



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

22Z00015

Nicholas Boardman & Andrea Bedard

**AU (Agricultural Residential) to RU-2-4 (Low-density Multiple-family Residential)
and RU-2-6 (Low-density Multiple-family Residential)**

Tax Account Number: 2511124
Parcel I.D.: 25-36-23-00-506
Location: North side of Coquina Road, approximately 200 feet east of Highway 1
(District 2)
Acreage: 1.01 acres

Planning and Zoning Board: 09/12/2022
Board of County Commissioners: 10/06/2022

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	AU	RU-2-4 and RU-2-6
Potential*	1 SF unit	RU-2-4 portion: 1 SF units RU-2-6 portion: 4 SF units
Can be Considered under the Future Land Use Map	YES NC & RES 4	YES NC & RES 4

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

Background and Purpose of Request

The applicant requests to rezone the entire 1.01 acre subject property from AU (Agricultural Residential) to RU-2-4 (Low-density Multiple-family Residential) on the 0.34-acre portion of the site designated as RES 4 FLU and RU-2-6 (Low-density Multiple-family Residential) on the 0.67-acre portion of the site designated as NC FLU.

According to the Property Appraiser's record, the parcel is developed with a single-family residence built in 1951 and an accessory building. AU is the original zoning classification.

Land Use

The subject property has split Future Land Use. The subject property is currently designated as Neighborhood Commercial (NC) and Residential 4 (RES 4). The existing AU zoning can be considered consistent with the Neighborhood Commercial (NC) and Residential 4 (RES 4) Future Land Use designations.

The proposed RU-2-4 zoning can be considered consistent with the Residential 4 (RES 4) Future Land Use designation and the proposed RU-2-6 zoning can be considered consistent with the Neighborhood Commercial (NC) Future Land Use designation.

Applicable Land Use Policies

FLUE Policy 1.7 - Residential 4 (maximum of 4 dwelling units per acre)

The Residential 4 land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre, except as otherwise may be provided for within the Future Land Use Element.

FLUE Policy 2.5 – Activities Permitted in Neighborhood Commercial (NC) Future Land Use Designations

Neighborhood Commercial (NC) development activities are intended to be low-impact in nature and serve the needs of the immediate residential area. Intrusion of these land uses into surrounding residential areas shall be limited. Existing BU-1-A uses, which were established as of the adoption date of this provision shall be considered consistent with this policy. Development activities which may be considered within Neighborhood Commercial (NC) Future Land Use designation, provided that listed criteria are met, include the following:

- a) Professional offices (no drive through lanes permitted);
- b) Personal Services (no drive through lanes permitted);
- c) Convenience stores (no drive through lanes permitted);
- d) Residential uses;
- e) Institutional uses;
- f) Recreational uses;
- g) Public facilities; and
- h) Transitional uses pursuant to Policy 2.12.

FLUE Policy 2.10 – Residential Development in Neighborhood Commercial and Community Commercial Land Use Designations

Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map. Residential development is permissible in these commercial land use designations at density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street. Increases in density beyond this allowance may be considered through a public hearing. In the CHHA, however, residential development is strictly limited to the density of the closest residentially designated area on the FLUM that is on the same side of the street. Such residential development, as described above, shall be allowed to utilize the following characteristics:

Criteria:

- A. Residential uses within Neighborhood Commercial and Community Commercial designations shall be encouraged to utilize neo-traditional neighborhood development techniques, such as narrower road rights-of-way, mid-block pedestrian pass-throughs, alleys, smaller lot sizes, on-street parking, reduced lot line setbacks and public transit facilities.
- B. Residential density bonuses as set forth in Policy 11.2 may be considered in addition to the bonus stated in the above policy within Neighborhood Commercial and Community Commercial designations as an incentive for redevelopment and regentrification if the proposed development will address serious incompatibility with existing land uses, is adequately buffered from other uses, is located along major transportation corridors, and meets the concurrency requirements of this Comprehensive Plan.

FLUE Policy 1.2 - Public Facilities and Services Requirements

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

Criteria:

- C. In the Residential 30, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.
- D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.
- E. Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system.
- F. The County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 2, Residential 1 and Residential 1:2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU's, MSTU's and other means through which the recipients pay for the service or facility.

The subject site is within the City of Cocoa's service area for potable water and within the City of Rockledge's service area for centralized sewer. Connection to centralized sewer and potable water is required under Criterion C, above.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 - 8 of the Future Land Use Element.

Analysis of 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 multi-family residential units on the subject property. Proposed development will be reviewed at the site plan review stage.

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 request.

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;

The subject site fronts Coquina Road, 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.

During an update to the Comprehensive Plan in 2001, the Future Land Use designation of mixed use was removed county-wide and replaced with either NC or CC based upon the densities and intensities of the underlying zoning classification. 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.

Currently, the NC Future Land Use designation serves as a transitional buffer between the single-family residences to the east and the commercial development to the west along S. U.S. Highway 1. In order for FLUE Policy 2.10 to apply, the scale and intensity of residential/mixed use development in commercial land use designations must be compatible with abutting residential development which is EU. The closest multi-family zoning is RU-2-10 located approximately 1,800 feet south of the subject site.

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

It appears no changes to the immediate area have occurred within the last three years.

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

A small-scale comprehensive plan amendment to change the future land use to CC (Community Commercial) and a rezoning to BU-2 with a BDP (Binding Development Plan) for a proposed self-storage facility were approved March 5, 2022 on approximately 12 acres adjacent to the subject property on the north side. Site plan review and approval are the next steps for the proposed development.

D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

No material violation of relevant policies has been identified.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

East of the subject property is primarily single-family residences with zoning classifications of EU and EU-2. There is also limited commercial development along US Highway 1 with zoning classifications of BU-1 and BU-2, and a motel with a zoning classification of TU-1(16). North of the subject property is vacant commercial land (proposed self-storage facility) and a portion of a developed single-family residential lot; to the east are single-family residences; to the south is a retail store and a single-family residence; and to the west is a motor court. This request may be considered an introduction of multi-family zoning into the area.

The current AU zoning classification on the property is substandard as it is only 1.01 acres in size. AU zoning permits single-family residences and agricultural uses on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification permits all agricultural pursuits including the packing and processing, and sale of commodities raised on the property as well as allowing the grazing of animals, fowl and beekeeping.

Both RU-2-4 and RU-2-6 zoning classifications are multi-family residential zoning classifications. The only difference between the two zoning classifications is the allowable density. It permits multi-family residential development or single-family residences at a density of up to four/six units per acre on 7,500 square foot lots. Resort dwellings and apartments are allowed as a permitted use in both zoning classifications. In multi-family zoning classifications, the minimum living area for a single-family dwelling unit is 1,100 square feet. For a duplex, the minimum living area 1,150 square feet, and for an apartment, the minimum living area is 500 square feet. The closest multi-family zoning is located approximately 1,800 feet south of the subject site and is developed as a duplex with RU-2-10 zoning.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Vacant Land (proposed self-storage facility) & a Single-Family Residence	BU-2 & AU	CC & RES 4
South	Retail Store & a Single-Family Residence	BU-1, AU & EU	CC, NC & RES 4
East	Single-Family Residences	EU & EU-2	RES 4
West	Bonsai Motor Court	TU-1(16)	CC

BU-1 zoning classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling. Resort dwelling use is allowed as a permitted use in the BU-1 classification.

EU zoning classification is an estate single family residential zoning classification. The minimum lot size is 15,000 square feet with a minimum lot width and depth of 100 feet. The minimum living area is 2,000 square feet.

EU-2 zoning classification is an estate single family residential zoning classification. The minimum lot size is 9,000 square feet with a minimum lot width of 90 feet and depth of 100 feet. The minimum living area is 1,500 square feet.

TU-1 is a general tourist commercial zoning classification which permits hotels and motels among its listed uses. It also permits BU-1-A type retail uses in conjunction with and accessory to a hotel or motel with a minimum of 25 rooms. The minimum lot size is 15,000 with a minimum width of 100' and minimum depth of 150'. Maximum density allowances range from 8 units per acre (in the South Beaches area) to 30 units per acre (in the North Beaches, Mainland and Merritt Island Redevelopment Area). Resort dwelling use is allowed as a permitted use in the TU-1 classification.

Three development actions have been approved within a half-mile radius of the subject property within the last three years. **20PZ00042** was approved for rezoning 1.2 acres to EU approximately 0.4 miles south of the subject property. The property has been developed with a single-family residence. **21PZ00083** for a small-scale comprehensive plan amendment to CC (Community Commercial), and **22Z00004** for a rezoning to BU-2 with a BDP (Binding Development Plan) have also been approved for approximately 12 acres adjacent to the subject property on the north side. A self-storage facility is proposed for the site. Conditions of the BDP, recorded July 14, 2022 in ORB 9560, Pages 520-529, include the following:

- Developer/Owner shall limit the use of the property to self-storage use only
- Developer/Owner agrees not the use the Property for outdoor storage and, therefore, such use shall be prohibited on the Property
- Developer/Owner agrees to limit the height of any buildings on the Property to single-story and, therefore, no building shall exceed single-story height
- Developer/Owner agrees and shall ensure that no lighting elements shall face residential properties
- Developer/Owner shall provide a 20 foot landscape buffer in accordance with Code requirements
- A finished 8-foot masonry wall shall be required along the edge of the improvements, such wall to be in accordance with Code requirements.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US 1 between Barnes Boulevard and Eyster Boulevard, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 61.92% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 0.09%. Based on proposed use provided by the applicant, the corridor is anticipated to operate at 62.01% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. This is only a preliminary review and is subject to change.

No school concurrency information has been provided as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

The parcel is within the City of Cocoa's service area for potable water and within the City of Rockledge's service area for centralized sewer.

Environmental Constraints

- 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.

For Board Consideration

The Board may wish to consider whether the introduction of multi-family zoning classification (RU-2-4 and RU-2-6) request is consistent and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item #22Z00015

Applicant: Treharne for Bedard

Zoning Request: AU to RU-2-4 and RU-2-6

Note: Applicant wants to expand hotel use to the east

P&Z Hearing Date: 07/18/22; **BCC Hearing Date:** 8/04/22

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 (≥ 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.