

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Small Scale Plan Amendment 21S.11 (21PZ00095)
Township 25, Range 36, Section 22*

Property Information

Owner / Applicant: Harmony Villas Properties, Inc., Murrell Road Properties

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

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

Acreage: 2.0 acres

Tax Account #: 2511043 and 2511036

Site Location: On the east side of Murrell Road, approximately 640 ft south of Roy Wall Boulevard

Commission District: 2

Current Zoning: Restricted Neighborhood Retail Commercial (BU-1-A)

**Requested Zoning: General Retail Commercial (BU-1)
(application 21Z00049)**

Background & Purpose

The applicant is requesting to amend the Future Land Use designation on 2.0 acres of developed land from Neighborhood Commercial (NC) to Community Commercial (CC) for the purpose of having an assisted living facility on site. The subject property consists of two (2) one-acre (1-acre) parcels developed as an office building and a single-family residence. The northern parcel is utilized in site plan 21SP00034 for an existing office and proposed group home level II use.

The subject site currently 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 Heavy and Light Industrial along this segment of Murrell Road that was subsequently amended to Mixed Use District in 1995 (Amendment No. 95A.3).

A companion rezoning application (21Z00049) was submitted accompanying this request for a Zoning change from Restricted Neighborhood Retail Commercial (BU-1-A) to General Retail Commercial (BU-1).

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Office building	City of Rockledge: C2-General Commercial	Rockledge: MUPD7-Mixed Use Planning District 7
South	One (1) single-family residence	City of Rockledge: C2-General Commercial	Rockledge: MUPD7-Mixed Use Planning District 7
East	Airstrip	IU-Light Industrial	IND-Heavy/Light Industrial
West	Two (2) single-family residences (across Murrell Road)	City of Rockledge: P1-Professional; and AU	Rockledge: MUPD7-Mixed Use Planning District 7; and RES 15

To the north of the subject property is an office building (City of Rockledge). To the south, is a single-family residence (City of Rockledge). To the east is an airstrip (Greenlight Industrial Airpark). To the west, across Murrell Road are single-family residences (City of Rockledge).

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 proposes to utilize the subject property as an Assisted Living Facility. 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;

There is an existing pattern of commercial use along this segment of Murrell Road, more specifically on the east side from Gus Hipp Boulevard south to Barnes Boulevard. The subject property is surrounded on three sides by commercially-zoned parcels within the City of Rockledge and is adjacent to existing County industrial park zoning. The parcels on the east side of Murrell Road have transitioned from residential uses to commercial uses under the previous zoning actions.

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

There has not been any actual development within this area in the preceding three (3) years.

- 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.

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 general area is commercial in character with an existing pattern of commercial use along this segment of Murrell Road, more specifically on the east side from Gus Hipp Boulevard south to Barnes Boulevard. The subject property is surrounded on three sides by commercially-zoned parcels within the City of Rockledge and is adjacent to existing County industrial park zoning. The parcels on the east side of Murrell Road have transitioned from residential uses to commercial uses under the previous zoning actions.

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 2.0 acre parcel has frontage on Murrell Road to the west.

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

The subject 2.0 acre parcel is directly adjacent to Mixed Use Planning District 7 Future Land Use (City of Rockledge) to the north, south, and west (across Murrell Road). West of the subject site is an airstrip with Industrial Future Land Use (Brevard County). Inter-connectivity can be provided between the subject site and the commercial parcel to the north.

- C. Existing commercial development trend in the area;

The developed character of the surrounding area is a mixture of commercial zoning classifications along both sides of Murrell Road either under City of Rockledge or County Zoning jurisdiction.

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

There are no fundamental changes in character within this area prompted by County infrastructure improvements.

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

The subject property is within the City of Cocoa's service area for potable water. The closest Brevard County sanitary sewer line is approximately 6,025 feet south of the subject property at Murrell Road and Solitary Drive.

Based upon Floor Area Ratio (FAR) used for traffic analysis when considering Future Land use changes, the preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in the transportation adopted level of service.

- F. Spacing from other commercial activities;

The subject property is immediately adjacent to a commercial office building to the north. A commercial node (City of Rockledge) is located approximately 1,660 feet south of the subject site at Murrell Road and Barnes Boulevard.

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

The subject parcel is 2.0 acres. An existing cluster of approximately sixteen (16) acres of Commercial Future Land Use (City of Rockledge) and approximately thirty (30) acres of Mixed Use Future Land Use (City of Rockledge) is located approximately 1,660 feet south of the subject property at the intersection of Murrell Road and Barnes Boulevard.

- 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 2.0 acre site would provide infill rather than extend strip commercial development which is discouraged within the Future Land Use element of the Comprehensive Plan.

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

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;

This segment of Murrell from Gus Hipp Boulevard to Barnes Boulevard has a pattern of commercial development, the majority of which is along the east side of the road, abutting the airstrip to the east.

This area is an enclave with the City of Rockledge having jurisdiction over the abutting properties located to the north, south, to the west across Murrell Road right-of-way. The applicant does not currently propose to annex into Rockledge.

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 located at an intersection. A commercial node (City of Rockledge) is located approximately 1,660 feet south of the subject site at Murrell Road and Barnes Boulevard.

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

The subject site is not located at an intersection. This request would introduce Community Commercial (CC) future land use into the area. CC future land use allows for an increase in commercial intensity.

- 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 nearest commercial cluster is approximately 1,660 feet south of the subject property at the intersection of Murrell Road and Barnes Boulevard.

- 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 at the time of site plan review.

- 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 an eighty seven thousand one hundred twenty square foot (87,120 s.f.) building. 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 preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in the transportation adopted level of service. The subject site is within the City of Cocoa's service area for potable water. The closest Brevard County centralized sewer line is approximately 6,025 feet to the south of the subject site. 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
Future Land Use (FLU) Review & Summary
Item # 21PZ00095**

Applicant: Vaheed Teimouri

FLU Request: NC to CC

Note: Applicant wants to increase number of beds 28.

P&Z Hearing Date: 03/14/22; **BCC Hearing Date:** 04/07/22

Tax ID Nos: 2511043 & 2511036

- 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

Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Specimen trees. 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.