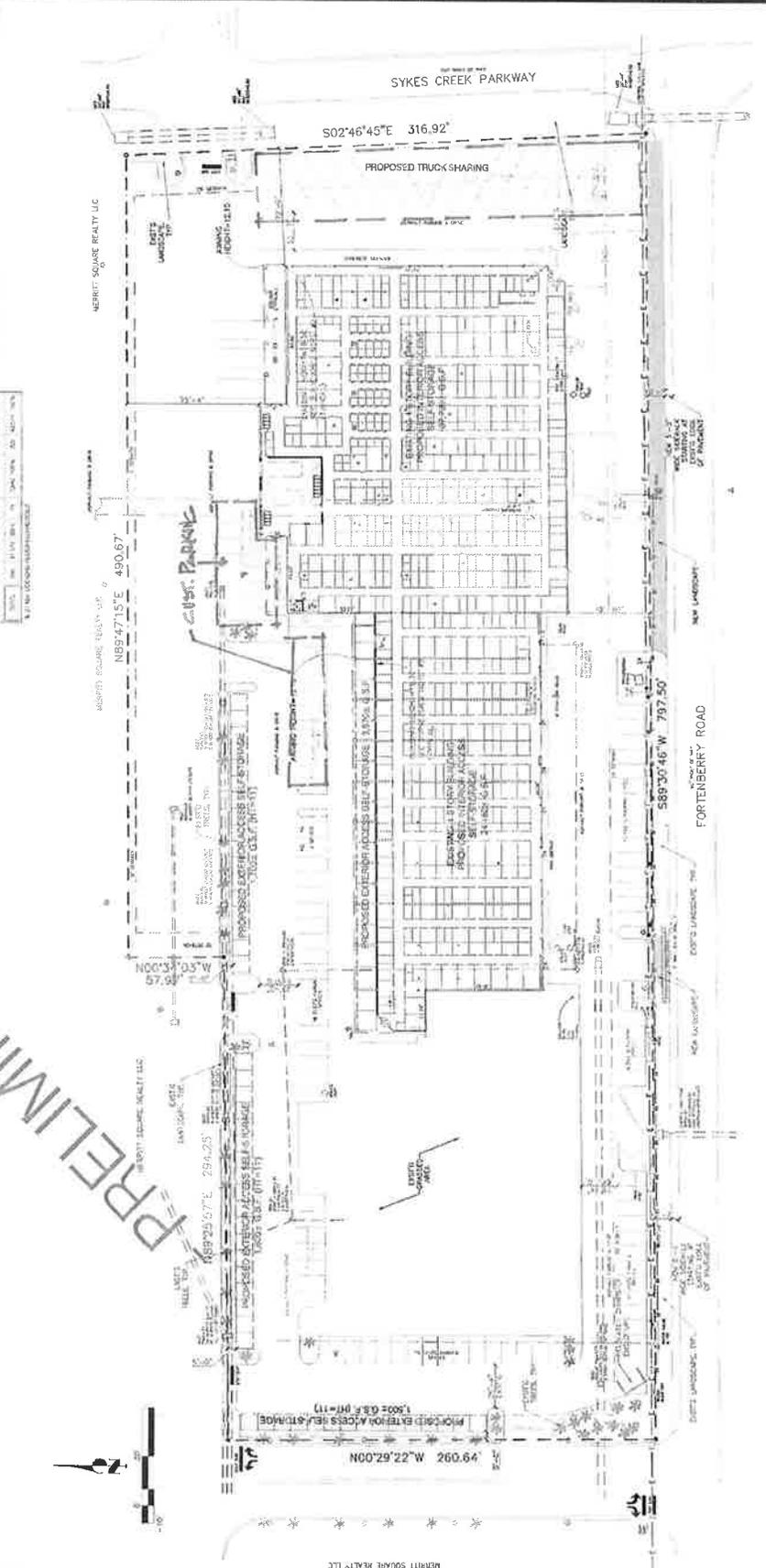
AERIAL VIEW

PROPOSED LOCKER MIX

Locker Type	Area (sq ft)	Volume (cu ft)	Weight (lbs)
Locker A	100	1000	10000
Locker B	200	2000	20000
Locker C	300	3000	30000
Locker D	400	4000	40000
Locker E	500	5000	50000
Locker F	600	6000	60000
Locker G	700	7000	70000
Locker H	800	8000	80000
Locker I	900	9000	90000
Locker J	1000	10000	100000

- NOTES**
1. Roadway Buffer: 10-foot buffer from adjacent to city streets that will have a minimum of 10 ft, which will be provided by the applicant.
 2. Landscaping: 10-foot buffer from adjacent to city streets, which will be provided by the applicant. 20-foot buffer from adjacent to city streets, which will be provided by the applicant. 20-foot buffer from adjacent to city streets, which will be provided by the applicant. 20-foot buffer from adjacent to city streets, which will be provided by the applicant.
 3. **PROPOSED TRUCK SHARING**: 20-foot buffer from adjacent to city streets, which will be provided by the applicant. 20-foot buffer from adjacent to city streets, which will be provided by the applicant. 20-foot buffer from adjacent to city streets, which will be provided by the applicant. 20-foot buffer from adjacent to city streets, which will be provided by the applicant.

ZONING ANALYSIS



PROPOSED SITE PLAN

<p>AMERCO REAL ESTATE COMPANY</p> <p>10000 W. WINDY HILLS BLVD. DENVER, CO 80231</p>	<p>Unit of Merritt Island Merritt Square, et. al. Merritt Island, FL 32954</p> <p>Project Name: Merritt Square</p>	<p>8181 8182 8183 8184 8185 8186 8187 8188 8189 8190</p>	<p>8181 8182 8183 8184 8185 8186 8187 8188 8189 8190</p>
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Brevard Board of County Commissioners:

Rita Pritchett, Chair
Jim Barfield
John Tobia
Curt Smith
Kristine Disnardi

August 1, 2018

Re: CUP Request in a Commercially Zoned Property- Merritt Square Realty, LLC;
Merritt Square CH, LLC, Merritt Square Nassim, LLC, and U-Haul Company

Dear Honorable Commissioners:

In keeping with conditional use permit (CUP) zoning application criteria of "not adversely affecting the use and enjoyment of the residential character of the area" and following meetings and discussion with Merritt Towers' property owners, Donn A. Weaver, Chairman-Brevard County Veterans Council, Merritt Island Redevelopment Agency (MIRA), and the U-Haul company staff, both the property owners and Veterans Memorial Center have partnered in requesting, prior to the approval of the CUP sought by the U-Haul company, the following two conditions be added to the already-agreed upon 11 conditions recommended by the MIRA Board and agreed to by Mr. Conner, as cited in the memo issued by Cindy Thurman dated 6/29/18 (see attached).

Recommended additions:

12. All non-conforming (conforming vehicles are defined in condition # 3 in the attached) cargo vans, pick-ups, cargo trucks, box trucks and/or 'other' undefined equipment that may be dropped off by leasees, or otherwise parked on site, will be parked, with designated signage, on the west side of the parcel behind the existing structure, and removed from the site within 72 hours.

13. The Key-kiosk for return of the vans, pick-ups and cargo trucks, and other vehicles/equipment will be located on the west side of the parcel behind the existing structure, with signage containing verbiage such as "This is not a drop off site. Please drop vehicles off at the Rockledge U-Haul site."

We strongly believe that the addition of these conditions will substantially avoid an "industrial look" to our residential area by maintaining the militarily-imaged conforming vans on site near the Veterans Memorial Center, and removing the potential visual blight of cargo trucks, trailers etc. in the "front yard" of our homes.

We respectfully request your inclusion of the above two conditions as proposed by the adjoining residentially zoned properties, into the Conditional Use Permit prior to approval.

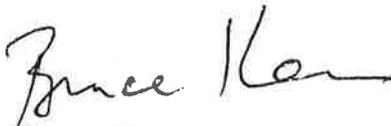
Thank you,



Donn A. Weaver
Chairman, Brevard Veterans Council



Rose Kerr
Homeowner,
Merritt Towers



Bruce Kerr
Homeowner
Merritt Towers



MERRITT ISLAND =REDEVELOPMENT AGENCY=

DATE: June 29, 2018

TO: Tad Calkins, Planning & Development Director
Erin Sterk, Planning & Zoning Manager
Jennifer Jones, Special Projects Coordinator

FROM: Cindy Thurman, MIRA Land Development Manager on behalf of the
Merritt Island Redevelopment Agency Board of Directors

RE: **June 28, 2018 MIRA Meeting; Merritt Square CH, LLC & Merritt
Square Nassim, LLC; 18PZ00061 (U-HAUL)**

Pursuant to Section 62-2114 of Brevard County Code, "When an application is made to the P&Z Board for a change in zoning or approval of a conditional use permit, or to the Board of Adjustment for a variance, for property located in the MIRA area, the application shall be forwarded to the MIRA agency prior to the applicable public hearing before the P&Z board or the Board of Adjustment."

On June 28, 2018 at their regular meeting, the Merritt Island Redevelopment Agency Board of Directors heard the CUP request for Trailer & Truck Rental in a BU-1 zoning classification under 18PZ00061 and pursuant to section 62-1954, 62-1151(c) and 62-1901.

The Board voted to approve the CUP (4 Yes; 1 No; 1 abstention) with conditions agreed to by Cal Connor, President of U-Haul. **The conditions as recommended by the MIRA Board and agreed to by Mr. Connor, are as listed below:**

- 1) Site is to accommodate only cargo vans and pick-up trucks. Box trucks and/or other equipment would not be kept on site. Upon being dropped off by leasee, the box truck and/or other equipment would be removed promptly to another site;
- 2) Outdoor parking would be limited to 40 U-Haul cargo vans and pick-up trucks. No repairs will be done on site;
- 3) Cargo Vans assigned to the site will be presented with the military imaging as provided to the Board during the meeting on June 28, 2018; non-conforming vans or pick-up trucks will be moved within 72 hours.
- 4) Enhanced landscaping with more mature landscaping (i.e. higher dbay) will be used at the U-Haul site to be compatible with the Veteran's Park area;
- 5) The applicant agrees to close off the southeast entrance at the intersection of Fortenberry and Sykes Creek and provide sidewalk on Fortenberry Road behind the property for the length of the property;



- 6) The applicant is to consider sidewalk for the Sykes Creek side of the property.
- 7) Mr. Conner agreed that the U-Haul parking will be available for use by the Veteran's Park - with every available spot to be reserved for the Veteran's functions;
- 8) Mr. Connor is willing to participate in upgrades to the intersection to include landscaping, sidewalks and crosswalks;
- 9) Mr. Connor is willing to commit to the presented renderings with minor deviations;
- 10) Mr. Connor will address with U-Haul's CO the orange doors. Would he consider another paint color possibly with the military shadow?
- 11) Mr. Connor would commit to the removal of the existing loading docks.

With these conditions as agreed to by the Applicant, the MIRA Board recommends approval. Please note however, there are several ongoing and simultaneous development related issues in this area of Merritt Island, specifically within the MIRA area. If these issues are not coordinated, the opportunities for future redevelopment in this area will be severely impacted. Among the issues are the following:

1. MIRA in it's adopted plan approved by the County Commissioners - has identified this area specifically as a commercial core and area of concern for future redevelopment.
2. Subdivision of the Merritt Square Mall property – IS NOT FINALIZED. MIRA is seeking easements for North, South, East and West for future roadways.
3. MIRA is also seeking participation in the filling of the existing stormwater ponds presently holding all the retention for the Mall site. This is absolutely crucial to redevelopment in this area.
4. Status of the Merritt Square Mall ownership – No local contact. The Mall owners own 100's of malls around the nation, many of which are in severe decline.
5. The existing dangerous intersection at Sykes Creek Drive and Fortenberry Road is at the entrance to Veteran's Center and Park. Many people do not stop; they go straight and fail to make the turn going east crashing into the Merritt Towers fence. Testimony from a Merritt Tower resident was heard at the MIRA Board meeting when this item was discussed.
6. MIRA has done a "Complete Streets" plan for Sykes Creek Drive south of 520 going into the Veteran's Center. (Without knowing what the Mall commitments and subdivision is going to look like, this project that had funding will have to be postponed. This is a huge disappointment to our local Veterans.)
7. Veterans Center Park Enhancements – ongoing and fully funded.
8. Stormwater Utility Pond Participation – it is development related not just about utilities and public works. Lack of participation eliminates future opportunities for the business community to have new land and access with better road frontage.

I have attached some exhibits for your reference.

4) Enhanced landscaping with more mature landscaping (i.e. higher dba) will be used at the U-Haul site to be compatible with the Veteran's Park area; enhanced landscaping shall mean Type B buffer that is vegetated per Appendix B of the Landscape Ordinance, except that the height for the trees shall be twenty (20%) percent higher than called for in Appendix B subject only to County requirements for visual corridor.

8/2/18 ZONING ITEM #9
MERRITT SQUARE REALTY LLC
(U-HAUL) CAP FOR TRAILER
AND TRAILER RENTAL

MERRITT SQUARE CH, LLC & MERRITT
SQUARE NASSIM LC

18PZ00061 (U-HAUL)

H. PUBLIC HEARINGS
AGENDA #9

Bruce Kerr
Presenter

Good evening to the Board of Honorable County Commissioners, Planning and Zoning personnel and any other persons officially involved with this proceeding. My name is Bruce Kerr and I am a homeowner of Merritt Towers.

Let me start off by thanking the Brevard Veterans Memorial Council, our County Commissioner's staff, the Merritt Island Redevelopment Agency staff, and the U-Haul company staff for working in partnership with the Merritt Towers homeowners in an amicable and helpful manner.

I am here to support this project with additional conditions and considerations. In your Zoning Agenda Package, you should find a document dated Aug. 1 regarding this CUP request so as to "not adversely affect the use and enjoyment of the residential character of the area," (Zoning Criteria Administrative Policies of the Future Land Use Element).

This document is a request for two additional conditions as submitted by the two approximal properties to the commercial property in question. The two parties are the Brevard County Veterans Council maintaining a beautiful center, museum park grounds for the enjoyment of the public and Veterans, and the other a Luxury 240 unit multi-tower, gated community of homeowners.

It states in summary:

1. That the U-Haul company will park all non-conforming vehicles, and/or 'other' undefined equipment that may be dropped off by leasee(s) at the far west end of the U-Haul parcel hidden from view of Merritt Towers with their storage facility in between in order to prevent a further industrial look to our residential area adversely affecting our use and enjoyment of our homes and any salability issues that may arise.

Additionally, that all non-conforming vehicles, which could include trailers as clarified by U-Haul company during a July 31st meeting, be removed within the 72-hour window.

2. The key-kiosk for return of vans, pick-ups, cargo trucks and 'other' vehicles/equipment would be located on the west side of the structure with signage containing verbiage such as "This is not a drop off site. Please drop vehicles off at the Rockledge U-Haul site."

I note that although U-HAUL personnel have stated they would not list this site as a drop off site on their website, I have not seen that in writing. As they have also stated this wouldn't occur often, there is also no qualification in writing, nor means to monitor as this is an unmanned site 24/7/365. And if there is one thing I have learned from

my careers, the only person who is always correct, is a man named Murphy.

3. Condition # 2 in the MIRA memo dated June 29, 2018 should include the phase "*military-imaged*" and read "Outdoor parking would be limited to 40 *military-imaged* U-Haul cargo vans and/or pick-up trucks. No repairs will be done on-site."

We believe that the addition of these conditions will substantially avoid an "industrial look" to our residential area by maintaining the only militarily-imaged conforming vans and pick-up trucks on site near the Veteran's Memorial Center, thus removing the potential visual blight of cargo trucks and trailers etc. in the "front yard" of our homes.

Therefore, we respectfully request your inclusions of the above conditions as proposed by the two partnered properties that are affected by this action. I also respectfully refer to Administrative Policy 4 which I believe also covers our concerns as well as the introduction of "types of vehicles" into a neighborhood into which they are not already present.

Thank you for your consideration.

Brevard Board of County Commissioners:

Rita Pritchett, Chair

Jim Barfield

John Tobia

Curt Smith

Kristine Disnardi

August 1, 2018

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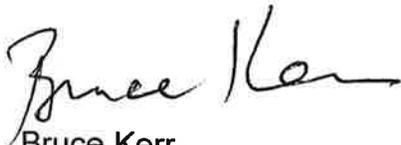
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Donn A. Weaver
Chairman, Brevard Veterans Council



Rose Kerr
Homeowner,
Merritt Towers



Bruce Kerr
Homeowner
Merritt Towers



MERRITT ISLAND -REDEVELOPMENT AGENCY-

DATE: June 29, 2018

TO: Tad Calkins, Planning & Development Director
Erin Sterk, Planning & Zoning Manager
Jennifer Jones, Special Projects Coordinator

FROM: Cindy Thurman, MIRA Land Development Manager on behalf of the
Merritt Island Redevelopment Agency Board of Directors

RE: **June 28, 2018 MIRA Meeting; Merritt Square CH, LLC & Merritt
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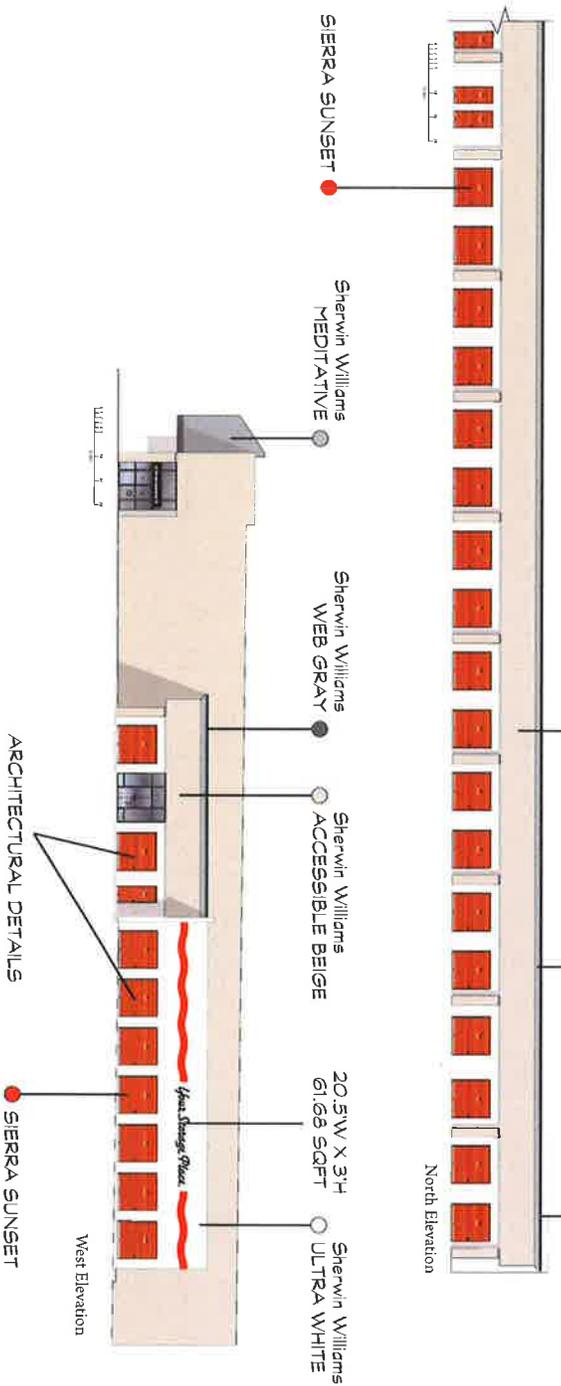
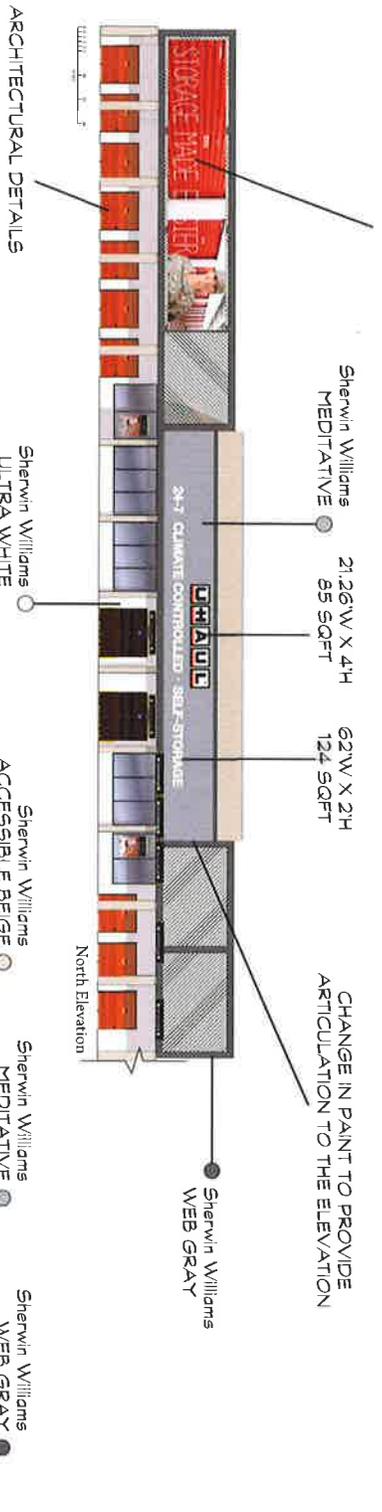
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COMMUNITY LIFESTYLE TO PROMOTE A SAFE AND WELCOMING ENVIRONMENT



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8/21/18 2:00 PM
ITEM #19
MERRITT ISLAND REA CITY, LLC
CUTTING AND TRAILER RENTAL



777 E MERRITT ISLAND CSWY,
MERRITT ISLAND, FL 32954

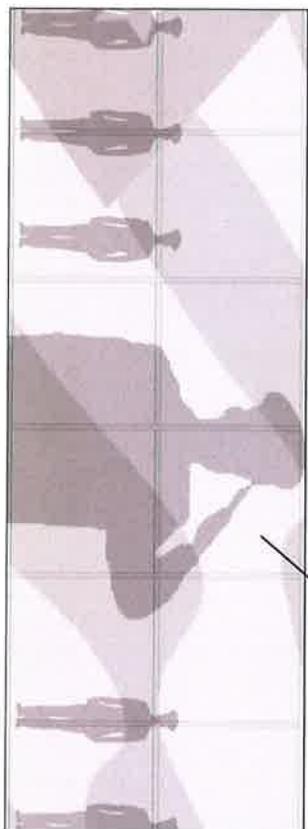
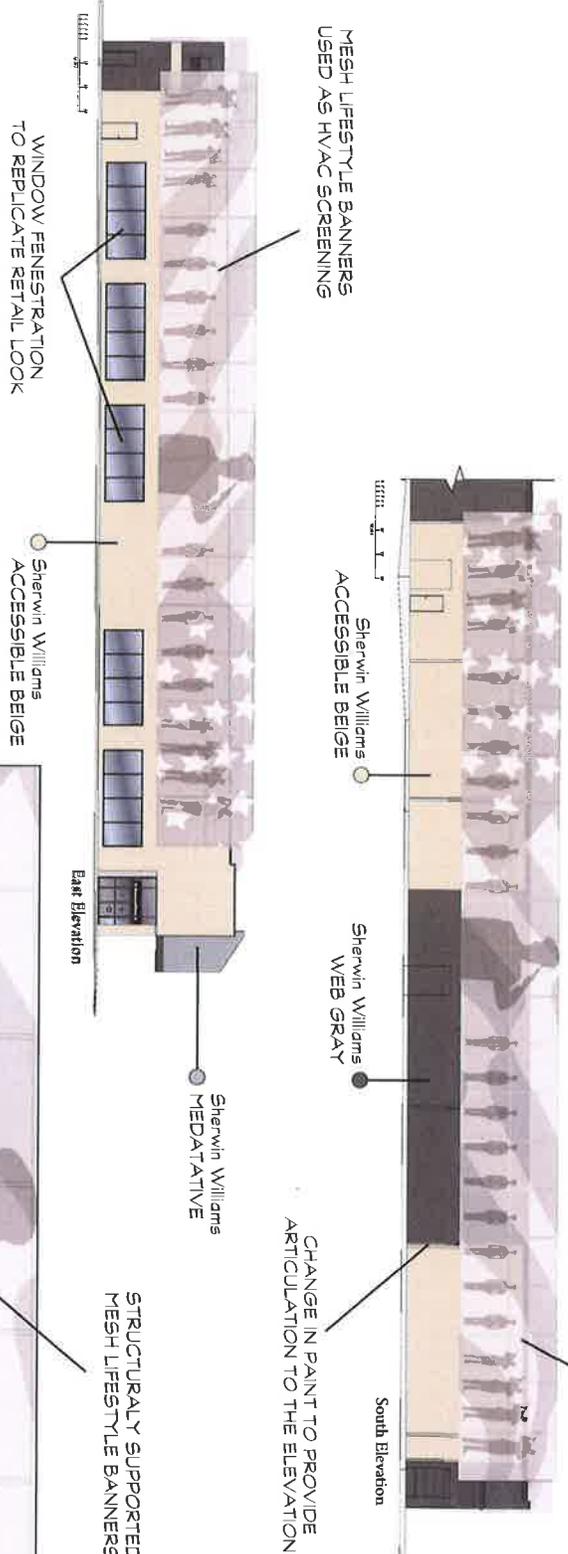
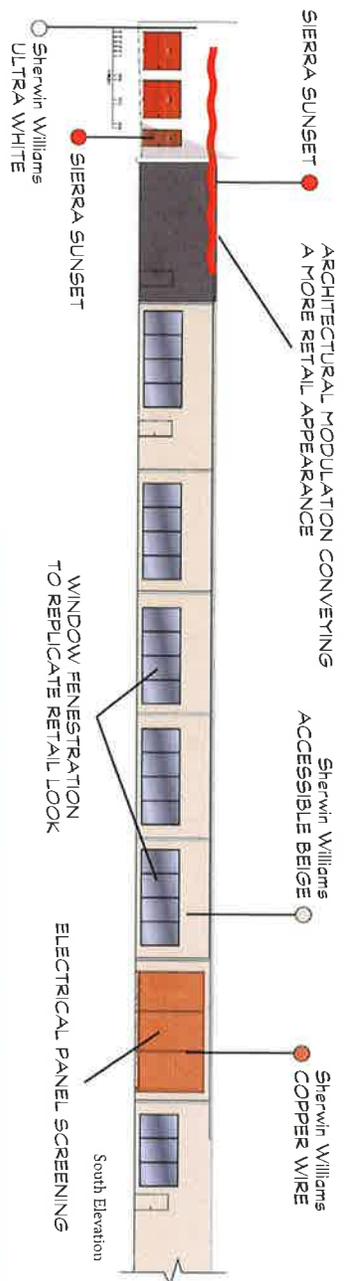
PRELIMINARY IMAGING

	Meditative
	Web Gray
	Accessible Beige
	Ultra White
	Smokehouse
	Sierra Sunset
	Eggshell Black
	Light Gray

ANY CHANGES REQUIRE REBID OF PROJECT

781072
781072 MSTR ART NH01
07/06/2018

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ANY CHANGES REQUIRE REBID OF PROJECT



NORTHEAST ELEVATION / CONCEPTUAL IMAGING

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OF
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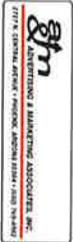
777 E MERRITT ISLAND CSWY,
MERRITT ISLAND, FL 32954

PRELIMINARY IMAGING

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ANY CHANGES REQUIRE
REBID OF PROJECT

781072
781072 MSTR ART NH01
07/06/2016





SOUTHEAST ELEVATION / CONCEPTUAL IMAGING

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OF
MERRITT ISLAND

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PRELIMINARY IMAGING

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