



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

**Prepared by**

Tania Ramos, Principal Planner

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### CASE

CU24-00004 – Office & Self-Storage at  
Heritage Corners

### PLANNING & ZONING BOARD HEARING DATE

October 2, 2024

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### PROPERTY OWNER & APPLICANT

Ascot Palm Bay Holdings, LLC (Ana  
Saunders, P.E., BSE Consultants, Inc. and  
Nathan Landers, Blackfin Partners  
Investments, Inc., Reps.)

### PROPERTY LOCATION/ADDRESS

Tract 507, Section 21, Township 28, Range 36, Brevard  
County, Florida, containing approximately 3.57 acres.  
Located south of and adjacent to Emerson Drive NW, in  
the vicinity east of St. Johns Heritage Parkway. Tax  
Account 3033381

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### SUMMARY OF REQUEST

A **Conditional Use** to allow a self-storage facility in the Community  
Commercial District, in accordance with Section 173.021 and Table  
173-2 [reference fka Section 185.043(D)(9)] of the Palm Bay Code  
of Ordinances.

#### Current Zoning

CC, Community Commercial District

#### Current Land Use

COM, Commercial

#### Site Improvements

Vacant Land

#### Site Acreage

Approximately 3.57 acres

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### SURROUNDING ZONING & USE OF LAND

#### North

CC, Community Commercial District; Vacant Land

#### East

PUD, Planned Unit Development; Right-of-Way

#### South

PUD, Planned Unit Development; Single-Family Residences

#### West

CC, Community Commercial District; Vacant Land

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### COMPREHENSIVE PLAN

#### COMPATIBILITY

Yes, Commercial Use

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**BACKGROUND:**

A conditional use request has been submitted to allow self-storage facility to be developed on vacant land south of and adjacent to Emerson Drive NW, in the vicinity east of St. Johns Heritage Parkway. The subject property is a 3.57-acre parcel. The applicant has provided a conceptual plan proposing a two-story self-storage building with 54,393 square feet per floor.

In 2023, a conditional use request for a two-story self-storage building with 55,000 square feet per floor, was submitted for this location. The application met the minimum requirements for self-storage as a conditional use, and staff recommended approval. On October 4, 2023, the Planning and Zoning Board voted 6 to 1 to recommend approval to City Council. On October 19, 2023, the request was heard by City Council, where discussion focused on the creation of jobs to support the new residential development in this part of the city. The applicant stated the self-storage facility would employ two or three people. City Council voted to deny the request with a vote of 3 to 1, noting that this type of commercial development does not promote the creation of jobs.

The applicant appealed the decision on December 6, 2023. City Council found the request for a conditional use to allow a self-storage facility on property located at the intersection of a commercial node, and bordered by land zoned PUD, inconsistent with Objective FLU-1.3 of the Comprehensive Plan. Objective FLU-1.3 seeks to counteract the bedroom community conditions that causes residents to travel to neighboring cities to meet their needs for goods, services, and employment. City Council noted the proposed self-storage facility would not promote the development of sustainable neighborhoods by providing residents with access to commercial areas for goods, services, and employment in compliance with Objective FLU-1.3 and issued a Final Order upholding the denial.

The Palm Bay Code of Ordinances Section 51.05(A) states, "Should either the City Council or any board vote to deny the request made by an applicant and presented at a public hearing, the same or similar issue presented at such public hearing cannot be refiled with the City Council or any board for the minimum period of twelve (12) months after the date of such denial." The current application includes the addition of 1,500 square feet of office space along with the requested conditional use for self-storage. This addition has been determined to constitute a substantive change allowing resubmittal of this request prior to the expiration of the 12-month timeframe.

Although both applications meet the requirements for self-storage as a conditional use in the Community Commercial District, staff notes two primary differences between the previously denied project and the currently proposed plan. First, the addition of 1,500 square feet of office space provides commercial area for goods, services, and employment opportunities in compliance with Objective FLU-1.3. Second, the previously denied plan included a detailed landscaping plan with an intent to provide greater compatibility between this site and the

residential area to the south.

**ANALYSIS:**

Section 185.043(D)(9) of the Code of Ordinances establishes self-storage as a conditional use in the Community Commercial District subject to the provisions established in Section 185.088(F) which provides additional requirements for self-storage facilities.

Self-storage facilities may locate along major collector or higher classified roads. The proposed project is located on Emerson Drive NW, between Jupiter Boulevard NW and St. Johns Heritage Parkway. This section of Emerson Drive is classified as a major collector, urban roadway in the City of Palm Bay 2045 Comprehensive Plan.

When self-storage is proposed as a conditional use, long, warehouse style buildings are prohibited. Community Commercial zoning requires an architectural style for each structure in adherence with Section 185.134. In addition to an architectural style, self-storage as a conditional use is also required to utilize exterior surface materials that will reduce building massing and create visual interest. At least two different building materials, such as tile, brick, stucco, cast stone, stone or formed concrete must be used. The base of the building shall be differentiated from the rest of the façade with treatments such as a change in material or color. No door openings for any storage unit, with the exception of emergency egress doors, shall be constructed facing any residentially zoned property. In addition, no roll up door openings for any storage unit shall be constructed facing any right-of-way. The applicant has provided a conceptual plan and architectural elevations showing compliance with these requirements.

The conceptual plan emulates an office building with the required architectural elements. Interior traffic lanes meet the minimum of thirty-five (35) feet wide for two-way traffic and a minimum of twenty-five (25) feet for one-way traffic, to accommodate loading and unloading as well as through and/or emergency traffic. No roll up door openings for any storage unit shall be constructed facing any right-of-way. An open-air interior loading area is provided on the north side of the building facing Emerson Drive. Additional loading zones with interior access points are shown on the east and west sides of the building. There are no doors facing the residentially zoned property to the south, although emergency egress doors could be permitted. The maximum storage unit size is limited to 300 square feet, and outdoor storage is prohibited. The project will be required to show compliance with these requirements throughout the administrative site plan and building permit reviews.

Self-storage facilities operating under a conditional use, and the tenants of the individual storage units are also required to comply with operational requirements. These requirements state that the individual units will not be used for activities such as residences, offices, workshops, studios, or hobby or rehearsal areas. Further, storage units shall not be used for manufacturing, fabrication or processing of goods, services, or repairs of vehicles, engines,

appliances or other equipment, or any other industrial activity whatsoever. The storage of flammable, explosive, perishable or hazardous materials within individual storage units and on the site is also prohibited. Rental agreements shall provide the tenants with written notice of the minimum operational standards set forth in Section 185.088(F), and any other conditions imposed by the City.

### **CODE REQUIREMENTS:**

To be granted conditional use approval, requests are evaluated upon items (A) through (H) of the General Requirements and Conditions of Section 185.087 of the Code of Ordinances. A review of these items is as follows:

**Item (A):** Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergencies.

A shared ingress and egress driveway is proposed on Emerson Drive NW between the subject property and the lot to the west. Two additional ingress and egress points are located to the east on Magenta Way. Interior traffic lanes meet the minimum of thirty-five (35) feet wide for two-way traffic, to accommodate loading and unloading as well as through and/or emergency traffic. For pedestrian safety, Public Works has indicated that an on-site to off-site sidewalk connections will be required.

**Item (B):** Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.

The conceptual plan shows that there is adequate space to meet the parking requirements and to provide designated loading zones onsite. Section 185.140(G)(30) of the Code of Ordinances establishes parking requirements for self-storage facilities at one space for each 25 units, plus three (3) spaces for the facility's lease office. Based on 701 units, thirty-two (32) parking spaces are required for the self-storage facility. Five additional spaces are required for the office area, for a total of thirty-seven (37) required parking spaces.

**Item (C):** Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.

The Utilities Department stated they have no objections to the proposed project. Any necessary upgrades will be required to be designed, permitted, installed, and inspected at the developer's cost.

**Item (D):** Adequate screening and/or buffering will be provided to protect and provide compatibility with adjoining properties.

The project will be required to meet all landscaping requirements during the administrative site plan review. The conceptual plan submitted includes a landscaping plan which shows the intent to meet landscaping requirements.

**Item (E):** Signs, if any, and proposed exterior lighting will be so designed and arranged to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties.

Proposed sign locations are not shown on the conceptual plan. Signage, lighting, and photometric plans will be required for administrative site plan review. It shall be noted that City codes require any lighting to be shielded and/or directed downward to avoid creating a nuisance to adjacent properties.

**Item (F):** Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

The site appears to meet all setback and landscaping requirements. However, landscaping could be enhanced to ensure compatibility with the surrounding areas. Setback and landscaping requirements are reviewed in depth during the administrative site plan review, and the project will be required to meet all code requirements.

**Item (G):** The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation, or type of physical activity. The use as proposed for development will be compatible with the existing or permitted uses of adjacent properties.

The proposed project is located on Emerson Drive NW, which is classified as a major collector, urban roadway in the City of Palm Bay 2045 Comprehensive Plan. There is no deficiency in the proposed roadways in the vicinity of the facility. The surrounding area is vacant Community Commercial land to the north, east, and west, and Planned Unit Development to the south. The use as proposed will be compatible with the permitted uses of adjacent properties.

**Item (H):** Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including, but not limited to, a reasonable time limit within which the action for which special approval is requested shall be begun or completed, or both.

The Board and Council have the authority and right to impose any additional and justifiable safeguards, and/or conditions, to ensure that the facility operates safely and harmoniously with its surroundings.

**STAFF FINDINGS:**

Staff recommends Case CU24-00004 for approval.





*Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.*



## AERIAL LOCATION MAP CASE: CU23-00007

### Subject Property

South of and adjacent to Emerson Drive NW, in the vicinity east of St. Johns Heritage Parkway.





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## **FUTURE LAND USE MAP CASE: CU23-00007**

### **Subject Property**

South of and adjacent to Emerson Drive NW, in the vicinity east of St. Johns Heritage Parkway

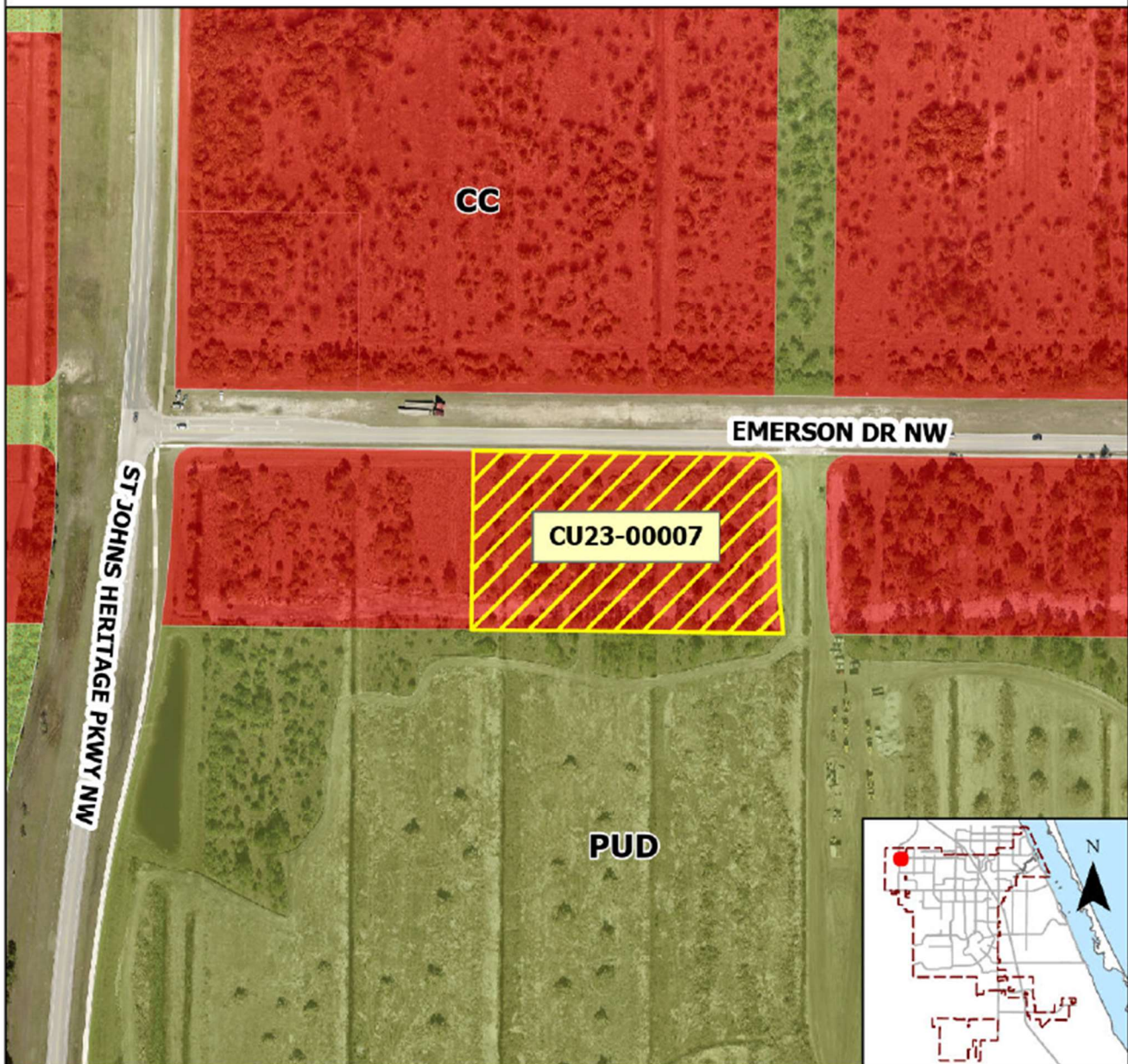
### **Future Land Use Classification**

COM - Commercial





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## ZONING MAP CASE: CU23-00007

**Subject Property**

South of and adjacent to Emerson Drive NW, in the vicinity east of St. Johns Heritage Parkway

**Current Zoning Classification**

CC - Community Commercial