



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS
24PUD00003
City Pointe Landfall LLC.

Estate Use (EU) and Residential Profession (RP) to Planned Unit Development (PUD) with Removal of Binding Development Plan (BDP)

Tax Account Number(s): 2411252

Parcel I.D.: 24-36-08-00-514

Location: East side of Highway 1, approximately 210 feet south of Roundtree Drive

Acreage: 12.86 acres

Planning & Zoning Board: 3/17/2025

Board of County Commissioners: 4/3/2025

Consistency with Land Use Regulations

- Current zoning can and cannot 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 will not maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	EU, RP	PUD
Potential*	24 Dwelling units	43 Dwelling units, FAR of 1
Can be Considered under the Future Land Use Map	RES 1 (NO), RES 2 (NO), RES 4 (YES) & NC (YES)	YES** RES 4 & CC

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

**Companion request 24SS00009 which proposes to amend the Future Land Use designation from Residential 1 (RES 1), Residential 2 (RES 2), Residential 4 (RES 4) and Neighborhood Commercial (NC) to Residential 4 (RES 4) and Community Commercial (CC) is pending approval.

Background and Purpose of Request

The applicant is requesting a change of zoning classification from Estate Use (EU) and Residential Profession (RP) to Planned Unit Development (PUD) with Removal of Binding Development Plan (BDP) on an undeveloped of 12.86 acres. The applicant has proposed a project consisting of 11 single family and 8 townhome units on 10.94 acres for an overall

gross density of 1.73 dwelling units per acre. Commercial development is proposed on 1.92 acres with a potential FAR of 1.

The subject property is located on the east side N. Highway 1 and west side of N. Indian Drive approximately 200 feet south of Roundtree Drive. At this time, there are no active code enforcement cases associated with the subject parcel.

Zoning action **Z-11455**, approved on November 6, 2008, a portion of the subject property was rezoned from AU to EU with a BDP. The existing BDP, recorded in **OR Book 5897 Page 624**, stated the following restrictions shall apply to said subdivision; there shall be a 15 foot natural buffer on exterior of subdivision, no access to said subdivision to Indian River Drive, shall not exceed seven lots, subdivision shall have no access to Parkchester Subdivision, minimum house size of 2,200 square feet under air, the subdivision shall have EU zoning and have an HOA to maintain common elements and architectural control.

Under zoning action **Z-10666**, approved on February 7, 2002, the eastern portion of the subject property was rezoned from AU to RP.

A companion Future Land Use Map (FLUM) amendment application (**24SS00009**) was submitted accompanying this request to change the Future Land Use designation on 12.86 acres of the subject property from Residential 1 (RES 1) and Residential 2 (RES 2), Residential 4 (RES 4) and Neighborhood Commercial (NC) to Community Commercial (CC) on 1.91 acres and Residential 4 (RES 4) on 10.94 acres. The RES 4 designation would allow 43 residential units.

Based on the gross floor area and the lot size of the commercial portion of the property indicated in the Preliminary Development Plan (PDP), a FAR of approximately 0.30 is proposed for the commercial development.

After the initial approval of the PUD, should a request to make any substantial changes as defined as any change which increases the density or intensity of the project or decreases the amount of buffer areas from adjacent property or decreases the amount of common open space, the owner or applicant shall be requested to return to the board of county commissioners. The zoning official shall have the authority to approve minor changes not determined by the director to be substantial as defined in this subsection.

Surrounding Area Zoning classifications and Land Use designations

	Existing Use	Zoning	Future Land Use
North	single-family residential and plant nursery	RU-1-11, EU, AU	RES 1, RES 2, RES 4
South	Vacant, cemetery, single-family residential	IN(L), EU, AU, BU-1	RES 1, RES 2, RES 4, CC
East	Indian River	N/A	N/A
West	Office building	RP	NC

To the north is a subdivision, recorded as Parkchester in Plat Book 18, Page 114, with approximately 63 single-family detached homes on approximately 0.2 to 0.25 acre lots with RU-1-11 zoning designation and RES 2 FLU. There are three additional parcels separate from the platted subdivision. One parcel, 8.06 acres, developed with a single family residence with EU zoning designation and RES 4 FLU. This parcel also includes a nursery with AU zoning and RES 1 FLU. Parcel two is 0.56 acres, developed as a single-family residence, with EU zoning and RES 2 FLU. The third parcel is 0.49 acres, developed with a single-family residence with EU zoning and includes RES 2 FLU.

To the south is a 0.17 acre parcel, cemetery land, with zoning designation IN(L) with RES 1 FLU. A second parcel is 1.67 acres, developed with a single family residence, EU zoning designation and RES 4 FLU. A third parcel totals 1.53 acres, undeveloped with AU zoning designation and RES 1 FLU.

To the east of the subject property is the Indian River, a class II waterway.

To the west is a 1.32 acre parcel, developed with an office building with RP zoning and NC FLU designation. Additionally, to the west of the subject parcel is Highway 1.

RU-1-11 classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

AU zoning classification permits single-family residences and agricultural uses on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

EU zoning classification encompasses lands devoted to single-family residential development of a spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surrounding. The minimum lot size is 15,000 square feet with a minimum lot width and depth of 100 feet. The minimum living area is 2,000 square feet.

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

RP is a residential-professional zoning classification encompasses land devoted to a mixture of professional and residential uses. Principal uses and restrictions of this zoning classification are intended to promote development of low- to medium-density residential development, in conjunction with low-intensity commercial development. This zoning classification is intended to provide restricted commercial uses which are compatible with and meet a need for limited commercial services convenient to residential development. The intent of this zoning classification is to provide for a combination of residential and professional uses on the site, although this classification does not prohibit use of the site

as exclusively residential or professional. Minimum lot area requirements in the RP classification are 7,500 square feet, with 75 feet of width and depth.

Planned Unit Development

The Planned Unit Development (PUD), as provided in Sec. 62-1442, is a concept which encourages and permits variation in development by allowing deviation in development standards such as, but not limited to, lot size, bulk or type of dwellings, density, lot coverage and open space from that required in any one residential zoning classification under this article. The purpose of a planned unit development 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. It is recognized that only through ingenuity, imagination and flexibility can residential developments be produced which are in keeping with the intent of this subdivision while departing from the strict application of conventional use and dimension requirements of other zoning districts or other land development regulations in articles II, VI, VII, VIII, IX, or XIII of chapter 62 of the Brevard County Code.

In order to accomplish the objectives of this section, the applicant of a PUD may propose, and the county may consider, alternative development standards to any land development regulation in articles VI or VII of chapter 62 of the Brevard County Code.

The applicant shall justify the proposed alternative development standard(s) by describing how it promotes a development form facilitating the goals and objectives of article VI of this chapter and does not violate the purpose of this chapter for the protection of the public health, safety and welfare in the subdivision of land.

Substantial (major) changes to the PDP require Board approval.

As provided in sec. 62-1448(c): If, after the initial approval of the PUD preliminary development plan, should the owner or applicant or his successors desire to make any changes to the preliminary development plan, such changes shall first be submitted to the county. If the zoning official deems there is a substantial change or deviation from that which is shown on the preliminary development plan, the owner or applicant shall be requested to return to the Board of County Commissioners where it is determined that the public interest warrants such procedure. For purposes of this subsection, a substantial change shall be defined as any change which increases the density or intensity of the project or decreases the amount of buffer areas from adjacent property or decreases the amount of common open space. The zoning official shall have the authority to approve minor changes not determined by the director to be substantial as defined in this subsection.

Alternative development standards have not been requested.

The PDP is a mechanism to request such waivers. The applicant shall specifically include the alternative development standard(s) in the preliminary development plan, and shall

present its justification to the planning and zoning board and board of county commissioners in public hearing.

The Preliminary Development Plan (PDP) is part of the zoning application for a PUD, which depicts the use and intensity of the project. It is not intended to be specific with respect to engineering details that are normally reviewed at the Final Development Plan (site plan) stage of review. Design elements shown as on the Preliminary Development Plan are required to meet code, unless a waiver has been granted by the Board. Substantial changes would require Board approval.

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Specific waivers to land development regulations must be stated on the preliminary development plan and must be verbally requested by the applicant at the public hearing. Unless a waiver is specifically requested by the applicant and specifically approved by the Board, it will not be assumed to have been approved.

No waivers have been requested for the proposed development.

Land Use

The proposed PUD zoning classification can be considered consistent with the existing RES 1, RES 2, and RES 4 FLU designations. The existing NC FLU designation can be considered consistent if permitted by Policy 2.10 of the FLU Element. The proposed RES 4 FLU designation can be considered consistent, and the proposed CC FLU designation can be considered consistent if permitted by Policy 2.10 of the FLU Element.

Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of the Future Land Use Element.

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:

- A. Adequate roadways, solid waste disposal, drainage and recreation facilities to serve the needs of associated development shall be available concurrent with development in all residential land use designations.

The corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The proposal would not create a deficiency in Adopted Level of Service

(LOS). Specific concurrency issues will be addressed during site plan review. This is only a preliminary review and is subject to change.

The applicant has submitted an acknowledgement letter from the City of Cocoa stating there is sufficient capacity and availability to serve the proposed development with sanitary sewer and potable water.

The applicant has illustrated a proposed stormwater system outfall location on the PDP. Public works has reviewed the PDP and provided comments pertaining to labeling the wetland outfall location. The outfall of the existing wetland was not shown on the PDP. Confirmation is needed if the wetlands outfall to the Indian River. It was asked for the outfall location to be depicted and labeled on the conceptual drainage exhibit. Drainage plans will be reviewed at the site plan review stage.

Based on the PDP, it appears there is an adequate amount of space dedicated for recreational facilities to serve the needs of the associated development. However, the applicant has not provided specific details for what those recreational facilities will be.

- B. Fire and police protection and emergency medical services to serve the needs of associated development shall be available concurrent with development in all residential land use designations in accordance with policies set forth in the 'Service Delivery, Concurrency and Growth' section of this Future Land Use Element.**

Brevard County Fire Rescue reviewed the PDP and approved the proposed development with no issues noted.

- 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.**

Centralized potable water and sanitary sewer are available to the proposed development as the applicant has submitted acknowledgement letters from the City of Cocoa which state they have the capacity to provide service.

- 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.**

Public water service is currently available, and the applicant is requesting a density of 1.73 units per acre. The applicant has provided acknowledgement letters from the City of Cocoa which state they have the capacity and availability to provide potable water and sanitary sewer to the proposed development.

Residential 4 (maximum of 4 dwelling units per acre)

FLUE Policy 1.7

The Residential 4 land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre, except as otherwise may be provided for within this element. The Residential 4 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- A. Areas adjacent to existing Residential 4 land use designation; or

The subject property is adjacent to existing Residential 4 or higher land use designations. RES 1, RES 2 and RES 4 are abutting to the subject property to the north. RES 1, RES 2, RES 4, and CC is abutting to the south of the subject property. Abutting to the west of the subject property is NC. The closest Res 4 is abutting the subject property to the north and south.

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre; or

The subject property does not serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre. RES 1, RES 2 and RES 4 are abutting to the subject property.

- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 4.

The subject property and adjacent properties are located within the unincorporated county jurisdiction.

- D. Up to a 25% density bonus to permit up to five (5) 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 CHHA.

The subject property has requested PUD zoning classification under application (24PUD00003). The eastern portion of the subject property abutting Indian River Drive is within the CHHA. The RES 4 designation would allow up to 43 residential units. Additionally, the requested companion PUD zoning could

result in a density bonuses, should Policy 1.2 be met, that would allow 54 residential units with a density of 5 units to the acre on 10.94 acres. The PDP does not illustrate enhancement of blending with adjacent areas with the development to promote inter-connectivity with the proposed commercial use. The Board may consider whether the proposed is consistent.

FLUE Policy 2.10 – Residential Development in Neighborhood Commercial and Community Commercial Land Use Designations

Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map. Residential development is permissible in these commercial land use designations at density of 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. Increases in density beyond this allowance may be considered through a public hearing. In the CHHA, however, residential development is strictly limited to the density of the closest residentially designated area on the FLUM that is on the same side of the street. Such residential development, as described above, shall be allowed to utilize the following characteristics:

Criteria:

- A. Residential uses within Neighborhood Commercial and Community Commercial designations shall be encouraged to utilize neo-traditional neighborhood development techniques, such as narrower road rights-of-way, mid-block pedestrian pass-throughs, alleys, smaller lot sizes, on-street parking, reduced lot line setbacks and public transit facilities.

The proposed development is single-family residential detached and single-family attached (townhomes) with a commercial component. Neo-traditional development techniques are typically utilized during the creation of a subdivision type development. Neo traditional development is not being proposed.

- B. Residential density bonuses as set forth in Policy 11.2 may be considered in addition to the bonus stated in the above policy within Neighborhood Commercial and Community Commercial designations as an incentive for redevelopment and regentrification if the proposed development will address serious incompatibility with existing land uses, is adequately buffered from other uses, is located along major transportation corridors, and meets the concurrency requirements of this Comprehensive Plan.

The subject property is not located within a redevelopment district. Applicant is not requesting a density bonus based on Policy 11.2.

Coastal Residential Densities

Objective 7

Limit densities within the coastal high hazard area and direct development outside of this area

Staff analysis indicates that the density would not exceed 4 units per acre within the CHHA area, if the Board recognizes the RES 4.

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 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;

The proposed development increases the percentage of MAV utilization by 0.62%. The corridor is anticipated to operate at 65.00% of capacity daily. The proposed development 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.

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 percent 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 surrounding land use patterns within half a mile of the subject property includes single-family-residential, agricultural pursuits, cemetery, warehousing, professional offices, commercial and retail uses on the east side of Highway 1. West of Highway US 1 is single family mobile homes, industrial, commercial, retail, and mini-storage warehouse uses.

There are five (5) FLU designations within 500 feet of the subject site: RES 1, RES 2, RES 4, NC, and CC. Please note, this analysis only includes unincorporated areas of Brevard County. The character of this area includes a mix of vacant land, residential, agricultural pursuit, commercial and industrial properties.

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

Within Brevard County jurisdiction in the area of the subject property, there has been a storage facility and a packaged ice house constructed within the preceding three (3) years west of the subject property across Highway 1.

There has been three approved zoning actions within 0.5 miles of the subject property within the preceding three years.

- **21Z00034:** Approved on 12/02/2021 rezoning from BU-1 to BU-2 in order to have taller storage buildings and a metal storage building for a mini-storage warehouse.
- **22Z00007:** Approved on 07/14/2022 for an amendment to the BDP to remove limitation of use on a portion of the property and to increase east property line buffer from 20ft. to 50ft.
- **24AD00011:** Approved on 05/17/2024 to add a new 200 sq. ft. building for packaged ice as part of the Ice House site plan.

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

There has been any development approved but not yet constructed or land use amendments adjacent to the site 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.

Only a certified MAI appraisal can determine if material reduction has or will occur due to the proposed request.

FLUE Administrative Policy 4

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 maximum development potential from the proposed FLUM amendment increases the percentage of MAV utilization by 0.62%. The corridor is anticipated to operate at 65.00% of capacity daily. The proposal would not create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change. No commercial or industrial activity is proposed with this application.

- 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.

The Parkchester subdivision is the established residential neighborhood abutting the subject property to the north. Platted in 1964, with a FLU of RES 2 and RU-1-11 zoning. This subdivision was approved for 63 single-family lots on 19 acres. Another subdivision north of the subject property approximately 0.3 miles was platted in 1963 as Indian River Estates and has RU-1-13 zoning designation with RES 2 FLU. This subdivision has approximately 40 single-family lots.

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.

The east side corridor of Highway 1 has existing commercial FLU designations. The request includes a commercial component of an RV storage facility to service the area and reduce clutter as indicated in the applicants PDP comment response letter.

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 has not been commercial, industrial, or other non-residential uses approved in this area during the previous five (5) years within the County's jurisdiction.

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.

The Natural Resources Management Department identified the following environmental constraints: Wetlands, Aquifer Recharge Soils, Coastal High Hazard Area, Floodplain Protection, Indian River Lagoon Nitrogen Reduction Septic Overlay, Surface Waters of the State, Protected and Specimen Trees and Protected Species.

National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils are not mapped on the subject property. However, the applicant's submittal indicates the presence of wetlands on the property. Per Section 62 3694(c)(1), residential 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 62-3694(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. This parcel was established after September 9, 1988, and the proposed residential (non-commercial) portion of the parcel measures 10.85 acres. Therefore, the maximum allowable area of wetland impacts is 0.195 acres. This may limit development potential of the property.

Mapped topographic elevations indicate the soils may consist of Type 2 and/or Type 3 Aquifer Recharge soils 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.

The eastern 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 parcel may be susceptible to nuisance flooding.

The eastern portion of 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.

The subject property is located on the Indian River Lagoon, designated as a Class II Water in this location. A 50-foot Surface Water Protection Buffer is required. Primary structures shall be located outside the Buffer. Accessory structures are permissible within the Buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). The removal of native vegetation located within the Buffer is prohibited unless approved through an active development order. Temporary impacts to native vegetation require in-kind restoration. The Florida Department of Environmental Protection (FDEP) regulates mangrove trimming.

The development potential maybe limited by these constraints.

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

Preliminary Development Plan

The Preliminary Development Plan should be evaluated in the context of **Section 62-1448 (b) (5)** of the Zoning code:

Review criteria. The decision of the planning and zoning board on the preliminary development plan application shall include the findings of fact that serve as a basis for its recommendation. In making its recommendation, the planning and zoning board shall consider the following facts:

- a. Degree of departure of the proposed planned unit development from surrounding residential areas in terms of character and density.

Applicant response: The departure is limited, and the predominant use of the PUD shall be residential, single-family detached, single-family attached, with a complementary accessory for RV Storage.

Staff response:

The developed character of the surrounding area is mix of single-family residential on lots greater than 0.25 acres, agricultural lands (active and vacant), retail and commercial property, one developed single-family residential subdivision with RU-1-11 zoning and a second developed single-family residential subdivision with RU-1-13 zoning. There is one mobile home subdivision with TR-1 zoning.

Surrounding Area Existing and Approved Development

<i>Development</i>	<i>Acreage</i>	<i>Density (units built)</i>	<i>Lot sizes</i>
<i>0.5 miles West</i>	<i>20.0</i>	<i>56 units – 2.8 units/ac</i>	<i>0.15 to 0.20 ac</i>
<i>0.25 miles North</i>	<i>18.0</i>	<i>40 units – 2.2 units/ac</i>	<i>0.25 to 0.5 ac</i>
<i>Adjacent North</i>	<i>19.0</i>	<i>63 unit – 3.3 units/ac</i>	<i>0.20 to 0.40 ac</i>
<i>Grand Total</i>	<i>57.0</i>	<i>159 – 2.78 units/ac</i>	

- b. Compatibility within the planned unit development and relationship with surrounding neighborhoods.

Applicant response: The surrounding neighborhoods are single-family detached homes, an attorney's office, and an automotive center. The proposed PUD continues those uses to maintain compatibility.

Staff response:

TYPE	EXISTING Lots	PROPOSED Lots
<i>Single-family</i>	<i>0.20- 8.06 acres</i>	<i>0.22 acre</i>

The proposed single-family lot sizes are compatible with existing lot sizes in the surrounding area under Brevard County jurisdiction within one half mile of the subject property.

- c. Prevention of erosion and degrading of surrounding area.

Applicant response: As is required by state and local laws and code ordinances, the construction and stormwater erosion prevention shall be implemented and maintained to not cause adverse impacts to the adjacent properties.

Staff response:

The PDP indicates the surface water management system for the project will consist of swales, culverts and shallow retention areas which overflow into existing on site wetland systems and/ or existing on and off site drainage systems. There is two stormwater retention ponds indicated in the PDP. Specific drainage issues and design will be addressed at site plan review.

- d. Provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation as shown in the preliminary development plan.

Applicant response: Recreation facilities, potable water supply extension and looping, sewage collection and transmission, stormwater treatment/attenuation and flood control, and soil conservation are proposed within the PUD. Justification shall be provided with the construction plans.

Staff response:

The school concurrency indicates there is enough capacity for the total of projected and potential students from the proposed development.

The maximum development potential of the proposal is not anticipated to create a deficiency in LOS of Highway 1.A Traffic Impact Analysis (TIA) has been submitted for review. Per the study results, a right turn-lane is not warranted at the project driveway on

Highway 1. Further concurrency evaluation and review will be done during site plan review. Transportation impacts are typically addressed during the site plan review, unless the Board determines the study is necessary to evaluate the PUD rezoning.

The applicant has provided verification of a stormwater system.

- e. The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of the common open space.

Applicant response: A mix of common open space features and facilities shall be provided in addition to the preservation of existing wetlands.

Staff response:

Staff analysis indicates the proposed common open space could be considered compatible. The proposed method for the maintenance and conservation of the common open space is indicated as Homeowners Association (H.O.A.).

- f. The feasibility and compatibility of the specified stages contained in the preliminary development plan to exist as an independent development.

Applicant response: All stages of the PUD shall be capable of meeting applicable code sections as an independent development.

Staff response:

The applicant has indicated two (2) phases for the project: one for residential and one for commercial. The applicant intends for each phase to be developed in a manner with infrastructure including onsite and offsite roads, water, sewer and stormwater drainage to enable the phase to be an independent unit. The phases of development may slightly vary from the numeral chronology depending on the market conditions. Multiple PODS within the PUD can be developed concurrently. Phasing can be amended if the phases are recorded separately, however, this will require an engineering review and minor amendment to the PDP.

- g. The availability and adequacy of water and sewer service to support the proposed planned unit development.

Applicant response: The availability of water and sewer service has been confirmed as part of the concurrency review.

Staff response:

City of Cocoa provided the applicant with two (2) acknowledgment letters which state they have the availability and capacity to serve the proposed development with potable water and sanitary sewer. A connection to water and sewer is proposed in the PDP.

Pursuant to Policy 1.2 of Future Land Use Element states Public Facilities and Services shall be available concurrent with development in all residential land use designations

- h. The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed planned unit development.

Applicant response: A traffic operational technical memorandum has been provided. All required improvements shall be designed and provided with the construction plan submittal.

Staff response:

There is one primary access and thoroughfare to support the residential portion of the development and a separate access and thoroughfare to support the RV storage. The applicant has indicated in the PDP that direct access off Highway 1 will be for the RV storage and a primary access point off Rountree Dr. will be used to support the residential portion of the development. The applicant has submitted a Traffic Impact Analysis for review.

- i. The benefits within the proposed development and to the general public to justify the requested departure from the standard land use requirements inherent in a planned unit development classification.

Applicant response: We are not requesting a departure from the code. All stages of the PUD shall be capable of meeting applicable code sections as an independent development

Staff response:

The property currently has a County Future Land Use designation of RES 1, RES 2, RES 4, CC and NC. With multiple FLU designations, only RES 4 corresponds with the current EU zoning and NC currently corresponds with the current RP zoning. As a result of the split land use categories, the applicant elected to pursue a uniform PUD to provide one set of development standards for the proposed development containing single family detached, single family attached, other amenities and a RV storage commercial use.

- j. The conformity and compatibility of the planned unit development with any adopted development plan of the county.

Applicant response: The proposed project is in conformance with and is compatible with the current development plan of the County.

Staff response:

The applicant is requesting RES 4 and CC FLU designations. The proposed single family detached, single family attached, and commercial use of RV storage are compatible with

the surrounding area. The total density of the proposed development is 1.73 units per acre which fits within the surrounding area.

Staff analysis has also indicated there is no interconnectivity or connecting sidewalk within the development between residential and RV storage.

- k. The conformity and compatibility of the proposed common open space, primary residential and secondary nonresidential uses with the proposed planned unit development.

Applicant response: The proposed common open space features and RV storage provide new compatible complementary features that were not previously available and are in accordance with the adjacent neighborhood character.

Staff response:

The proposed Preliminary Development Plan (PDP) indicates 6.45 acres of common open space will be provided, of which 3.99 acres is active open space. Amenities on the PDP indicate a walking trail, recreation and stormwater open space. Specific details have not been provided for the specified use.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway 1 between S.R. 528 and Canaveral Groves Blvd., which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 64.38% of capacity daily. The maximum development potential from the proposed FLUM amendment increases the percentage of MAV utilization by 0.62%. The corridor is anticipated to operate at 65.00% of capacity daily. The proposal would not create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

The subject property is not located within the Brevard County Utility Services Department service area for potable water and sanitary sewer. The applicant has submitted acknowledgement letters from the City of Cocoa which state they have sewer and potable water capacity to serve the proposed development.

A non-binding, school capacity determination letter indicates there is sufficient capacity at Fairglen Elementary School and Cocoa Junior/Senior High School for the total of projected and potential students from this development.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands
- Aquifer Recharge Soils
- Coastal High Hazard Area

- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Surface Waters of the State
- Protected and Specimen Trees
- Protected Species

The applicant's submittal indicates the presence of wetlands on the property. **A state-approved wetland delineation will be required prior to any land clearing activities, site plan design, or building permit 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 acres, as unbuildable. For residential parcels greater than five acres in area, the preceding limitation of one dwelling unit per five 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 62-3694(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.

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 if the request is consistent and compatible with the surrounding area.

The Board may also wish to consider whether removing the BDP, including, but not limited to, provisions restricting access from the Parkchester Subdivision and Indian River Drive, will impact the surrounding area.

Additionally, the Board may wish to consider whether the proposed development meets the objective of Section 62-1442(b)(6) "Establishment of criteria for the inclusion of compatible associated uses to complement the residential areas within the planned unit development."

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

Item No. 24SS00009

Applicant: David Bassford MBV Engineering (Owner: City Pointe Landfall LLC)

Zoning Request: RES 1, RES 2, RES 4 and NC to RES 4 and CC

Note: Proposed PUD development of 11 SFR & 8 TH on 10.848 ac. and commercial on 1.919 ac.

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

Tax ID Nos: 2411252

- 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
- Aquifer Recharge Soils
- Coastal High Hazard Area
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set forth in Section 62-3694(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. This parcel was established after September 9, 1988, and the proposed residential (non-commercial) portion of the parcel measures 10.85 acres. **Therefore, the maximum allowable area of wetland impacts is 0.195 acres. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Land Use Comments:

Wetlands

National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils are not mapped on the subject property. However, the applicant's submittal indicates the presence of wetlands on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit 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 residential 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 62-3694(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.

This parcel was established after September 9, 1988, and the proposed residential (non-commercial) portion of the parcel measures 10.85 acres. **Therefore, the maximum allowable area of wetland impacts is 0.195 acres. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Aquifer Recharge Soils

This property contains Candler fine sand; Paola fine sand, 0 to 8 percent slopes; and Paola fine sand, 5 to 12 percent slopes classified as aquifer recharge soils. Mapped topographic elevations indicate the soils may consist of Type 2 and/or Type 3 Aquifer Recharge soils 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.

Coastal High Hazard Area

The eastern 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 parcel may be susceptible to nuisance flooding.

Floodplain Protection

The eastern portion of this property is mapped within estuarine floodplain as identified by FEMA and as shown on the FEMA SFHA Map. The property 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."

Indian River Lagoon Nitrogen Reduction Septic Overlay

The eastern portion of 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.

Surface Waters of the State

The subject property is located on the Indian River Lagoon, designated as a Class II Water in this location. A 50-foot Surface Water Protection Buffer is required. Primary structures shall be located outside the Buffer. Accessory structures are permissible within the Buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). The removal of native vegetation located within the Buffer is prohibited unless approved through an active development order. Temporary impacts to native vegetation require in-kind restoration. The Florida Department of Environmental Protection (FDEP) regulates mangrove trimming and can be reached at 407-897-4101. The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, 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. 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 and buffer requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

Protected Species

Federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. 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 (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.