

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Small Scale Plan Amendment 21S.12 (22SS00009)
Township 24, Range 35, Section 01*

Property Information

Owner / Applicant: CGCR Holdings, LLC

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

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

Acreage: 4.83

Tax Account #: part of 2400719

Site Location: Approximately 350 feet west of Grissom Parkway right-of-way on the
north side of a private driveway for a religious institution.

Commission District: 1

Current Zoning: Institutional Use – Light Intensity IN(L)

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

Background & Purpose

The property has frontage on Grissom Parkway and lies north of a private driveway for an existing religious institution. The applicant is seeking to amend the Future Land Use designation on the eastern 350 feet of the property encompassing 4.83 acres from Residential 4 (RES 4) and Neighborhood Commercial (NC) to Community Commercial (CC) to match the Future Land Use designation on the remainder of the property that is adjacent to the subject property to the west. The Neighborhood Commercial (NC) portion of the subject property encompasses 2.63 acres. The Residential 4 (RES 4) portion of the subject property encompasses 2.20 acres.

A companion rezoning application was submitted accompanying this request for a Zoning change from IN(L) to BU-2. BU-2 and CC currently exist on the western portion of the newly acquired property which has Grissom Parkway frontage. Amending the Future Land Use Map to CC would create a unified FLUM designation for development purposes.

Surrounding Land Use Analysis

	Existing Use	Zoning	Future Land Use
North	Vacant	GU	NC & RES 4
South	Institutional	IN(L)	NC & RES 4
East	Vacant	GU	RES 4
West	Vacant	BU-2	CC

To the north and east of the subject property is vacant residential land. This area is a part of the Canaveral Groves subdivision but lacks County maintained road infrastructure that is necessary to facilitate development. To the west is vacant commercial land along the east side of Grissom Parkway and low density, single family residential to the west of Grissom Parkway (Canaveral Groves), on the south side of the private driveway is a religious institution. The area farther south is within the City of Cocoa. The property adjacent to the church on the south is owned by a Not for Profit corporation that leases space to other Not for Profit organizations engaged in behavioral health therapy. Further to the south within the City of Cocoa land uses shift to warehousing and distribution facilities.

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.

FLUE 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 applicant proposes to develop the subject property as a commercial development. Until a specific use is identified, the impact on Grissom Parkway cannot be determined. Certain uses could diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area.

- 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 appraisal can determine if material reduction has or will occur due to the proposed use.

- 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;

On the west side of Grissom Parkway, the historical land use pattern is single family residential platted as a part of the Canaveral Groves subdivision with one acre lots and RES 1:2.5 Future Land Use Map (FLUM) designation . On the east side of Grissom Parkway to the north and east is vacant residential property platted as a part of the Canaveral Groves subdivision with one acre lots with RES 4 FLUM designation. On the east side of Grissom Parkway to the south is within the City of Cocoa and has been developed primarily with warehousing and distribution facilities.

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

There does not appear to have 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 immediately adjacent to the subject parcel within the past three (3) years that have not been constructed.

FLUE 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.

In general, the character of the area is residential and transitions from 1 unit per acre on the west side of Grissom Parkway to vacant residential land platted at 1 unit per acre but that has a RES 4 FLUM designation. Existing single-family residential development within the Canaveral Groves subdivision encompasses a large area with limited access to commercial opportunities in the immediate vicinity. Three (3) FLUM designations are located within 500 feet of the subject property: RES 4, NC, and CC.

- 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.
 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.

The Canaveral Groves Subdivision, west of Grissom Parkway, is an established single-family, residential neighborhood. This subdivision is located west of the subject property.

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.

The closest retail uses which include a convenience store with gas pumps and a restaurant are near Grissom Parkway at Canaveral Groves Boulevard which is approximately 0.75 miles north of the subject property.

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 property is the easternmost 350 feet of a larger parcel that has 316 feet of frontage on Grissom Parkway, an urban minor arterial operating at 60.76% of Maximum Acceptable Volume. A private driveway is located along the south property line and could also provide access to Grissom Parkway. Depending on the commercial use ultimately established on the site, there may not be sufficient roadway capacity to accommodate some commercial uses. Please refer to the preliminary concurrency section for more details.

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

There are NC and CC future land use map designations adjacent to the subject property. Those properties are vacant at this time. To the north and east of the subject property, the area is platted with one acre lots and has a FLUM designation of Residential 4 (RES 4). The current FLUM designation of Neighborhood Commercial (NC) on the subject property serves a buffer to the more intensive Community Commercial land use designation adjacent to it on the west. Amending the NC designation to CC could be considered an encroachment into the residential area to the east of the subject property.

- C. Existing commercial development trend in the area;

Existing commercial development along this segment of Grissom Parkway is very limited at this time.

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

Although the County has improved Grissom Parkway and established a connection to Interstate 95 at the Port St. John interchange, the character of the area has changed very little in that time.

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

The subject property has roadway access and potable water service is provided to the site by the City of Cocoa. There is no centralized sanitary sewer service available. Solid Waste collection and disposal can be provided by Brevard County once the property is developed. The site will need to provide on-site surface water management. Emergency services will be provided by Brevard County Fire/Rescue and the Brevard County Sheriff's Office.

- F. Spacing from other commercial activities;

On Grissom Parkway the closest other Community Commercial facilities are located approximately 0.75 miles to the north near its

intersection with Canaveral Groves Boulevard. Grissom Parkway will intersect with US Highway 1 approximately 2.5 miles to the south. Additional commercial activities can be found along the US Highway 1 corridor.

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

Relative to the extent of the existing single-family residential development in Canaveral Groves, there appears to be a current need for additional commercial development in the area.

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

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

- I. Integration of open space; and

Open space has been conserved on the east side of Grissom Parkway because there are no County maintained roads which prevents development from occurring. Extensive natural resource constraints may also play a role in conserving open space.

- J. Impacts upon strip commercial development.

On the west side of Grissom Parkway, residential lots have internal access to the Canaveral Groves Subdivision and have been substantially built out with single-family residences.

On the east side of Grissom, the area has been platted as one acre lots with Residential 4 (RES 4) FLUM designation but remains substantially vacant due to the lack of County maintained roads serving the interior platted lots.

To the north of the subject property near Grissom's intersection with Canaveral Groves Boulevard, a commercial strip is beginning to emerge along the east side of Grissom. The FLUM designations on several lots with Grissom frontage has been amended to Community Commercial and they have established direct access to Grissom.

To the south of the subject property along Grissom, the frontage is within the City of Cocoa and has been substantially developed with warehousing and distribution facilities.

Locational and Development Criteria for Community Commercial Uses FLUE 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.

A private driveway runs along the south property line and provides access to Grissom Parkway for the existing religious institution. It is not a County maintained road and therefore is not classified as an arterial or collector.

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

The subject property together with the two adjacent Community Commercial properties on the west total less than 10 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.

There are four other parcels with Community Commercial land use designation within 0.75 miles of the subject property. Two of these are vacant.

- 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 unless within a Planned Unit Development (PUD) zoning classification. The square footage may be increased if it is located within a PUD zoning classification.

The gross floor area cannot be determined until the site plan stage.

- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites unless accompanied with a PUD zoning classification wherein the FAR may be increased up to 1.75.

The Floor Area Ratio cannot be determined until the site plan stage. The applicant has not requested PUD zoning.

- F. Recreational vehicle parks shall be located in areas which serve the needs of tourists and seasonal visitors to Brevard County. The location of recreational vehicle parks shall have access to interstate interchanges via arterial and principal collector transportation corridors or the property shall be located on a major multi-county transportation corridor.

The requested zoning classification is BU-2 and does not permit recreational vehicle parks.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Grissom Parkway, from Industry to Canaveral Groves, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 60.76% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 99.70%. The corridor is anticipated to operate at 160.46% of capacity daily. The proposal is anticipated to create a deficiency in LOS. Specific concurrency issues will be addressed at the time of site plan review.

No school concurrency information has been provided as the development proposal is for commercial and not residential use.

The parcel is within the City of Cocoa utilities service area for potable water. The closest Brevard County sewer line is approximately 2.8 miles southwest on Adamson Road.

Environmental Constraints

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

A portion of the project area is mapped with National Wetlands Inventory (NWI) wetlands and SJRWMD wetlands; indicators that wetlands may be present on the property. A wetland determination was performed by Toland Environmental Consulting, and found the parcel to contain an area of wetlands. Section 62-3694(c)(3)b has allowances for wetland impacts for properties with commercial uses and located with frontage along "Mitigation Qualified Roadways" (MQRs). Grissom Parkway is classified as an MQR at this location. 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.

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

Historic Resources

The Florida Master Site File does not contain any record of historical or cultural resources on this site.

For Board Consideration

The Board may wish to consider if the request is consistent with the Comprehensive Plan and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item #22Z00031

Applicant: Hyvonen for Mitchell

Zoning Request: IN(L) to BU-2

Note: Applicant wants to unify zoning across parcel for future development

P&Z Hearing Date: 09/12/22; **BCC Hearing Date:** 10/06/22

Tax ID No: 2400719

- 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.
- A rezoning zoning or Future Land Use approval by the Board of County Commissioners does not vest the property from meeting the current wetland ordinance. A formal review of current proposed wetland impacts at time of building permit or site plan review is required, regardless of any previously approved wetland impacts from any Federal, State or local agency. The applicant is encouraged to contact NRM at (321) 633-2016 prior to any site plan design

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

A portion of the project area is mapped with National Wetlands Inventory (NWI) wetlands and SJRWMD wetlands; indicators that wetlands may be present on the property. A wetland determination was performed by Toland Environmental Consulting, and found the parcel to contain an area of wetlands. Section 62-3694(c)(3)b has allowances for wetland impacts for properties with commercial uses and located with frontage along "Mitigation Qualified Roadways" (MQRs). Grissom Parkway is classified as an MQR at this location. 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.

The subject parcel contains mapped aquifer recharge soils. Mapped topographic elevations indicate the soils may consist of Type 2 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.

There is a large area of mapped Florida Scrub Jay occupancy on the project site, 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 (FWC), and/or U.S. Fish and Wildlife Service, as applicable. If applicable, the applicant is advised to call the FWC at (561)882-5714 (O) or (561)365-5696 (C) with to obtain any necessary permits or clearance letters for Gopher Tortoises.

Land Use Comments:

Wetlands

A large portion of the project area is mapped with NWI wetlands and SJRWMD wetlands (freshwater marshes); indicators that wetlands may be present on the property. A wetland determination was performed by Toland Environmental Consulting, and found the parcel to contain an area of wetlands. Section 62-3694(c)(3)b has allowances for wetland impacts for properties with commercial uses and located with frontage along "Mitigation Qualified Roadways" (MQRs). Grissom Parkway is classified as an MQR at this location. 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

The subject parcel contains mapped aquifer recharge soils (Pomello sand & St. Lucie fine sand) as shown on the USDA Soil Conservation Service Soils Survey map. Mapped topographic elevations indicate the soils may consist of Type 2 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 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 occupancy on the project site, 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 (FWC), and/or U.S. Fish and Wildlife Service, as applicable. If applicable, the applicant is advised to call the FWC at 561-882-5714 (O) or 561-365-5696 (C) with to obtain any necessary permits or clearance letters for Gopher Tortoises.

Protected and Specimen Trees

A large portion of the subject property is mapped with SJRWMD FLUCCS code 4100-Pine Flatwoods. Protected Trees (≥ 10 inches in diameter) and Specimen Trees (≥ 24 inches in diameter) are included in this FLUCCS code, and may be found on the project area. A tree survey is required prior to any land clearing activities, site plan design or site plan submittal. The applicant is encouraged incorporate valuable vegetative communities or robust trees into the site plan design. 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 Heritage Specimen trees. In addition, per Section 62-4341(18), Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, 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 tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM. The applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.