



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

22Z00049

Edita Realty

BU-1 (General Retail Commercial) to RU-2-10 (Medium-Density Multiple-Family Residential)

Tax Account Numbers: 2302548, 2302549
Parcel I.D.s: 23-35-13-02-33-4, 23-35-13-02-33-5
Location: 950 Avon Street, Cocoa, FL 32927 and 960 Avon Street, Cocoa, FL 32927 (District 1)
Acreage: 0.4 acres

PSJ Board: 02/08/2023
Planning & Zoning Board: 02/13/2023
Board of County Commissioners: 03/02/2023

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	BU-1	RU-2-10
Potential*	Up to 17,424 sq. ft. (0.4-acres) of commercial	4 multi-family units
Can be Considered under the Future Land Use Map	YES CC	YES CC

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

Background and Purpose of Request

The applicant is requesting to change the zoning of two (2) properties from BU-1 (General Retail Commercial) to RU-2-10 (Medium-Density Multi-Family Residential). The application is proposing to develop two (2) duplexes; one (1) on each parcel. Duplexes could act as a transition from the more intense commercial now under construction to the north and west and the single-family residential to the south and east. The zoning classification, RU-2-10 (Medium-Density Multi-Family Residential) allows multi-family residences.

Per Resolution **Z-9120** which became effective as of April 26, 1993, the zoning was changed from RU-1-7 & RU-1-9 to BU-1. The BU-1 (General Retail Commercial) zoning classification would allow for commercial uses.

Land Use

The subject property is currently designated as Community Commercial (CC). The proposed RU-2-10 zoning may be considered consistent with the Community Commercial (CC) Future Land Use Element.

Residential development or the integration of residential development with commercial development can be permitted in the Community Commercial (CC) land use designation, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and area designated for residential use on the Future Land Use Map.

Activities permitted in Community Commercial (CC) Future Land Use designations Policy 2.7 are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses. Residential, Institutional and Transient commercial uses are just a few of permitted development activities that are permitted.

Applicable Land Use Policies

FLU Policy 2.2 – Role of Zoning Regulations in the Designation of Commercial Lands

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

Criteria:

A. Permitted/prohibited uses;

The applicant proposes to develop the subject property as two (2) duplexes, one (1) on each parcel. Section 62-1372 provides that duplexes may be permitted in RU-2-10 zoning in areas designated as Community Commercial on the Future Land Use Map.

B. Existing commercial zoning trends in the area;

There have not been any zoning actions within 0.5-mile over the past 3 years.

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

This multi-family development could be considered downzoning due to the lower intensity uses allowed.

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

The preliminary concurrency analysis did not indicate that the proposed development has the potential to cause a deficiency in the transportation adopted level of service. The subject site is within the City of Cocoa's service area for potable water and the closest connection is located by Avon Street at the front of the property. The subject parcel has access to central sewer to the north property line.

- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and

The following land use issues were identified: aquifer soil and Indian River Lagoon Nitrogen Reduction Septic Overlay. Parcel #2302549 is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required.

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

This property will need to comply with Brevard County Performance Standards noted within Section 62-2251 through 62-2272 of Brevard County Code.

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

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

The applicant is proposing developing two (2) duplexes, one (1) on each lot. It is not anticipated to diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area.

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

Only a certified MAI (Member Appraisal Institute) appraisal can determine if material reduction has or will occur due to the proposed use.

- 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;

The area immediately surrounding the subject properties to the north and west is under construction as a commercial retail store. To the east is also under

construction as a commercial automotive retail store. The subject properties would act as a buffer between the intense commercial uses and the less intense residential use.

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

There have been two (2) developments within this area in the preceding three (3) years. 20SP00031 is currently under construction in the adjacent parcel to the north developing a commercial retail store. 21BC25716 is also under construction in the parcel to the east abutting Highway 1.

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

There have not been any development approvals within the past three (3) years that have not been constructed.

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

The developed character of the surrounding area is a mixture of commercial, single-family and multi-family residential zoning classifications developed with retail, single-family and multi-family uses. The closest multi-family zoning is to the east across North U.S. 1, approximately 380-feet from the subject parcels. The subject property would be the only parcel with RU-2-10 zoning, west of N. US 1. There is a comparable zoning across N. U.S. 1 zoned RU-2-15 (12) that allows density of up to 12-units per acre on 7,500 square-foot lots.

The parcel to the north and west is zoned BU-1 on 1.39-acres and is currently being built as a commercial retail store. The parcel to the east is zoned BU-1 on 1.04-acres and remains undeveloped. To the southeast is a single-family residence on 0.22-acres and zoned RU-1-7. And to the south are two (2) parcels with single-family residences on 0.24-acres zoned RU-1-9.

The subject property would be the only parcel with RU-2-10 zoning in the surrounding area and may be considered spot zoning or an introduction; it also can be considered as a transition between residential and commercial. There is a comparable zoning across ROW of US Highway 1 zoned RU-2-15 (12) that allows density of up to 12-units per acre on 7,500 square foot lots.

The proposed RU-2-10 zoning classification permits multi-family residential uses, single-family residences, duplexes, resort dwellings, and foster homes, at a density of up to 10-units per acre on 7,500 square foot lots.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Commercial Retail Store (under construction)	BU-1	CC
South	SF Residences	RU-1-9	RES 8 (Directive)
East	Undeveloped land	BU-1	NC
West	Commercial Retail Store (under construction)	BU-1	CC

BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit duplex development.

The RU-1-9 classification permits single family residences on minimum 6,600 square foot lots, with a minimum width of not less than 66 feet and depth of not less than 100 feet. The minimum house size is 900 square feet. A permitted-use with conditions in this classification is resort dwellings (short-term rental of 90 days or less).

RU-2-10 classification permits multifamily dwellings, duplexes and resort dwellings. The minimum lot size is 7,500 square feet and maximum density is ten (10) units per gross acre. Maximum lot coverage is 40%. Duplexes have a minimum floor area of 1,150 square feet and 575 square feet per unit.

There have been no zoning actions within a half-mile radius of the subject property within the last three years.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Kings Highway, between Grissom Parkway and US Highway 1, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 33.33% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.11%. The corridor is anticipated to operate at 33.44% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

The subject site is within the City of Cocoa's service area for potable water. The subject parcel has access to County sewer line to the north of the property line.

Environmental Constraints

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay

Parcel No. 2302549 is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required.

For Board Consideration

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary**

Item #22Z00049

Applicant: Edita Realty

Zoning Request: BU-1 to RU-2-10

Note: Applicant wants to build two duplexes

P&Z Hearing Date: 11/14/22; **BCC Hearing Date:** 12/01/22

Tax ID Nos: 2302548 and 2302549

- 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:

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay

Parcel No. 2302549 is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required.

Land Use Comments:

Aquifer Recharge Soils

The subject parcels contain mapped aquifer recharge soils (Pomello sand) as shown on the USDA Soil Conservation Service Soils Survey map. Mapped topographic elevations indicate the soils are

designated as Type 3 Aquifer Recharge that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Indian River Lagoon Nitrogen Reduction Overlay

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer is not available, then the use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required if applicable. If a septic system is applicable, NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Land Clearing and Landscape Requirements

Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), a purpose and intent of the ordinance is to encourage the protection of Heritage Specimen and Protected Trees. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen tree preservation, and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM. Land clearing is not permitted without prior authorization by NRM. Applicant should contact NRM at 321-633-2016 prior to performing any