

FUTURE LAND USE MAP SERIES
PLAN AMENDMENT

STAFF COMMENTS

Small Scale Plan Amendment 23S.24 (23SS00024)
Township 27, Range 36, Section 14

Property Information

Owner/Applicant: Quality RV Florida, LLC

Adopted Future Land Use Map Designation: Residential 6 (RES 6)

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

Acreage: 5.32

Tax Account #: 2702826

Site Location: South side of Aurora Road between John Rodes Blvd. and
Turtlemound Road

Commission District: 5

Current Zoning: Single-family Residential (RU-1-7) on 4.22 acres and
Single-Family Mobile Home (TR-1) on 1.10 acres

Requested Zoning: BU-1 (General Retail Commercial) (23Z00083)

Background & Purpose

The applicant requests an amendment to the Future Land Use Map designation from RES 6 to CC on a 5.32-acre parcel to allow an existing non-conforming use to become consistent with FLUM and zoning regulations. The RES 6 FLUM designation was established in the 2010-1 Comprehensive Plan Amendments that were adopted to implement the recommendations of the South Mainland Small Area Study.

A companion rezoning application has been submitted accompanying this request to change the zoning classification from RU-1-7 (Single-family Residential) and TR-1 (Single-Family Mobile Home) to BU-1 (General Retail Commercial) on the 5.32-acre subject property (23Z00083). The rezoning is necessary for the existing non-conforming use of the property as a new and used recreational vehicle dealer to become consistent with current zoning regulations.

The existing RU-1-7 and TR-1 zoning classifications may be considered consistent with the existing RES 6 FLU; however, proposed BU-1 zoning classification cannot be considered consistent with the existing RES 6 FLU designation.

The proposed BU-1 zoning classification can be considered consistent with the proposed Community Commercial (CC) 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.

Role of the Comprehensive Plan in the Designation of Commercial Lands

FLUE Policy 2.1

The Comprehensive Plan takes into consideration broad criteria for evaluating requests for commercial land use designations within Brevard County. At a minimum, these criteria address the following:

Criteria:

- A. Overall accessibility to the site;

The subject property has frontage on Aurora Road which provides access to Wickham Road and US1. Aurora Road also provides access to US192 via John Rodes Blvd.

- B. Compatibility and inter-connectivity with adjacent adopted Future Land Use designations and land uses;

This segment of Aurora Road is characterized by single-family and mobile home park development. The request could be considered an introduction of commercial activity into a residential area. However, the request would recognize the existing, non-conforming use on the property.

- C. Existing commercial development trend in the area;

The subject property abuts a convenience store with gas pumps zoned BU-1-A. This is the only commercial development along this segment of Aurora Road.

- D. Fundamental changes in the character of an area prompted by infrastructure improvements undertaken by the County;

No fundamental changes in the character of the area prompted by infrastructure improvements undertaken by the County have been identified.

- E. Availability of required infrastructure at/above adopted levels of service;
The closest concurrency management segment to the subject property is Aurora Road from John Rodes Blvd. to Wickham Road, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, an Acceptable Level of Service (ALOS) of E, and currently operates at 52.95% of capacity daily. Since the establishment of this non-conforming use predates the most recent traffic counts the current capacity utilization should not change.
The subject parcel is within the City of Melbourne utilities service area for water and sewer. The proposed development is not anticipated to have an impact on the LOS solid waste disposal.
- F. Spacing from other commercial activities;
The closest commercial activity is in the City of Melbourne at the intersection of Aurora Road and Wickham Road, approximately 1.4 miles to the east.
- G. Size of proposed commercial designation compared with current need for commercial lands;
The applicant has not provided data supporting the need for additional commercial land in this area.
- H. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems;
The provisions of this Criterion will be addressed at the site plan review stage.
- I. Integration of open space; and
The provisions of this Criterion will be addressed at the site plan review stage.
- J. Impacts upon strip commercial development.
The subject property is currently a non-conforming, commercial enterprise located in a residential land use and zoning classification. The proposal would not be considered an expansion of strip development.

Activities Permitted in the Community Commercial (CC) Future Land Use Designations

FLUE Policy 2.7

Community Commercial (CC) development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail,

personal and professional uses. Development activities which may be considered within the Community Commercial (CC) Future Land Use designation, provided that the guidelines listed in Table 2.2 are met, include the following:

- a) Existing strip commercial;
- b) Transient commercial uses;
- c) Tourist commercial uses;
- d) Professional offices;
- e) Personal service establishments;
- f) Retail establishments;
- g) Non-retail commercial uses;
- h) Residential uses;
- i) Institutional uses;
- j) Recreational uses;
- k) Public facilities;
- l) Transitional uses pursuant to Policy 2.1; and
- m) Planned Industrial Park development (as permitted by PIP zoning).

The applicant is proposing to continue to utilize the subject property as a recreational vehicle dealership. In the event that this FLUM amendment is approved and the existing use is discontinued, all the uses identified above may be allowed but may require rezoning.

Locational and Development Criteria for Community Commercial Uses

FLUE Policy 2.8

Locational and development criteria for community commercial land uses are as follows:

Criteria:

- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.

The subject site is not located at an arterial/arterial intersection or a collector/arterial intersection.

- B. Community commercial complexes should not exceed 40 acres at an intersection.

This request, if approved, would represent an increase of 5.32 acres of CC.

- C. Community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.

The subject property is located approximately 1.4 miles west of the intersection of Aurora Road and Wickham Road.

- D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size unless within a Planned Unit Development (PUD) zoning classification. The square footage may be increased if it is located within a PUD zoning classification.

This criterion will be addressed at the site plan review stage of development.

- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites unless accompanied with a PUD zoning classification wherein the FAR may be increased up to 1.75.

The overall subject site has the potential for a 231,739 sq. ft. of commercial based on a FAR of 1.00. The Floor Area Ratio (FAR) is evaluated at the time of site plan review and regulated through the land development regulations. The applicant has not requested PUD zoning.

FLUE 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 has not provided hours of operation, a lighting plan, or a traffic analysis. Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan review stage should the zoning 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 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 developed character along this segment of Aurora Road is single-family residential, single-family mobile homes and mobile home parks. The only commercial use along this segment of Aurora Road is a convenience store with gas pumps and it abuts the subject property.

The request could be considered an introduction of CC into the residential development that characterizes this area.

The Aurora Oaks subdivision abuts the subject property to the west and was built in 2006 after the existing use of the subject property had been established.

There are three (3) FLU designations within 500 feet of the subject site: RES 15, RES 6 and RES 4. The predominant FLU designation south of this segment of Aurora Road is RES 6.

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

No changes to the immediate area have occurred within the last three years.

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

There has not been any development approved in the past three years that has not been constructed.

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

Policy 2.8 of the Future Land Use Element establishes locational and development criteria for community commercial uses. Criteria A states that: community commercial clusters of up to 10 acres should be located at arterial/arterial intersections; collector/arterial intersections are acceptable provided the collector serves multiple neighborhoods; and intrusion of these land uses into surrounding residential areas shall be limited. The subject property is not located at an intersection.

Policy 2.8 Criteria C states that community commercial clusters should be spaced at least 2 miles apart. The subject property is located 1.4 miles from the commercial development at the intersection of Aurora Road and Wickham Road, which is within the City of Melbourne.

FLUE 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 continued use of this property as a recreational vehicle dealership should not materially or adversely impact the established residential character of this neighborhood since it was established more than 40 years ago. In the event the use of the property is changed to another permitted use in the BU-1 zoning classification, the potential for material and adverse impacts could exist.

- B. In determining whether an established residential neighborhood exists, the following factors must be present:

- a. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

Aurora Road between John Rodes Blvd. and Turtle mound Road is an established residential corridor. The Indian River Groves and Gardens subdivision forms the southern boundary of this residential neighborhood.

- b. 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.

This non-conforming, commercial use on the subject property pre-dates some but not all residential development in this neighborhood.

- c. 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 not been multiple commercial, industrial or other non-residential uses approved in this area during the previous five (5) years. This area should not be considered transitional.

Surrounding Land Use Analysis

	Existing Use	Zoning	Future Land Use
North	Mobile Homes Mobile Home Park Convenience Store	TR-1 TR-3 BU-1-A	RES 4 RES 4 RES 6
South	Single-Family Residences	AU	RES 6
East	Mobile Home Single-Family Residence Single-Family Residence	TR-1 RU-1-9 RR-1	RES 6
West	Single-Family Residences	RU-1-7	RES 6

To the north on the south side of Aurora Road is a 0.62-acre parcel developed as a convenience store with gas pumps. It has a RES 6 FLU designation. On the north side of Aurora Road there is a single-family residence, two single-family mobile homes, and a mobile home park. All have a RES 4 FLUM designation.

To the south are two 4.4 acre lots with single-family residences with RES 6 FLUM designation.

To the east there are two single-family mobile homes on 0.34-acre lots, a single-family residence on a 0.99-acre lot and a single-family residence on a 1.91-acre lot. All have RES 6 FLUM designation.

To the west are ten single-family residences on 0.14-acre lots with RES 6 FLU designation.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Aurora Road from John Rodes Blvd. to Wickham Road, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, an Acceptable Level of Service (ALOS) of E, and currently operates at 52.95% of capacity daily. Since the establishment of this non-conforming use predates the most recent traffic counts the current capacity utilization should not change. It is difficult to determine the maximum development potential from the proposed rezoning due to the competition from better established commercial areas along Wickham Road that enjoy higher traffic volumes ... Specific concurrency issues

will be addressed at the time of site plan review. This is only a preliminary review and is subject to change.

No school concurrency information has been provided as the development proposal is for commercial and not residential use.

The subject parcel is within the City of Melbourne water and sewer service area.

Environmental Constraints

No noteworthy environmental constraints were identified. Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

Historic Resources

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

For Board Consideration

The Board may wish to consider if the request is consistent with the Comprehensive Plan and compatible with the surrounding area. The Board may also consider reconciling the existing development with current land use and zoning requirements.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary

Item No. 23SS00024

Applicant: David John Mancini (Owner: Quality RV Florida LLC)

Zoning Request: RU-1-7 and TR-1 to BU-1

Note: to establish commercial zoning for existing business (since 1977)

LPA Hearing: 01/08/2024; BCC Hearing: 02/01/2024

Tax ID No.: 2702826

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:

- Land Clearing and Landscape Requirements

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Land Use Comments:

Land Clearing and Landscape Requirements

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, canopy coverage requirements, and buffer requirements. Specifically, Section 62-4342 sets out vegetative buffering requirements to provide visual and physical screening and buffering between potentially incompatible uses and to reduce the effects of glare, noise and incompatible activities, to include commercial, institutional, public, and industrial uses when they abut existing residential uses. Land clearing is not permitted without prior authorization by NRM.