



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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**STAFF COMMENTS
 24PUD00005**

The Viera Company

Alternative Development Standards (ADS) for the Central Viera PUD, Parcel 3A

Tax Account Number: 2631510, a portion of
 Parcel I.D.: 26-36-09-VH-A-2
 Location: North end of Bromley Drive (District 4)
 Acreage: 11.67 acres

Planning & Zoning Board: 11/18/2024
 Board of County Commissioners: 12/12/2024

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	PUD-DRI	Alternative Development Standards (ADS) amendment to the Central Viera PUD for Parcel 3A
Potential*	FAR 1.0	FAR 1.0
Can be Considered under the Future Land Use Map	YES DRI3	YES DRI3

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

Background and Purpose of Request

This zoning action for Alternative Development Standards (ADS) is to support a companion Conditional Use Permit (CUP) application for Commercial Entertainment and Amusement Enterprise use on 11.67 acres; located on a subset of Parcel 3 known as Parcel 3A. The applicant proposes an outdoor golf venue with 64 hitting bays located east of the AMC movie theatre within The Avenues. The companion CUP application is **24Z00047**.

Sec. 62-1442-The planned unit development is a concept which encourages and permits variation in development by allowing deviation in development standards. Where the PUD is part of a development of regional impact, the applicant may also propose alternative development standards

to any land development regulation in articles II, VIII, IX, or XIII of chapter 62 of the Brevard County Code, in addition to those in articles VI or VII. 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. The proposed alternative development standards are:

- Revised Lighting Performance Standards [Section 62-2257(b)(1) to apply only to those portions of the project utilized for the Sports and Entertainment activities within Parcel 3A and will not apply to site lighting associated with parking, driveway, landscape and similar areas. This alternative development standards includes two sub-components:
 - The requirement for cut-off type luminaries with light intensities greater than 2,780 initial lumens per source shall not extend to external lighting fixtures used in the Commercial Entertainment and Amusement Enterprise facilities. [Section 62-2257(b)(1)].

Staff analysis: The applicant's request is to utilize non-cut-off lighting fixtures so field lighting can be installed in a directional manner (not projected below the horizontal plane).

- Revised Wall Signage Standards [Section 62-3316(a), Section 62-3316(c)(2) and Section 62-3316(h)(3)]. This proposal includes the following replacement language within the noted subsections:
 - Maximum surface area. A total sign surface area of two square feet for each linear foot of building perimeter. The sign surface area of freestanding signs, wall signs, projecting signs and window signs shall be utilized to calculate the maximum allowable cumulative sign surface area. [Section 62-3316(a) and Section 62-3316(h)(3)].
 - Size. The maximum allowable aggregate sign surface area for all wall signs on any structure shall not exceed one square foot per linear foot of building frontage. Wall signage and commercial lettering/script incorporated within a wall mural shall not exceed ten percent of the square footage of the building frontage, regardless of the number of signs. For Commercial Entertainment and Amusement Enterprises, such as driving ranges, "Building Frontage" shall be defined as the total length of the footprint of the facility for said use around the perimeter of the building, including the open side of the building which includes the hitting bays for the driving range. (excluding the parking lot areas and access to the building). [Section 62-3316(c)(2) and alteration of building frontage defined in Section 62-3301].

Staff analysis: The applicant's request is to increase the size of their proposed wall signage beyond current wall signage limitations. The applicant proposes a new definition for building frontage which will allow for increased wall signage. The added signage can be viewed upon the South and East walls of the facility visible from Highway I-95.

- Revised Fence Height Limitation Standards [Section 62-2109(a)]. This proposal includes the following replacement language within the noted sub-section:
 - For Commercial Entertainment and Amusement Enterprises uses, such as driving ranges, not located adjacent to a residential classification, any fence on the property specific to the operation and function of a driving range or similar facility shall not exceed one hundred sixty-five (165) feet in height. Fences associated with other uses, such as perimeter screening, landscape and hardscape improvements or similar items shall be subject to the criteria and requirements outlined in Section 62-2109 of the Brevard County Land Development Code. [Section 62-2109(a)].

Staff analysis: The applicant's request is to increase the height of their protection fencing from a height limit of 8 feet to a fence height of 165 feet is an attempt to capture the golf driving range balls within the facility grounds so as to protect neighboring properties and the Highway I-95 corridor from stray golf balls. Given the unique use of the property not having a barrier, lower fence height utilization may become a safety concern.

This ADS submittal requests development alternative development standards that Section 62-1921 of Brevard County Code of Ordinances does not provide for. With the approval of this ADS submittal, the CUP application will meet/comply with the amended county standards.

The site abuts the north end of Bromley Drive lying east of Lake Andrew Drive.

On December 15, 2009, zoning action **Z-11529** approved a change of zoning classification from PUD/DRI (Planned Unit Development/Development of Regional Impact) & AU (Agricultural Residential) to PUD-DRI (Planned Unit Development/Development of Regional Impact).

Land Use

The subject property is currently designated Viera DRI (Development of Regional Impact). The PUD zoning classification can be considered consistent with the Viera DRI FLU designation.

Applicable Land Use Policies

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

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

Criteria:

A. Permitted/prohibited uses;

Staff analysis: The owner proposes a CUP for Commercial Entertainment and Amusement Enterprises (outdoor golf venue with 64 hitting bays) in conjunction with an Alternative Development Standards (ADS) package which contains several alternative development standards to county codes identified in Chapter 62, Article VI and Article IX.

The Board should consider the compatibility of the proposed CUP with surrounding development.

B. Existing commercial zoning trends in the area;

Staff analysis: The subject property lies within an existing commercial complex known as The Avenues, a 235 acre parcel. There are no adjacent residential projects to this tract. The closest residential area (single-family use) is 400 feet to the east which lies along the east side of Highway I-95. The next closest residential use is a 490 unit apartment complex lying over 800 feet to the north of the project site.

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

Staff analysis: This ADS request is within the FLU designation of DRI. The area is used for commercial purposes. The Viera Company has granted certain commercial development rights to the applicant for development purposes.

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

Staff analysis: Based on preliminary review no LOS will be exceeded for road capacity, potable water service, sanitary sewer service and solid waste disposal.

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 through 8 of the Future Land Use Element, outlined in the Administrative Policies.

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;

Staff analysis: The applicant is seeking an alternative development standards to lighting performance standards. Other standards regarding the hours of operation, odor, noise levels, traffic or site activity are proposed to comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272. The Board may require additional conditions and/or limitations as part of the CUP conditioning and ADS approvals. The applicant requests an alternative development standards to orientate the field lighting to project over the field in a directional manner and not to be limited to lighting below the horizontal plane. If this alternative development standards is approved, glare may become an issue to nearby outdoor commercial activities and

Highway I-95 southbound traffic. The applicant must demonstrate during the site plan process and provide applicable permits prior to approval that the lighting configuration does not create a safety issue

- 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.

Staff analysis: 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;

Staff analysis: This area is currently developed with multiple restaurants, various retail establishments, multi-family use to the north, and automotive sales within the area.

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

Staff analysis: The surrounding area has been under commercial development for the past three years.

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

Staff analysis: There has been a proposed 112 unit hotel project which has been preliminary reviewed under site plan number 21SP00043.

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

Staff analysis: No material violation of relevant policies 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, parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

The property is within the existing Viera PUD with commercial development surrounding the area. Staff analysis indicates the request is located in a commercial area and will not materially and adversely impact any established

residential neighborhoods. The closest residential development is located approximately 770 feet north of the subject parcel.

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 area has development of roads, open spaces, and similar existing features. It is not located in a residential neighborhood or subdivision but is in a platted commercial subdivision.

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.

Staff analysis indicates that the area is not residential in character.

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.

The subject parcel is located in a commercial area.

Administrative Policy #5 - the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered.

The proposed CUP will access Lake Andrew Drive segment between Judge Fran Jamieson Way to Wickham Road. The maximum development potential from the proposed CUP increases the percentage of MAV utilization by 2.19%. The Lake Andrew Drive corridor is anticipated to operate at 51.90% of capacity daily. The request is not anticipated to create a deficiency in LOS.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	retention pond	PUD-DRI	DRI 3
South	retention pond	PUD-DRI	DRI 3
East	I-95	PUD-DRI	DRI 3
West	retail complex	PUD-DRI	DRI 3

The subject property is surrounded by PUD zoning with commercial uses.

The Planned Unit Development (PUD) zoning 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.

There have been no changes to the PUD within a half-mile radius of the subject property within the last three years.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Lake Andrew Drive between Wickham Road to The Avenues Entrance, which has a Maximum Acceptable Volume (MAV) of 39,800 trips per day, a Level of Service (LOS) of E, and currently operates at 49.71% of capacity daily. The maximum development potential from the proposed CUP increases the percentage of MAV utilization by 2.19%. The Lake Andrew Drive corridor is anticipated to operate at 51.90% of capacity daily. The request is not anticipated to create a deficiency in LOS.

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

The parcel is serviced by the City of Cocoa Utilities for public water. The property is serviced by Brevard County utilities for sewer.

Environmental Constraints

This action does not require concurrent review by Natural Resources Management (NRM). At the site plan review stage, NRM reserves the right to assess consistency with environmental ordinances.

For Board Consideration

The Board may wish to consider the compatibility of the proposed alternative development standards for removed lighting performance standards, increased on-premises wall signage and increased fence height standards to support the companion CUP request.

The Board may also consider including a condition that the applicant must demonstrate during the site plan process and provide applicable permits prior to approval that the lighting configuration does not adversely affect conditions for traffic traveling along I-95. Applicant shall meet all local, state, and federal regulations regarding lighting, unless expressly waived.