

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

Small Scale Plan Amendment 21S.08 (21PZ00081)
Township 21, Range 34, Section 13

Property Information

Owner / Applicant: Jackson Family Trust, C.B. Family Trust

Adopted Future Land Use Map Designation: Neighborhood Commercial (NC)

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

Acreage: 4.0 acres

Tax Account #: 2100183

Site Location: On the north side of Highway 46 approximately 0.25 miles west of I-95

Commission District: 1

Current Zoning: General Use (GU)

Requested Zoning: General Retail Commercial (BU-1)
(application 21Z00044)

Background & Purpose

The applicant is requesting to amend the Future Land Use designation from Neighborhood Commercial (NC) to Community Commercial (CC) on 4.0 acres to allow for more intensive commercial use of the subject property (including a drive-through) than the designated NC land use provides.

The subject property is part of a larger 118.3 acre parcel and is currently undeveloped. The subject property has a Future Land Use designation of NC that was adopted in May of 2000 when the Mixed Use District land use designation throughout the County at the time was converted into either NC or CC depending on the underlying zoning classification in place (Amendment No. 99B.14). The original land use designation adopted with the Comprehensive Plan in September of 1988 was Mixed Use District along this segment of State Road 46. There was no change to the Future Land Use as a result of the 2007 Mims Small Area Study.

A companion rezoning application (21Z00044) was submitted accompanying this request to change the zoning from General Use (GU) to General Retail Commercial (BU-1) on the 4.0 acre subject site.

The applicant has also submitted an additional application (21PZ00089) to amend the Future Land Use from Residential 2 (RES 2) to Residential 4 (RES 4) on 49.72 acres north of the subject site, along with a companion rezoning application (21Z00043) requesting to change the zoning on 73.59 acres within the larger 118.3 acre parent parcel from Agricultural Residential (AU) and General Use (GU) to Single-family Residential (RU-1-7) with a Binding Development Plan (BDP) limiting to 199 single-family residential units.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Vacant, Undeveloped Land	GU	NC
South	Across SR 46: Commercial Recreational Vehicle Park, Campground	RVP	NC
East	Commercial Travel Stop and Retail store	BU-2	CC
West	Vacant, Undeveloped Land	GU	NC

To the north of the subject property is undeveloped land. To the south, across State Road 46, is a commercial recreational vehicle park and campground; To the east is a commercial travel stop and retail store. To the west is undeveloped land.

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.

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 foresee ably be affected by the proposed use;

The applicant has not stated a specific commercial use, but has indicated the desire for more intensive commercial use of the subject property (including a drive-through) than the existing future land use designation NC provides. The effects of lighting, site activity and traffic will be evaluated at the time of site plan review.

- 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;

This segment of State Road 46 has a historic pattern of commercial development in the vicinity of the Interstate 95 interchange. When the comprehensive plan was adopted in 1988, properties along State Road 46 - from Turpentine Road (0.7 miles west of I-95) to Holder Road (0.3 miles east of I-95) - had a Future Land Use designation of Mixed Use District. When the Density Map was combined with the Future Land Use Map in 2001, the Mixed Use District Future Land Use designations throughout the County were changed to either NC and CC based on the underlying zoning classification in place (Amendment No. 99B.14).

The 2007 Mims Small Area Study recognized the commercial use pattern of the State Road 46 area, including the I-95 interchange, describing it as a primary commercial area serving regional and tourist markets. The Study recommended commercial development should take place primarily in southern Mims near the U.S.1 corridor, and at the State Road 46 / I-95 interchange. There was no change to the Future Land Use of the subject property as a result of the 2007 Mims Small Area Study.

Currently, within a one-quarter mile radius of the subject property there are several commercial businesses, including a 1.15-acre convenience store/gas station (built in 1969), a 13.71-acre commercial campground with retail store (built in 1977), a fast food restaurant (built in 1996), and a 41.06-acre

commercial campground with office (built in 2002). Recent commercial development in this area includes a truck stop and a retail store.

The proposed commercial use of the subject property appears consistent with the historical and existing pattern of surrounding development.

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

In the preceding three (3) years, the 14.08-acre commercial truck stop/retail store immediately east of the subject property was developed, and the 1.41-acre commercial parcel 170 ft southeast of the subject property (across State Road 46) was developed as a retail store.

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

There have not been any development approvals within the past three (3) years that have not been constructed.

Role of the Comprehensive Plan in the Designation of Commercial Lands

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 4.0 acre parcel has frontage on State Road 46 to the south.

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

The subject 4.0 acre parcel is directly adjacent to CC to the east and adjacent to NC land uses to the west and to the south (across State Road 46). Inter-connectivity, including pedestrian access, should be provided between the subject site, the commercial parcels to the east and west, and the proposed residential development to the north (21PZ00089 and 21Z00043). Inter-connectivity to the adjacent properties should be considered in the site design phase and reviewed at site plan.

- C. Existing commercial development trend in the area;

There is an existing commercial use pattern along State Road 46 and the I-95 interchange.

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

Infrastructure improvements undertaken by the County have not prompted fundamental changes in the character of this area. State Road 46 near the I-95 interchange remains a primary commercial node in Mims, serving regional and tourist markets.

- E. Availability of required infrastructure at/above adopted levels of service;

The subject site is within the Brevard County Utilities service area for potable water and centralized sewer.

Based upon Floor Area Ratio (FAR) used for traffic analysis when considering Future Land use changes, State Road 46 would be operating below the Acceptable Level of Service (LOS) of D. A more detailed analysis will occur at site plan. The applicant may be required to phase develop based on available roadway network capacity.

- F. Spacing from other commercial activities;

This segment of State Road 46 has commercial activities abutting the property to the east and south (across State Road 46). There is a one (1) mile corridor of commercial designated land use along this segment of State Road 46 (from Turpentine Road to Holder Road), with approximately 99 acres designated as NC and 61 acres designated as CC. Currently, approximately 55 acres of NC and 20 acres of CC are commercially developed.

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

The subject parcel is 4.0 acres. There are approximately 39 acres designated as CC along State Road 46 within a one-quarter (1/4) mile radius of the I-95 interchange, with approximately 19 acres remaining undeveloped.

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

The Natural Resource Management (NRM) Department has provided a preliminary summary of adherence to the objectives/policies of the Conservation Element and the minimization of impacts upon natural resources and systems. (See attached NRM Department Summary).

- I. Integration of open space; and

Open space will be evaluated during the site plan review process.

- J. Impacts upon strip commercial development.

The subject 4.0 acre site could provide infill rather than extend strip commercial development which is discouraged within the Future Land Use element of the Comprehensive Plan.

Locational and Development Criteria for Community Commercial Uses

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 parcel is not immediately located at an intersection, but is within one-quarter (1/4) mile of the Interstate 95 interchange. State Road 46 is an Urban Principal Arterial Road.

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

The subject site is not located at an intersection, but is within one-quarter (1/4) mile of the Interstate 95 interchange. There are approximately 39 acres designated as CC within a one-quarter (1/4) mile radius of the interchange, with approximately 19 acres remaining undeveloped.

- 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 site is adjacent to a cluster of approximately 39 acres of designated CC Future Land Use along State Road 46 within a one-quarter (1/4) mile radius of the I-95 interchange. The next nearest CC cluster is approximately one (1) mile east at the intersection of State Road 46 (West Main Street) and US Highway 1.

- 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.

The gross floor area is regulated through the land development regulations and will be reviewed at the time of site plan.

- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites.

The overall subject site has the potential for a one hundred seventy-four thousand two hundred forty square foot (174,240 s.f.) building based on allowances in the comprehensive plan. The FAR of up to 1.00 is permitted for CC designated sites. The Floor Area Ratio (FAR) is regulated through the land development regulations at the time of site plan review.

Concurrency

The closest concurrency management segment to the subject property is State Road 46 (Fawn Lake to I-95) which has a Maximum Acceptable Volume (MAV) of 14,160 trips per day, a Level of Service (LOS) of C, and currently operates at 66.22% of capacity daily. The maximum development potential - based upon Floor Area Ratio (FAR) used for traffic analysis - would increase the percentage of MAV utilization by 1,007.27%. If fully developed, the corridor is anticipated to operate at 1,073.49% of capacity daily. Pursuant to Brevard County Code Section 62-602, a concurrency evaluation will be conducted at the site plan review stage. Phasing of the development may be required based on available capacity.

The subject site is within the Brevard County Utilities service area for potable water and centralized sewer.

A School Impact Analysis was not required for this application as this proposed project is not residential.

Environmental Resources

Preliminary review of mapped resources indicates the following land use issues:

- Protected Species
- Land Clearing and Landscape Requirements

Please refer to the attached comments provided by the Natural Resources Management Department.

Historic Resources

There are no recorded historic 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 and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item # 21Z00044

Applicant: Rezanka for Jackson Family Trust

Zoning Request: GU to BU-1

Note: Applicant wants transitional commercial use for community.

P&Z Hearing Date: 02/14/22; **BCC Hearing Date:** 03/03/22

Tax ID No: Portion of 2100183

- 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:

- Protected Species
- 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:

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. 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 and/or U.S. Fish and Wildlife Service, as applicable.

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 tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.