

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 21S.09 (22SS00006)  
Township 23, Range 35 Section 27*

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**Property Information**

**Owner / Applicant: Michael & Lori Melzer, Jacob Aaron Corp., BDM Financial Corp. and GiGi II, LLC**

**Adopted Future Land Use Map Designation: Community Commercial (CC) and Neighborhood Commercial (NC)**

**Requested Future Land Use Map Designation: Residential 15 (RES 15)**

**Acreage: 20.88 acres**

**Tax Account #: 2312160, 2312187, 2312250, 2312251, 2312255, 2312260, 2312262, 2312264, 2312276, 2312301, 2312307, 2312312, 2312332, 2312333, 2312334, 2312339, 2319284**

**Site Location: On the north side of Port St. John Parkway approximately one thousand six hundred (1,600) feet west of Grissom Parkway**

**Commission District: 1**

**Current Zoning: Transient Tourist Commercial (TU-2), General Use (GU) and General Retail Commercial (BU-1)**

**Requested Zoning: Medium-Density Multi-Family Residential (RU-2-15)**

**Background & Purpose**

The applicant is seeking to amend the Future Land Use designation on 20.88 acres of land from Community Commercial (CC) and Neighborhood Commercial (NC) to Residential 15 (RES 15) in order to develop a three hundred thirteen (313) unit apartment complex. The subject properties currently are vacant with a Future Land Use designation of CC and NC.

This segment of Port St. John Parkway from Highway I-95 east to Grissom Parkway is a commercial corridor where the majority of Future Land Use designations are CC. Along this corridor there is one property with a Future Land Use designation of RES 4.

In 2001, the Future Land Use designations were changed from Mixed Use (MIX) to NC and CC along this segment of Port St. John Parkway when Brevard County updated the Comprehensive Plan and the Future Land Use Map. Currently, the subject parcel has CC, NC and RES 4 Future Land Use designations.

The applicant is seeking to change the Future Land Use designation from CC and NC to RES 15 to develop an apartment complex. There is a companion Zoning change request to change the zoning from General Use (GU), Transient Tourist Commercial (TU-2) and General Retail Commercial (BU-1) to Medium-density Multiple-Family Residential (RU-2-15) (22Z00027).

**Surrounding Land Use Analysis**

	<b>Existing Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Vacant	GU & RU-1-11	RES 4 & PUB-CONS
<b>South</b>	Vacant and a Professional Office	GU, RU-1-11 & TU-2	RES 4 & CC
<b>East</b>	Vacant	GU & BU-1	NC & CC
<b>West</b>	Vacant	RU-1-11	PUB-CONS & CC

To the north of the subject property are undeveloped single-family and State owned vacant parcels of land with a Future Land Use designation of RES 4 and PUB-CONS, to the east are vacant residential and commercial parcels of land, to the south, across Port St. John Parkway there are vacant residential and commercial parcels of land and a professional office and to the west is County owned land that serves as stormwater retention.

**Comprehensive Plan Policies/Comprehensive Plan Analysis**

Comprehensive Plan Policies are shown in plain text; Staff Findings of Fact are shown in *italics*

**Notice:** The Comprehensive Plan establishes the broadest framework for reviewing development applications and provides the initial level of review in a three layer screening process. The second level of review entails assessment of the development application's consistency with Brevard County's zoning regulations. The third layer of review assesses whether the development application conforms to site planning/land development standards of the Brevard County Land Development Code. While each of these layers individually affords its own evaluative value, all three layers must be cumulatively considered when assessing the appropriateness of a specific development proposal.

## **Policy 1.2**

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

### **Criteria:**

- C. In the Residential 30, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.

***This Future Land Use Amendment request to change from CC and NC to RES 15 will be required to have centralized potable and wastewater treatment available concurrent with the impact of the development.***

- D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.

***This Future Land Use Amendment request to change from CC and NC to RES 15 will require a connection to a centralized sewer system.***

- E. Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system.

***This Future Land Use Amendment request to change from CC and NC to RES 15 will require a connection to a centralized sewer system.***

- F. Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system.

***This Future Land Use Amendment request to change from CC and NC to RES 15 will require a connection to a centralized sewer system.***

## **Residential 15 (maximum of 15 units per acre)**

### **Policy 1.4**

The Residential 15 land use designation affords the second highest density allowance, permitting a maximum density of up to fifteen (15) units per acre, except as otherwise may be provided for within this element. The Residential 15 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

#### **Criteria:**

A. Areas located east of Interstate-95, except in instances where they are adjacent to existing or designated residential densities of an equal or higher density allowance; and

***The subject site is located east of Interstate-95 (I-95). It is located adjacent to vacant single-family lands with a RES 4 Future Land Use designation and vacant State lands with Future Land Use designations of PUB-CONS to the north. To the east, the subject site is located adjacent to vacant, single-family land with a Future Land Use designation of RES 4 and vacant commercial land with a Future Land Use designation of CC. To the south, across Port St. John Parkway, there are vacant single-family parcels, vacant commercial parcels and an office building with a Future Land Use designation of RES 4 and CC. To the west, the subject site is located next to County land, used for stormwater retention with a Future Land Use designation of PUB-CONS and CC.***

B. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 15 area;

***The subject site is not located adjacent to incorporated areas.***

C. Areas adjacent to an existing Residential 15 land use designation; and

***The subject site is not adjacent to an existing RES 15 land use designation.***

D. Areas which have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

***The subject site has direct access to Port St. John Parkway to the south which is an Urban Minor Arterial Collector roadway.***

E. Up to a 25% density bonus to permit up to 18.75 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities

should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the Coastal High Hazard Area (CHHA).

***The applicant is not seeking a Planned Unit Development.***

### **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:**

- 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;

***There have been two professional office buildings built in 2007 and 2014 along this segment of Port St. John Parkway. In 2007 a multi-tenant office was built which is Parrish Medical Center located on the southwest corner of Port St. John Parkway and Grissom Parkway. There is a single tenant office building located adjacent to the subject site south, across Port St. John Parkway.***

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

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

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

***There is an application for a change of Future Land Use from RES 4 and NC to CC on 17.70 acres (22SS00003) with a companion Zoning change from General Use (GU), Restricted Neighborhood Retail Commercial (BU-1-A) and General Retail Commercial (BU-1) to Retail, Warehousing & Wholesale Commercial (BU-2) (22Z00020). The applicant seeks to propose a hardened Florida Power and Light Service Station located adjacent to the subject site on the east side along Port St. John Parkway.***

## **Concurrency**

*The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in the transportation adopted level of service. The subject site is within the City of Cocoa's service area for potable water. The subject parcel will be required to connect to a centralized sewer system. The school concurrency indicates there is enough capacity for the total of projected and potential students from the Blaze Capital Apartment development.*

## **Environmental Resources**

*Mapped resources include Wetlands/Hydric Soils, Aquifer Recharge Soils, Floodplain, Protected Species, Protected and Specimen Trees.*

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

## **Historic Resources**

*There are no recorded historic or archaeological sites on the project site according to the Master Site File from the Florida Division of Historic Resources.*

## **For Board Consideration**

The Board may wish to consider if the request is consistent and compatible with the surrounding area and with the transitioning nature of the area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Future Land Use (FLU) Review & Summary**  
**Item #22SS00006**

**Applicant:** Rezanka for Miller

**FLU Request:** CC & NC to RES-15

**Note:** Applicant wants to develop a 313-unit apartment complex.

**P&Z Hearing Date:** 07/18/22; **BCC Hearing Date:** 08/04/22

**Tax ID Nos:** 2312160, 2312187, 2312250, 2312251, 2312255, 2312260, 2312262, 2312264, 2312276, 2312301, 2312307, 2312312, 2312332, 2312333, 2312334, 2312339, & 2319284

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

**Summary of Mapped Resources and Noteworthy Land Use Issues:**

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

The subject parcel contains mapped wetlands. A wetland delineation will be required prior to any land clearing activities. The wetland delineation shall be verified at time of site plan submittal. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

A majority of the project area is mapped as being within the isolated floodplain. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the isolated floodplain greater than one third (1/3) acre in size.

### **Land Use Comments:**

#### **Wetlands/Hydric Soils**

The subject parcel contains mapped National Wetlands Inventory (NWI) wetlands, SJRWMD wetlands, and hydric soils (Anclote sand & St. Johns sand), as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes, and USDA Soil Conservation Service Soils Survey maps, respectively. All are indicators that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities. The wetland delineation shall be verified at time of site plan submittal. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

#### **Floodplain**

A majority of the project area is mapped as being within the isolated floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the isolated floodplain greater than one third (1/3) acre in size. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

#### **Aquifer Recharge Soils**

St. Johns 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.

**Protected Species**

Information available to NRM indicates that federally and/or state protected species may be present on the property. There is a large area of mapped Florida Scrub Jay occupancy in the vicinity of the property, and there is potential that Gopher Tortoises inhabit the site. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

**Protected and Specimen Trees**

Protected ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  inches in diameter) trees may exist on the parcel. A tree survey will be required at time of a site plan submittal. The applicant is encouraged to perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. During site plan design, the applicant is encouraged to use a low-water use plant palette such as xeriscape plants and trees. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.