

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Small Scale Plan Amendment 24S.15 (24SS00015)
Township 24, Range 36 Section 35*

Property Information

Owner / Applicant: **Jay Sriambe LLC**

Adopted Future Land Use Map Designation: Community Commercial (CC)

Requested Future Land Use Map Designation: Residential 30 (RES 30)

Acreage: 6.93 acres

Tax Account #: 2426536

Site Location: North side of E. Merritt Island Cswy. (State Road 520) 1,700 feet east of N. Courtenay Pkwy.

Commission District: 2

Current Zoning: General Retail Commercial (BU-1) and Retail, Warehousing, and Wholesale Commercial (BU-2)

Requested Zoning: High-Density Multiple-Family Residential (RU-2-30) to redevelop the subject site as multi-family with 190 multi-family residential units.

Background & Purpose

The applicant is seeking to amend the Future Land Use designation on 6.93 acres of land from Community Commercial (CC) to Residential 30 (RES 30) to redevelop the existing limited service hotel built in 1973 to multi-family. At the MIRA board meeting, it was unanimously recommended for approval. The proposal is for 190 multi-family residential units. The parcel is located within the Merritt Island Redevelopment Agency (MIRA).

In CC FLU designation, residential density is established using up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street. However, the area does not have any residential designation near the subject property on the same side of the street. The Board should determine if the proposed requested FLU is consistent and compatible with the surrounding area. RES 30 designation is compatible with the requested RU-2-30 zoning classification.

The site has frontage on E. Merritt Island Causeway (State Road 520). A companion rezoning application (**24Z00066**) was submitted accompanying this request to change the zoning classification from BU-1 (General Retail Commercial and BU-2 (Retail, Warehousing, and Wholesale Commercial) to RU-2-30 (High-Density Multiple-Family Residential).

This segment of E. Merritt Island Causeway (State Road 520) from N. Courtenay Pkwy. east to N. Plumosa Street is a commercial corridor where all of the Future Land Use designations are CC.

In 2001, Future Land Use designations along this segment of State Road 520 were changed from Mixed Use (MIX) to either NC or CC when Brevard County updated the Comprehensive Plan and the Future Land Use Map. Currently, the subject parcel has CC Future Land Use designation. The closest RES 30 Directive is 3,950 feet (0.74 miles) to the southwest of the subject site located on the west side of S. Tropical Trail. The RES 30 Directive land use designation may permit development in excess of 30 units per acre, as provided in Criteria B of FLUE Policy 1.3. The subject site is within the Merritt Island Redevelopment Agency (MIRA); The subject site is not part of an approved redevelopment plan.

The existing BU-1 and BU-2 zoning classifications may not be considered consistent with the requested RES 30 Future Land Use designation. The proposed RU-2-30 zoning classification may be considered consistent with the requested RES 30 Future Land Use designation.

Surrounding Land Use Analysis

	Existing Use	Zoning	Future Land Use
North	Multi-family, northwest Single-family, northeast	RU-2-15 RU-1-11	NC
South	Commercial Bank, Office	BU-2	CC
East	Commercial office	BU-1-A	NC
West	Vacant multi-family	RU-2-15	NC

To the northwest, on the southerly side of Palmetto Ave., is a 4-acre parcel with RU-2-15 zoning developed as multi-family residential (condominiums) with NC FLU. To the northeast, is residential subdivision with RU-1-11 zoning with NC FLU.

To the south are four properties with BU-2 zoning that include a 0.89 acre parcel developed as a bank; a 0.80-acre parcel developed as a professional office plaza; and a 0.4 acre and 0.37 acre parcels developed as a bank with CC FLU.

To the east is a 1.36 acre parcel developed as a commercial office that has BU-1-A zoning classification with NC FLU designation.

To the west is a 2.67 acre vacant parcel that has RU-2-15 zoning classification with NC FLU designation.

Comprehensive Plan Policies/Comprehensive Plan Analysis

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

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- Public Facilities and Services Requirements

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 to RES 30 will require a connection to a centralized potable water service.

The parcel is within the City of Cocoa utilities service area for public water and within Brevard County's service area for centralized sewer.

- 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 to RES 30 will require a connection to a centralized sewer service.

The parcel is within the City of Cocoa utilities service area for public water and within Brevard County's service area for centralized sewer.

Residential 30 Directive (maximum of 30 dwelling units per acre)

Policy 1.3

The Residential 30 Directive Future Land Use designation affords the highest density allowance, permitting a maximum density of up to thirty (30) units per acre, except as otherwise may be provided for within the Future Land Use Element.

Parameters for this future land use designation include:

Criteria:

A. The Residential 30 Directive land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan.

1. Areas located east of Interstate-95; and

The subject site is located 6.1 miles east of Interstate-95 (I-95).

2. Unincorporated enclaves located within or adjacent to incorporated areas which permit similar or greater density allowance; or

The subject site is not located adjacent to an incorporated area.

3. Areas adjacent to existing Residential 30 land use designation; and

The subject site is not adjacent to an existing RES 30 land use designation. This request can be considered an introduction of RES 30 into the area.

The closest RES 30 Directive is 3,950 feet (0.74 miles) to the southwest of the subject site located on the west side of S. Tropical Trail.

4. Areas with direct access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

The subject site has direct access to an Urban Principal Arterial roadway (SR 520).

B. In the Merritt Island Redevelopment Area, Brevard County should encourage high density development in clustered patterns that maximize the provision of open space to avoid the impacts of "strip" or "checkerboard" land use patterns and to assist in the development of an urban atmosphere. The Residential 30 Directive land use designation may permit development in excess of 30 units per acre, provided that one of the following applies:

1. Residential density of up to 37.5 dwelling units per acre, may be considered if approved as part of a redevelopment plan; or

The subject site is within the Merritt Island Redevelopment Agency (MIRA); The subject site is not part of an approved redevelopment plan.

2. Developments which are tied to a binding development plan and propose a mixture of residential and commercial uses may permit the residential portion of the project with density of up to 50 dwelling units per acre.

A Binding Development Plan (BDP) is not requested. The proposal is not for a mixture of residential and commercial uses.

- C. A 25% density bonus to permit up to 37.5 dwelling units per acre may be considered, except in the Coastal High Hazard Area (CHHA), 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 CHHA.

The subject site is not located within the Coastal High Hazard Area (CHHA) and the applicant has not proposed a Planned Unit Development.

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;

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 should the zoning action and Future Land Use change be approved.

- 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;

The subject site fronts E. Merritt Island Causeway (State Road 520), an urban principal arterial roadway and the primary commercial corridor for this area. The predominant FLU designation along this section of State Road 520 is Community Commercial (CC). There is one additional FLU designation within 500 feet of the subject site: Neighborhood Commercial (NC). The closest RES 30 Directive is 3,950 feet (0.74 miles) to the southwest of the subject site on the west side of S. Tropical Trail. This request can be considered an introduction of RES 30 Directive into the area.

The most recent FLU amendment (2013-2.2) in this area was adopted December 5, 2013, by Ordinance 13-43 as an administrative action to change the FLU designation from RES 15 to CC and NC on 1.88 acres adjacent to the west of the subject property.

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 has not been any development approved but not yet constructed within this area in the preceding three (3) years.

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 has been identified.

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.

The developed character of the surrounding area is commercial, multi-family residential and single-family residential. Commercial uses are primarily located along E. Merritt Island Causeway (SR 520). Single-family residential uses are located abutting the subject property to the northeast with multi-family condominiums located abutting the subject property to the northwest.

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

Concurrency

The closest concurrency management segment to the subject property is State Road 520, from Goodwin Dr. to Plumosa St., which has a Maximum Acceptable Volume (MAV) of 62,900 trips per day, a Level of Service (LOS) of D, and currently operates at 48.56% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 1.27%. The corridor is anticipated to operate at 49.83% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be addressed at the time of site plan review. This is only a preliminary review and is subject to change.

The Brevard County School Board concurrency impact analysis indicates at this time, MILA Elementary School, Jefferson Middle School and Merritt Island High School are projected to have enough capacity for the total of projected and potential students from the SR 520 Hotel Conversion development.

The parcel is within the City of Cocoa utilities service area for public water and within Brevard County's service area for centralized sewer.

Environmental Resources

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Indian River Lagoon Nitrogen Reduction Septic Overlay

Historic Resources

There is no information provided by the Florida Master Site File of the Florida Division of Historic Resources for this site.

For Board Consideration

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

The Board may wish to consider whether the introduction of RES 30 into this area is compatible with adjacent densities.

The Board may also consider that in the Brevard County Comprehensive Plan, residential density is established using the highest density of residential FLU on the same side of the street. However, the area does not have any residential near the subject property and for the proposed RU-2-30 zoning classification, RES 30 is the only compatible residential FLU.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary
Item No. 24SS00015**

Applicant: Bruce Moia (Owner: Jay Scriambe LLC)

Land Use Request: CC to RES 30

Note: for the development of 190 Multi Family Residential Units

LPA Hearing: 03/17/2025; **BCC Hearing:** 04/03/2025

Tax ID No.: 2426536

- 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:

- Indian River Lagoon Nitrogen Reduction Septic Overlay

Land Use Comments:

Indian River Lagoon Nitrogen Reduction Septic Overlay

This 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.