

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 22S.07 (22SS00004)*  
**Township 25, Range 36, Section 23**

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**Property Information**

**Owner / Applicant: Andrea Bedard and Nicholas Boardman**

**Adopted Future Land Use Map Designation:** Neighborhood Commercial (NC) & Residential 4 (RES 4)

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

**Acreage:** 1.02 acres

**Tax Account #:** 2511124

**Site Location:** On the north side of Coquina Road approximately 200 feet east of S. Highway 1

**Commission District:** 2

**Current Zoning:** Agricultural Residential (AU)

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

**Background & Purpose**

The applicant is seeking to amend the Future Land Use designation on 1.02 acres of land from Neighborhood Commercial (NC) and Residential 4 (RES 4) to Community Commercial (CC) in order to expand an existing Motor Court.

The subject site abuts Coquina Road which is an east to west local roadway that serves the residential community to the east along the Indian River Lagoon. There are CC Future Land Uses at the intersection of Coquina Road and S. U.S. Highway 1. This is not considered a community commercial cluster since is not at an arterial/arterial or arterial/collector intersection.

Coquina Road is a County maintained local road that serves the neighborhoods to the east along the Indian River lagoon. In 2001, a four hundred foot (400') Future Land Use change occurred along this segment of S. U.S. Highway 1, which changed the Future Land use designations from Mixed Use (MIX) to NC and CC based upon the underlying zoning designation densities and intensities. At the time of the Future Land Use

change, CC was designated along this segment of S. U.S. Highway 1 with approximately two hundred feet (200') of NC to the east to serve as a buffer between the commercial and residential land uses.

A companion rezoning application was submitted accompanying this request for a Zoning change from Agricultural Residential (AU) to General Retail Commercial (BU-1) (22Z00015).

### **Surrounding Land Use Analysis**

|              | <b>Existing Use</b>   | <b>Zoning</b> | <b>Future Land Use</b> |
|--------------|---|---------------|------------------------|
| <b>North</b> | Vacant Commercial Land and Multi-Family Units                     | BU-1 & AU     | CC & RES 4             |
| <b>South</b> | Retail Store, Vacant Residential Land & a Single-Family Residence | BU-1, AU & EU | CC, NC & RES 4         |
| <b>East</b>  | Single-Family Residences  | EU & EU-2     | RES 4                  |
| <b>West</b>  | Bonsai Motor Court  | TU-1(16)      | CC                     |

To the north of the subject property is vacant commercial land and multi-family units, to the east are single-family residences, to the south is a retail store, vacant residential land and a single-family residence and to the west is a motor court.

### **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 foreseeably be affected by the proposed use;

***The applicant has stated a specific commercial use of the expansion of a Motor Court. There are potential impacts on the existing single-family residences directly to the east. Currently, the NC Future Land Use designation serves as a buffer between the single-family residences to the east from the commercial development to the west along S. U.S. Highway 1.***

- 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;

***Historical land use patterns within this area have been mixed use up until an update to the Comprehensive Plan in 2001 when the future land use category of mixed use was removed and the properties then became either NC or CC based upon the densities and intensities of the underlying zoning classification.***

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 been three (3) development approvals within the past three (3) years. To the north of the subject site, there has been an approval for a Future Land Use change from CC, NC and RES 4 to all CC on 12.19 acres of land. There was a companion zoning change approval from General Retail Commercial (BU-1) and Agricultural Residential (AU) to Retail, Warehousing & Wholesale (BU-2) to construct a self-storage facility. In addition, there was a zoning change approval on 1.2 acres of land to Estate Use Residential (EU) approximately .4 miles south of the subject site.***

#### **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 proposed use of additional Motor Court lodging could potentially impact the established residential neighborhood to the east. This request may be considered an encroachment of commercial land use into a residential area.***

- 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 surrounding the subject site has clearly distinct established boundaries. To the east of the subject site there is Rockledge drive that runs along the Indian River Lagoon to facilitate established neighborhoods along the lagoon.***

#### **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 1.02 acre site has frontage on Coquina Road to the south.***

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

***There is an existing Motor Court to the west. The proposed change of land use to expand the existing Motor Court would allow for inter-connectivity between the two parcels. There is an established***

**residential neighborhood to the east which would not have inter-connectivity.**

- C. Existing commercial development trend in the area;

**The existing historical trend in the area are NC & CC Future Land Use designations along S. U.S. Highway 1 however: a NC Future Land Use designation serves as a buffer between the CC uses along S. U.S. Highway 1 and the RES 4 uses to the east. A NC Future Land Use designation serves as a transition between the more intense commercial land uses and the lower density residential neighborhood to the east.**

- 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 parcel is serviced by the City of Rockledge sanitary sewer and potable water by the City of Cocoa. Based upon Floor Area Ratio (FAR) used for traffic analysis when considering Future Land use changes, U.S. Highway 1 would be operating below the Acceptable Level of Service (LOS) of D. Specific concurrency issues will be addressed at the time of Site Plan review.**

- F. Spacing from other commercial activities;

**The subject site is located directly adjacent to a commercial activity to the west.**

- G. 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 on pages 8 and 9).**

- 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 1.02 acre site would be considered an extension of strip commercial development.***

## **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;

***With a Future Land Use designation of CC, the subject parcel would be extending strip commercial along Coquina Road.***

## **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 site is not located at an arterial/arterial nor collector/arterial intersection.***

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

***The subject site is not located at an arterial/arterial or arterial/collector intersection and does not exceed 40 acres.***

- 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 not located in a commercial cluster.***

- 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 a forty-four thousand four hundred thirty-one (44,431 s.f.) square foot building. The Floor Area Ratio (FAR) of up to 1.00 is permitted for CC designated sites. The FAR is regulated through the land development regulations at the time of site plan review.***

## **Concurrency**

*The preliminary concurrency analysis did 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 subject parcel is located within the City of Rockledge centralized sewer system.*

## **Environmental Resources**

*Mapped resources include Protected and Specimen Trees and Protected Species.*

*Please refer to all comments provided by the Natural Resource Management Department at the end of this report.*

## **Historic Resources**

*There are recorded historic or archaeological sites on the project site according to the Master Site File from the Florida Division of Historic Resources however; the building located at 3800 U.S. 1 is c1948 Masonry Vernacular and is not eligible for a State Historic Preservation Office (SHPO) evaluation.*

## **For Board Consideration**

The Board should also consider if the request is consistent with the Comprehensive Plan and compatible with the surrounding area

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Future Land Use (FLU) Review & Summary  
Item #22SS00004**

**Applicant:** Treharne for Bedard

**FLU Request:** NC & RES-4 to CC

**Note:** Applicant wants to expand hotel use to the east

**P&Z Hearing Date:** 07/18/22; **BCC Hearing Date:** 08/04/22

**Tax ID No:** 2511124

- 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
- Protected and Specimen Trees

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.

**Protected and Specimen Trees**

Protected ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  inches in diameter) trees may exist on the parcel. A tree survey will be required at time of a site plan submittal. The applicant is encouraged to perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per 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. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.