



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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### Prepared by

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#### CASE NUMBER

Z23-00015

#### PLANNING & ZONING BOARD HEARING DATE

June 5, 2024

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#### PROPERTY OWNER & APPLICANT

Kathleen Jones Trustee, PSP of Brevard, LLC & RRLC, LLC (Jake Wise, Rep.)

#### PROPERTY LOCATION/ADDRESS

A portion of lots 2 and 15, Block 754, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 3 acres. Located west of and adjacent to Cogan Drive SE, north of and adjacent to Melbourne-Tillman Water Control District Canal 42; Tax Account 2963115

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#### SUMMARY OF REQUEST

The applicant is requesting a Rezoning from GU, General Use Holding to CC, Community Commercial.

##### Existing Zoning

GU, General Use Holding District

##### Existing Land Use

COM, Commercial

##### Site Improvements

Undeveloped

##### Site Acreage

Approximately 3 acres

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#### SURROUNDING ZONING & USE OF LAND

##### North

GU, General Use; Brevard Government Center

##### East

PUD, Planned Unit Development; Stormwater Pond

##### South

PUD, Planned Unit Development; Stormwater Pond

##### West

GU, General Use; Single-Family Residences

**BACKGROUND:**

The subject property is west of and adjacent to Cogan Drive SE, north of and adjacent to Melbourne-Tillman Water Control District Canal 42. Specifically, A portion of lots 2 and 15, Block 754, Section 19, Township 29, Range 37, Brevard County, Florida; Tax Account 2963115. The site was originally part of an unplatted forty (40) acre tract owned by Brevard County and reserved for a government complex. Eventually the county carved out the three (3) acre parcel and sold it to the public. In 2005, this parcel was granted a future land use of Commercial by Ordinance 2005-66 (Case# CP-26-2005). The current applicant applied for Pre-application Meeting (PREM23-00030), which was held on July 11, 2023.

The applicant is requesting a Rezoning from GU, General Use Holding to CC, Community Commercial. The applicant is also applying concurrently for a Conditional Use (CU23-00019) to allow for a self-storage facility to be developed in the Community Commercial District. These requests are to allow for the development of an enclosed three (3) story, internally accessed, self-storage facility. The applicant has provided a conceptual plan for a proposed 3-story, 100,000 square foot, enclosed, internally accessed building, which will have 830 units.

**ANALYSIS:**

The following analysis is per Chapter 185: Zoning Code, Section 185.201(C), which states that all proposed amendments shall be submitted to the Planning and Zoning Board, which shall analyze the factors of analysis applicable to the proposed amendment prior to making a recommendation to City Council. A rezoning request shall be in accordance with items (a) through (f) of Section 185.201(C)(2).

**Item (a)** - *The applicant's need and justification for the change and whether it aligns with the community's current or future needs;*

The proposed zoning change accompanies a Conditional Use application for a self-storage facility. The applicant states that they are an experienced developer and performed a market study which determined a need for self-storage in this community. This documentation has not been provided.

**Item (b)** - *When pertaining to the rezoning of land, the effect of the change, if any, on the particular property and on surrounding properties.*

North of the site is an existing Brevard County office complex. South are a canal and stormwater treatment pond. East is Cogan Road and then across the street a stormwater pond, wooded areas, and an FPL transmission easement. To the west is a 17-acre, county-owned, undeveloped wetland area with the closest residence over 800 feet away across the woods. The applicant anticipates the requested change to have no effect on the surrounding properties.

This site is buffered from any existing residential homes by preserved land, rights-of-way, and surface water features. In addition, the proposed use has been proven to generate minimal traffic.

**Item (c)** - *When pertaining to the rezoning of land, the amount of undeveloped land in the general area and in the city having the same classification as that requested.*

The subject property is part of a large unplatted tract in the center of the Bayside Lakes PUD, Planned Unit Development. There is no Community Commercial zoning in the vicinity. However, less than a half mile north, along Cogan Drive SE, is a mostly developed commercial corridor at the Bayside Lakes Blvd SE intersection.

**Item (d)** - *Whether the proposed amendment furthers the purpose of the city's Comprehensive Plan, or other strategic plans applicable to the proposed development and the provisions in the Land Development Code.*

The applicant states that they propose to take undeveloped land that has sat vacant for decades and create a commercial tax base which addresses a need for the residents in the area. This, they assert, supports their statement that the proposed rezoning is in compliance with the City's Comprehensive Plan and strategic growth plans of the City as well as provisions of the land development code.

The requested zoning of Community Commercial is in compliance with the City's Comprehensive Plan and the site's Future Land Use of Commercial.

**Item (e)** – *Whether the requested district is substantially different from that of the surrounding area.*

The applicant believes that the requested CC zoning is not substantially different from that of the surrounding area, which is surrounded by Bayside Lakes, a master planned mixed use community. There are no commercial uses immediately adjacent but there commercial uses in the vicinity and even more in the corridor to the north and south along Cogan Road that are zoned planned unit development (PUD).

**Item (f)** – *Whether the request provides for a transition between areas of different character, density or intensity.*

The applicant asserts that the rezoning request provides good transition as there is a large, wooded wetland buffer to the west, an existing County complex office building to the north, a large canal and stormwater pond with wooded areas to the south, and to the east is Cogan Road and then across the street is a stormwater pond, wooded areas, and an FPL transmission easement.

This site is more than adequately removed from the residential development so as to have little to no negative impact. Additionally, the proposed building incorporates additional architectural features architecture looking like an office building and is a low traffic generator.

**STAFF RECOMMENDATION:**

Case Z23-00015 meets the minimum requirements for rezoning approval.





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



## AERIAL LOCATION MAP

**CASE:** Z23-00015 &  
CU23-00019

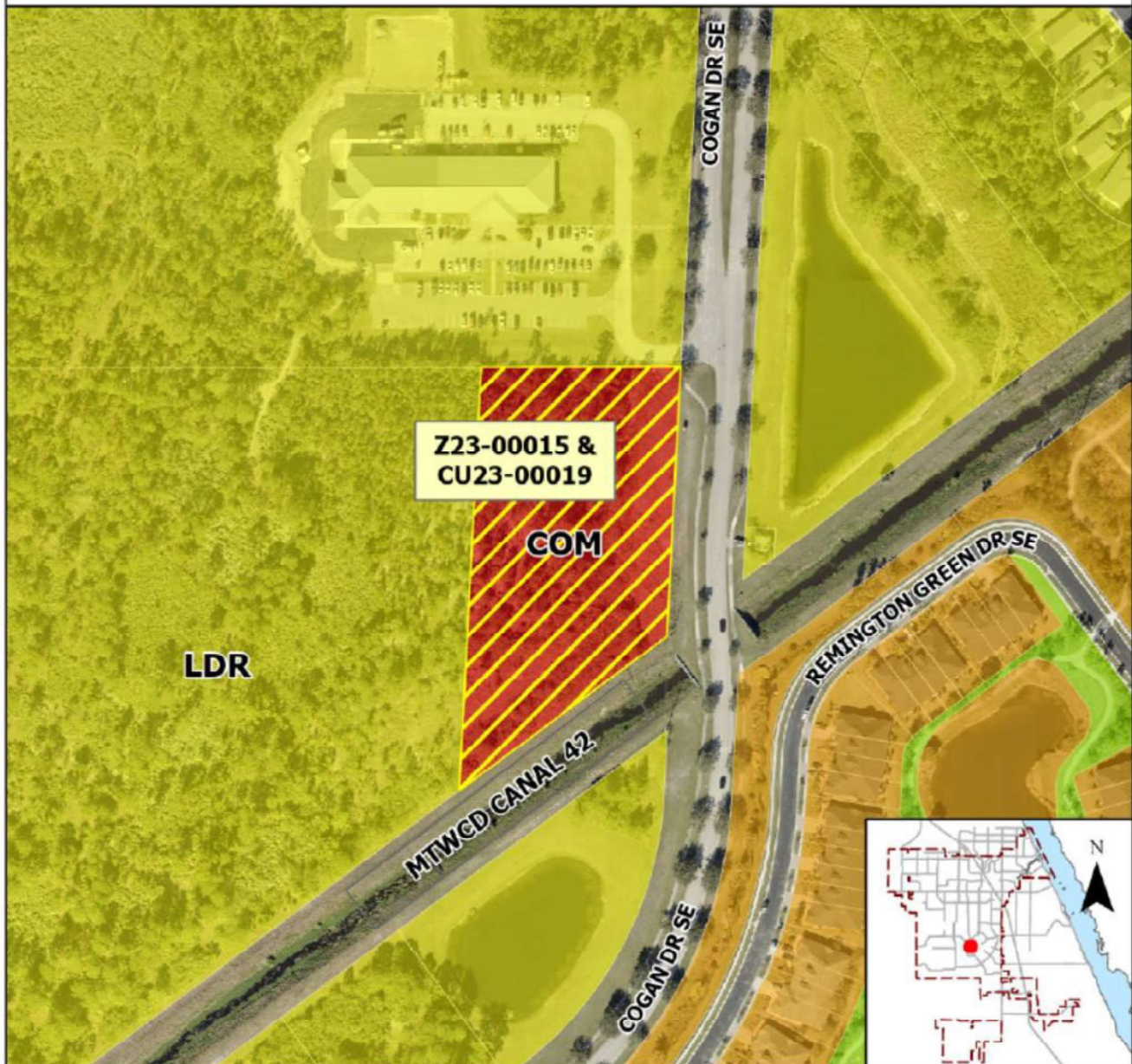
### Subject Property

West of and adjacent to Cogan Drive SE, north of and adjacent to Melbourne-Tillman Water Control District Canal 42





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## FUTURE LAND USE MAP

**CASE:** Z23-00015 &  
CU23-00019

### Subject Property

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### Future Land Use Classification

COM - Commercial





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## ZONING MAP

**CASE:** Z23-00015 &  
CU23-00019

### Subject Property

West of and adjacent to Cogan Drive SE, north of and adjacent to Melbourne-Tillman Water Control District Canal 42

### Zoning District

GU - General Use