



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

24Z00014

Seminary Covenant Community Inc. IN(L) to RU-2-15

Tax Account Number: 2501136
Parcel I.D.: 25-36-01-02-*-20
Location: 1260 S. Courtenay Parkway Merritt Island. (District 2)
Acreage: 2.92 acres

Planning and Zoning Board: 06/10/2024
Board of County Commissioners: 07/11/2024

Consistency with Land Use Regulations

- Current IN(L) 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	IN(L)	RU-2-15
Potential*	IN(L) 4,200 sq. ft. (133 trips)	43 multi-family units
Can be Considered under the Future Land Use Map	YES RES 15	YES RES 15

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

Background and Purpose of Request

The applicant is proposing to develop a 43 unit multi-family development. The existing buildings are proposed to be removed from the property. The church appears to have been constructed in 1969 with a 4,200 sq.ft. building and a rectory in 1969. The latest zoning action on file approved on February 1, 2018, was for a Temporary Mobile Home use approved under **17PZ00135**; this action has since expired. Prior zoning actions include an administrative zoning under zoning action # **Z-11010(23)** on February 3, 2005. That action changed the zoning from RU-1-11 with a Conditional Use Permit (CUP) for a church to IN(L) with revocation of that CUP which was originally approved under **Z-7218** on August 19, 1985. A prior Special Use Permit (SUP) **Z-2358** for a church was approved by the Board on November 21, 1968.

This property is located in Merritt Island on the east side of S. Courtenay Parkway directly east of Banana Boulevard.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	487 unit nursing home; vacant	PUD	RES 15
South	Vacant	RU-1-13	RES 15
East	487 unit nursing home; vacant	PUD	RES 15
West	Single-family residential Across S. Courtenay Parkway	RU-1-13	RES 15

To the north, the area is developed with a nursing home facility.

To the east and south, the area is predominately environmentally sensitive lands with one lot developed with single-family home.

To the west across Courtenay Parkway, the area is a mixture of single-family home sites.

Planned Unit Development (PUD) encourages and permits variation in development by allowing deviation in lot size, bulk or type of dwellings, density, lot coverage and open space from that required in any one residential zoning classification. The purpose of a PUD is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types, as well as industrial, commercial, and institutional land uses.

RU-2-15 classification permits multiple-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square foot lots.

RU-1-13 permits single-family residences on minimum 7,500 square foot lots, with minimum widths and depths of 75 feet. The minimum house size is 1,300 square feet. RU-1-13 does not permit horses, barns or horticulture.

Future Land Use

The subject property is currently designated with the Residential 15 FLUM designation. The current IN(L) zoning can be considered consistent with the Residential 15 FLUM designation. The proposed RU-2-15 zoning request can be considered consistent with the Residential 15 FLUM designation.

FLUE 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.

According to the submitted Certificate of Availability from the City of Cocoa, central water and sewer is available.

- 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 request would allow a density up to 43 multi-family units as requested.

FLUE Policy 1.4 – The Residential 15 Future Land Use designation affords the second highest density allowance, permitting a maximum residential density of up to fifteen (15) units per acre. This land use category allows single and multi-family residential development.

The applicant's request can be considered consistent with the existing Future Land Use. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 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 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;

Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 and will be reviewed at the site plan review stage.

- 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 appraisal can determine if material reduction has or will occur due to the proposed request.

- 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;

To the north is an existing nursing home. To the east lies environmental areas and remains undeveloped. To the south across S. Courtenay Pkwy is the Jefferson Jr. high school. To the west the area is developed with single-family homes.

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

No external development noted.

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

No zoning action has been approved within one-half mile:

- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

No material violation of relevant policies of the Comprehensive Plan has been identified.

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

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.

It is anticipated that this development will operate within the adopted LOS for transportation capacity.

- 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.

Along the east side of S. Courtenay Parkway, does not appear to be an established residential area.

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.

Along the east side of S. Courtenay Parkway no commercial uses have been developed.

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.

There have been no recent zoning changes to change the primarily residential character of the area.

Analysis of 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 unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

A large portion of this property is mapped as FEMA Special Flood Hazard Area (SFHA) AE, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. 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."

The very southern portion of this property is located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The Coastal Management Element of the Comprehensive Plan, Policy 6.1, designates Coastal High Hazard Areas to be those areas below the elevation of the Category 1 storm surge elevation as defined in Chapter 163, Florida Statute.

The Coastal Management Element of the Comprehensive Plan, Objective 7 states, to "limit densities within the CHHA and direct development outside of this area". The applicant has not provided a site plan to determine if any development is proposed within this area.

Preliminary Concurrency

The closest concurrency management segment to the subject property is S Courtenay Parkway, between S. Tropical Trail to Banana Blvd., which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 65.35% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 1.39%. The corridor is anticipated to continue to operate at 66.74% of capacity daily (LOS C). The proposal is not anticipated to create a deficiency in LOS.

School concurrency information has been provided under the review of Tapestry Village development. It appears the 43 unit development potential of this site will not create a capacity issue for Tropical Elementary School, Thomas Jefferson Middle School and Merritt Island Senior High School.

The subject property is served by potable water provided by the City of Cocoa. The subject property is not currently connected to county sewer; however, connection to sewer is available. In order to achieve residential density over 4 units per acre, connection to sewer will be required.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

The following environmental conditions may limit the development potential of the subject property:

- Floodplain Protection
- Coastal High Hazard Area
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees

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

For Board Consideration

The Board should consider whether the request is consistent and compatible with the surrounding area.

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

Item No. 24Z00014

Applicant: Bruce Moia (Owner: Seminary Covenant Community Inc.)

Zoning Request: IN(L) to RU-2-15

Note: For eventual MFR Site Plan submittal

Zoning Hearing: 06/10/2024; **BCC Hearing:** 07/11/2024

Tax ID No.: 2501136

- 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:

- Floodplain Protection
- Coastal High Hazard Area
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees

Land Use Comments:

Floodplain Protection

Coastal High Hazard Area

The very southern portion of this property is located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The Coastal Management Element of the Comprehensive Plan, Policy 6.1, designates Coastal High Hazard Areas to be those areas below the elevation of the Category 1 storm surge elevation as defined in Chapter 163, Florida Statute.

Indian River Lagoon Nitrogen Reduction Septic Overlay

The entire property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - 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. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Protected and Specimen Trees

Protected and Specimen Trees may exist on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), encourages the protection of Specimen 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.**