

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Small Scale Plan Amendment 22S.06 (22SS00003)
Township 23, Range 35, Section 27*

Property Information

Owner / Applicant: Sunshine Petro Inc., Jacob Aaron Corp. and Alice Elaine Tisthammer (FP&L)

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

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

Acreage: 17.70 acres

Tax Account #: 2312205, 2312189, 2312249, 2312191, 2312201, 2312203, 2312233,
2312234, 23122131 and 2312214

Site Location: On the north side of Port St. John Parkway approximately 570 feet west
of Grissom Parkway

Commission District: 1

Current Zoning: General Use (GU), Restricted Neighborhood Retail Commercial
(BU-1-A) and General Retail Commercial (BU-1)

Requested Zoning: Retail, Warehousing and Wholesale Commercial (BU-2)

Background & Purpose

The applicant is seeking to amend the Future Land Use designation on 17.70 acres of land from Community Commercial (CC), Neighborhood Commercial (NC) and Residential 4 (RES 4) to all CC in order to develop a Florida Power and Light hardened Service Center.

This segment of Port St. John Parkway from Highway I-95 east to Grissom Parkway is a commercial corridor where the majority of Future Land Use designations are CC. Along this corridor there are intermittent parcels of land with a Future Land Use designation of RES 4 and Public Conservation (PUB-CONS).

In 2001, the Future Land Use designations were changed from Mixed Use (MIX) to NC and CC along this segment of Port St. John Parkway when Brevard County updated the Comprehensive Plan and the Future Land Use Map. Currently, the subject parcel has CC, NC and RES 4 Future Land Use designations.

There is a companion Zoning change request to change the zoning from General Use (GU), Restricted Neighborhood Retail Commercial (BU-1-A) and General Retail Commercial (BU-1) to Retail, Warehousing & Wholesale Commercial (BU-2) (22Z00020).

Surrounding Land Use Analysis

	Existing Use	Zoning	Future Land Use
North	Vacant	RU-1-11 & GU	PUB-CONS & RES 4
South	Vacant & Hospital	GU & BU-1	RES 4 & CC
East	Vacant	GU	PUB-CONS & RES 4
West	Vacant	RU-1-11 & BU-1	RES 4 & CC

To the north of the subject property are vacant lots that are not platted and have no recorded rights-of-way in order to gain access from Grissom Parkway, with a RES 4 Future Land Use designation and scattered State owned lands protecting existing wetlands, with a Public Conservation (PUB-CONS) Future Land Use designation. Directly to the east, along Port St. John Parkway, is County owned land for stormwater retention and drainage with a Future Land Use designation of PUB-CONS. To the south, across Port St. John Parkway, is Parrish Medical Center with a Future Land Use designation of CC and vacant residential land with a Future Land Use designation of RES 4. To the west is vacant, unplatted residential land and vacant commercial land with a RES 4 and NC Future Land Use designation respectively.

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 a hardened Florida Power & Light Service Station. The proposed use has the potential to impact multiple properties to the north with a residential future land use designation and zoning.

- 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;

Port St. John Parkway is an Urban Minor Arterial Corridor providing commercial uses from I-95 to the east to Grissom Parkway and to neighborhoods to the north and south.

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 proposed use of a hardened Florida Power & Light Service Center is not located closely to an established residential neighborhood. There are subdivided residential parcels to the north that have not been platted and have no access to surrounding roadways. If the parcels to the north of the subject site get developed, there could be potential impacts to these residential parcels.

- 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 to the subject site has no clearly distinct established residential boundaries.

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 17.70 acre site has frontage on Port St. John Parkway and Grissom Parkway.

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

A CC Future Land Use designation is compatible to the west of the subject site and inter-connectivity could potentially be provided between the adjacent uses however; Florida Power & Light may propose a wall as a barrier to access the Service Center for security purposes.

Inter-connectivity will be addressed during the site plan review process.

- C. Existing commercial development trend in the area;

There is not an existing historical trend of commercial development along this corridor at present but has been planned for future commercial development. All but a few properties are vacant.

- 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 Cocoa sanitary sewer and potable water. 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 on a commercial corridor that runs from I-95 east to Grissom Parkway. There are no other commercial corridors within the surrounding area.

- 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.

This is an existing commercial corridor.

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 some of the properties would be considered an intensification of allowable uses. The subject parcel would not be extending strip commercial along this segment of Port St. John Parkway from I-95 east to Grissom Parkway.

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 within a commercial cluster but, rather along an existing commercial corridor.

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

The subject site is not located at an intersection and will 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 located along an existing commercial corridor and is not clustered at an intersection.

- 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 reviewed 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 seven hundred seventy-one thousand four hundred forty-seven square foot (771,447 s.f.) 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 has potential for the City of Cocoa's service area for potable water with availability located on the south side of Port St John Parkway. The subject parcel is located within the City of Cocoa's centralized sewer system.

Environmental Resources

Mapped resources include Hydric Soils/Wetlands, Aquifer Recharge Soils, 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 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 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 #22SS00003

Applicant: Rosenthal, FPL

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

Note: Applicant wants multipurpose FPL facility.

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

Tax ID Nos: 2312205, 2312189, 2312249, 2312191, 2312201, 2312203, 2312233, 2312234, 2312213 & 2312214

- 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/Hydric Soils
- Aquifer Recharge Soils
- 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:

Wetlands/Hydric Soils

The subject parcel contains mapped National Wetlands Inventory (NWI) wetlands, SJRWMD wetlands, and hydric soils (Anclote sand & St. Johns sand), as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes, and USDA Soil Conservation Service Soils Survey maps, respectively. All are indicators that wetlands may be present on the property. A Natural Resource Assessment report prepared by Kimley Horn in March 2021, found no wetlands on site. The wetland assessment 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). Port St. John Parkway and Grissom Parkway are MQRs at this location.

Impacts to wetlands are permissible for commercial or industrial land development activities on a property that is designated as commercial or industrial on the Future Land Use map.

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.

Aquifer Recharge Soils

St. Johns sand may also function as an aquifer recharge soil. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. There is a large area of mapped Florida Scrub Jay habitat adjacent to the property, and there is potential for existence of Gopher Tortoises on site. 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 (≥ 10 inches in diameter) and Specimen (≥ 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.