

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 24S.08 (24SS00008)*  
**Township 23, Range 36, Section 31**

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**Property Information**

Owner / Applicant: **Ibrahim and Haroon Realestate, Inc.**

Adopted Future Land Use Map Designation: Residential 2 (RES 2)

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

Acreage: 2.86

Tax Account #: 2317736

Site Location: North side of Canada Drive, 254 feet east of US Highway 1

Commission District: 1

Current Zoning: Mobile Home Park (TR-3)

Requested Zoning: General retail commercial (BU-1) (24Z00023)

**Background & Purpose**

The applicant is requesting a Small-Scale Comprehensive Plan Amendment (SSCPA) to change the Future Land Use Map from Residential 2 (RES 2) on 2.86 acres to CC for the proposed BU-1 zoning request to be consistent with the Future Land Use Element. The subject parcel is located on the North side of Canada Drive, 254 feet east of US Highway 1. US Highway 1 is a state-maintained roadway. The property under ownership is 4.88 acres in area and includes the portion along the US Highway 1 frontage.

The applicant is proposing to construct a multi-business flex space to permit retail, office and personal service uses upon their entire site; the western portion of which has BU-1 zoning and CC for the FLU designation. As a combined site, access will be provided by the US Highway 1 corridor.

There is a residential development potential of 30 units per acre pursuant to F.S. 125.01055 (Live Local Act) for commercial and industrial zoned properties. Board Policy (BCC-100) evaluates residential development under the Live Local Act.

## Comprehensive Plan Policies/Comprehensive Plan Analysis

The BU-1 zoning classification is not considered consistent with the existing RES 2 Future Land Use designation; however, the proposed BU-1 zoning classification may be considered consistent with the requested Community Commercial (CC) Future Land Use Map designation. 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 parcel is located along the north side of Canada Drive lying 254 feet easterly of US Highway 1. The applicant proposes to access the property through the existing commercial US Highway 1 frontage, which they own.**

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

**This parcel lies between an existing elementary school to the north which is under the RES 1 FLU; an existing mobile home park to the south which is under the RES 2 FLU; single-family detached homes to the east under RES 1 and RES 2 FLU designations. No interconnectivity is proposed.**

- C. Existing commercial development trend in the area;

**The east side of US Highway 1 has a commercial depth between 200 to 400 feet established. A portion of this overall parcel is developed with a billboard use. To the south is an existing retail business in operation.**

- 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 preliminary concurrency analysis did not indicate that the maximum development potential from the proposed Future Land Use Map change would cause a deficiency in the transportation adopted level of service. The parcel is not serviced by public sewer or within the Brevard County service area for potable water. The lot can be serviced by the City of Cocoa for potable water. Concurrency will be reviewed during the site plan process.**

- F. Spacing from other commercial activities:

**The eastward expansion encroaches into existing residential designations. The expansion of Community Commercial clusters up to 10 acres in size should be spaced at least 2 miles apart, located at the intersection of arterial roads. This parcel is not located at the intersection of arterial roads.**

- G. Size of proposed commercial designation compared with current need for commercial lands;

**A market study was not provided nor required.**

- H. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems:

**Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

A majority of the subject parcel contains mapped St. Johns River Water Management District (SJRWMD) wetlands and hydric soils; indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing or land alteration activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). N. Highway 1 is a MQRs at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of

any impacts. Board approval may be required for impacts. 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.**

- I. Integration of open space; and

**The provisions of this Criterion will be addressed at the site plan stage.**

- J. Impacts upon strip commercial development.

**The applicant is proposing to develop a multi-business flex space concept to permit retail, office and personal service uses. This proposal could be considered as infill commercial development, however, the depth of the proposal could negatively impact the abutting properties to the north, east and south of the project limits.**

### **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;

**The CC FLU allows for an array of light manufacturing, warehouse, retail, personal and professional uses. This property will need to comply with Brevard County Performance Standards noted within Section 62-1482 of Brevard County Code. Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan review stage should the zoning 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 (Member Appraisal Institute) 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 historical land use pattern along the east side of the US Highway 1**

**corridor is a commercial component ranging from 200 to 400 feet in depth followed by residential zoning classifications. In the vicinity of the subject property request, the residential character includes single-family zonings and mobile home park use. A few vacant residential properties remain within the area between US Highway 1 and the Indian River. A majority of the properties abutting the east side of US Highway 1 in this segment have BU-1 or BU-1-A zoning.**

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

**There has been no new development within 0.5 miles of the subject property within the last three years.**

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

**There has not been any approved development within this area in the preceding three (3) years that has yet to be constructed.**

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

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

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

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

##### **Criteria:**

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

**Staff analysis indicates the subject property is not located in an established residential neighborhood but can be considered a residential area. The subject property abuts single-family residential to the east. The Tradewinds mobile home park is developed to the south under a BDP limiting density to 3.4 units per acre recorded in ORB 3249 PG 4775. The elementary school (Fairglen Elementary) to the north requested a buffer from the prior mobile home zoning request. With the requested removal of the Binding Site Plan as part of the zoning request under**

**24Z00023, the potential building setback from the school board property will reduce to 15 feet.**

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 neighborhood or subdivision but is along a commercial corridor on the east side of US Highway 1.**

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 surrounding area along US Highway 1 is a commercial corridor. The request, if approved, would extend the potential commercial usage another 640 feet further east of US Highway 1. The request could be considered an encroachment into a residential area.**

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.

**This area has not seen recent commercial changes during the previous five years.**

### **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.

**Based on Natural Resources analysis, the presence of wetlands and hydric soils on the property may inhibit development of the property to not more than one (1) dwelling unit per five (5) acres or 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. A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

**Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). N. Highway 1 is a MQRs at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. 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.**

## Surrounding Land Use Analysis

	Existing Use	Zoning	Future Land Use
<b>North</b>	Elementary School	AU	RES 1
<b>South</b>	Mobile home park	TR-3	RES 2
<b>RES 2</b>	Single-family residential	AU and EU	RES 2
<b>West</b>	Nonconforming billboard	BU-1	CC

The applicant has a companion rezoning application, **24Z00023**, requesting a change from TR-3 (Mobile Home Park) with BSP to BU-1 (General retail commercial) with removal of BSP. Each unit within this concept plan would range from 1,000 – 1,500 square feet.

Tax account: 2317736 was rezoned on June 22, 1987, per zoning action **Z-7827** from TR-1 (Single-Family Mobile Home) and RRMC-1 (Rural Residential Modular Coach) to TR-3 subject to a Section 77 Binding Site Plan (BSP).

The developed character of the surrounding area on the east side of US Highway 1 is a mixture of commercial and residential. To the north, the area is developed as Fairglen Elementary School. To the south, the area is developed as the Tradewinds Mobile Home Park. To the east the adjacent lots are zoned for single-family use and each lot is developed with a homesite. To the west, the unimproved portion of the lot is developed with a nonconforming billboard and is zoned BU-1.

To the north is a 12.69 acre parcel developed as Fairglen Elementary School under the RES 1 FLU designation.

To the south is a 7.89 acre parcel developed as the Tradewinds Mobile Home Park under the RES 2 designation.

To the east are multiple single-family sites ranging in size from 0.63 – 0.67 acres under the RES 1 designation.

To the west the unimproved portion of the lot is developed with a nonconforming billboard under the CC designation.

## Preliminary Concurrency

The closest concurrency management segment to the subject property is US Highway 1, between Hwy 528 to 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 66.94% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 11.03%. The corridor is anticipated to continue to operate

at 77.97% of capacity daily (LOS C). The proposal is not anticipated to create a deficiency in LOS.

**The concurrency analysis was for a 124,000 sq ft. shopping center (<150,000 square foot) as the baseline of the multi-business flex space concept to permit retail, office and personal service uses.**

No school concurrency information has been provided as the proposed project is a commercial development and not intended for residential uses.

The subject property can be served potable water by the City of Cocoa. Sewer does not appear to be available and the site may need to utilize septic systems.

## **Environmental Constraints**

### **Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Hydric Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

The entire subject parcel contains mapped hydric soils; an indicator that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.** The wetland delineation shall be verified at time of site plan submittal.

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). Minton Road is an MQR at this location; however, one of the four subject parcels does not have direct frontage on the road. For a project that encompasses multiple properties assembled under one site plan development order, wetland impacts for those properties without direct frontage on the mitigation qualified roadway may be permitted only if the properties are combined so that any proposed wetland impact is contained within a property with direct frontage on the mitigation qualified roadway. The assemblage shall be deed restricted for commercial or industrial use.

If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. 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 site plan design or permit submittal.**

## **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 to expand to the east is consistent with the Comprehensive Plan and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Land Use Review & Summary  
Item No. 24SS00008**

**Applicant:** Kimberly Rezanka (Owner: Ibrahim and Haroon Real Estate, Inc)

**Land Use Request:** RES 2 to CC

**Note:** to develop multi-unit business flex space with each unit being from 1,000-1,500 sf

**LPA Hearing:** 08/12/2024; **BCC Hearing:** 09/05/2024

**Tax ID No.:** 2317736

- 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 and Hydric Soils
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

A majority of the subject parcel contains mapped St. Johns River Water Management District (SJRWMD) wetlands and hydric soils; indicators that wetlands may be present on the property.

**A wetland delineation will be required prior to any land clearing or land alteration activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). N. Highway 1 is a MQRs at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. 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.**

## **Land Use Comments:**

### **Wetlands and Hydric Soils**

A majority of the subject parcel contains mapped SJRWMD wetlands and hydric soils (Copeland-Bradenton-Wabasso complex, limestone substratum); indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). N. Highway 1 is a MQRs at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. 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.**

### **Aquifer Recharge Soils**

This property contains Orsino fine sand, classified as an aquifer recharge soil. Pompano sand, 0 to 2 percent slopes may also function as an aquifer recharge soil. Mapped topographic elevations indicate the soils may consist of 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.

### **Protected and Specimen Trees**

Protected ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  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 properties with aquifer recharge soils and/or wetlands. Gopher tortoises have been observed in this area. If applicable, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service prior to any plan, permit submittal, or development activity, including land clearing.