

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Small Scale Plan Amendment 23S.01 (23SS00001)
Township 24, Range 35, Section 25*

Property Information

Owner / Applicant: QW Trust

Adopted Future Land Use Map Designation: Residential 15 (RES 15), Neighborhood Commercial (NC) and Community Commercial (CC)

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

Acreage: 13.36

Tax Account #s: 2407578 and 2407572

Site Location: North side of Lake Drive, approximately 171 feet east of Cox Road

Commission District: 2

Current Zoning: General Use (GU) and IU-1 (Heavy Industrial)

Requested Zoning: all General Retail Commercial (BU-1) (23Z00003)

Background & Purpose

The applicant is requesting to change the Future Land Use designation from Residential 15 (RES 15), Neighborhood Commercial (NC) and Community Commercial (CC) on 13.36 acres to develop the site as a grocery store and retail commercial. The subject property consists of two parcels, 24-35-25-00-512 and 24-35-25-00-519. Currently, parcel 24-35-25-00-512 (approximately 0.19 acres) is designated as RES 15 FLU with GU zoning, and parcel 24-35-25-00-519 (approximately 13.17 acres) is designated as RES 15, CC, and NC FLU with IU-1 and GU zoning classifications. The subject property is currently undeveloped with a substantial portion of the property underwater. The site has frontage on Lake Drive as well as Cox Road (50 feet in width).

A companion rezoning application was submitted accompanying this request to change the zoning classification from GU (General Use) and IU-1 (Heavy Industrial) to BU-1 (General Retail Commercial) (**23Z00003**).

The existing GU zoning classification may be considered consistent with the existing RES 15, NC and CC Future Land Use designations; however, the existing IU-1 zoning

classification may not be considered consistent with the existing RES 15, NC and CC Future Land Use designations.

The proposed BU-1 zoning classification can not be considered consistent with the existing RES 15 and NC Future Land Use designations; however, the proposed BU-1 zoning classification may be considered consistent with the requested CC Future Land Use designation.

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 is proposing the development of a grocery store and retail commercial. Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan review stage should the zoning and Future Land Use change be approved.

- 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;

The surrounding area is commercial in character with government facilities and residential land uses north and east of the subject site. The west side of Cox Road is within the City of Cocoa and is designated as Industrial FLU. There are four (4) FLU designations within 500 feet of the subject site: RES 15, CC, NC, and PUB.

Cox Road and Lake Drive both connect to W. King Street (SR 520) has a historic pattern of strip commercial development.

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

There has not been any new development immediately adjacent to the subject property in the preceding three (3) years.

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

While there has not been any new development in the preceding three (3) years, one zoning action has been approved within one-half mile.

21Z00031, approved by the Board on December 2, 2021, was a request to rezone from RU-1-9 and RU-2-10 to all RU-2-10 on a 9.19-acre parcel located approximately 0.4 miles south of the subject property on the north side of Parrish Road.

There are no pending zoning actions within one-half mile of the subject property.

- 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.

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.

The developed character of the surrounding area is commercial and government managed lands, with a mix of residential to the north and east. Industrial use is located along the west side of Cox Road (City of Cocoa). Cox Road and Lake Drive both connect to W. King Street (SR 520), a commercial corridor that serves regional and tourist markets in the vicinity of the Interstate 95 interchange.

The proposed commercial use of the subject property may be considered compatible with the existing pattern of surrounding development.

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 has frontage on Lake Drive, an urban major collector roadway operating at 18.64% of Maximum Acceptable Volume (MAV), as well as access to Cox Road, an urban major collector roadway operating at 27.01% of MAV. A detailed analysis will be conducted at site plan.

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

There are CC future land use map designations adjacent to the subject property along Cox Road.

C. Existing commercial development trend in the area;

Existing commercial development in the immediate area includes a convenience store with gas pump, warehousing, and retail to the north. Additional commercial uses are located along W. King Street (SR 520), a commercial corridor.

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

No fundamental changes in the character of the area prompted by infrastructure improvements undertaken by the County have been identified.

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

A preliminary concurrency analysis did indicate that the maximum development potential from the proposed Future Land Use designation could cause a deficiency in the transportation adopted level of service. A detailed analysis will be conducted when a use is proposed at the time of Site Plan.

The subject site has access to Cocoa City Water Distribution per the City of Cocoa. The closest Brevard County sanitary sewer line is approximately 350 feet to the south at Lakeview Boulevard and W. King Street (SR 520).

F. Spacing from other commercial activities;

The closest Community Commercial activities are located immediately to the west of the subject site with frontage on Cox Road and south of the subject site, across W. King Street (SR 520).

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

The 13.36-acre subject property is currently designated RES 15, NC, and CC. The request for CC across the entire parcel represents an increase of approximately ten (10) acres of CC.

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

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

J. Impacts upon strip commercial development.

The subject property is currently undeveloped and could be considered infill and not an expansion of strip development.

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

Designations

FLUE 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;
- b) Transient commercial uses;
- c) Tourist commercial uses;
- d) Professional offices;
- e) Personal service establishments;
- f) Retail establishments;
- g) Non-retail commercial uses;
- h) Residential uses;
- i) Institutional uses;
- j) Recreational uses;
- k) Public facilities;
- l) Transitional uses pursuant to Policy 2.1; and

- m) Planned Industrial Park development (as permitted by PIP zoning).

The applicant has proposed to develop the site as a grocery store and retail commercial use.

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.

The subject property is located approximately 165 feet east of the intersection of Cox Road, an urban major collector roadway, and W. King Street (SR 520), an urban principal arterial roadway.

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

The Community Commercial designated properties immediately adjacent to the subject property at the northeast quadrant of the Cox Road and W. King Street (SR 520) intersection total less than four (4) acres. This request, if approved, would represent an increase of approximately ten (10) acres of CC.

- 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.

W. King Street (SR 520), an urban principal arterial roadway, is a commercial corridor serving the community and the surrounding region. As such, this area presents an historical strip development pattern and does not lend itself to cluster commercial analysis.

- 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.

This criterion will be addressed at the site plan review stage of development.

- 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 overall subject site has the potential for a 581,962 sq. ft. building. The Floor Area Ratio (FAR) is evaluated at the time of site plan review and regulated through the land development regulations. 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-1 and does not permit recreational vehicle parks.

Surrounding Land Use Analysis

	Existing Use	Zoning	Future Land Use
North	Commercial mixed use; Single-family	BU-2; AGR	CC; RES 15
South	Commercial undeveloped; Commercial retail	BU-2; BU-1	CC
East	Warehousing	GML	PUB
West	Commercial retail; Commercial warehousing; Commercial undeveloped; Two (2) single-family residences	GU; BU-1-A; BU-1; BU-2	RES 15; CC

To the north is a 1.13-acre parcel designated as CC FLU and developed as a mixed use commercial property with an office building and residence. Also, to the north is an 8.68-acre parcel designated as RES 15 FLU and developed as a single-family residence (built in 1910) with horse stables (built in 2005).

To the south, across Lake Drive, is a 2.42-acre undeveloped parcel designated as CC FLU. Further to the south, across W. King Street (SR 520), are two parcels (8.27-acres and 1.2-acres) both designated as CC FLU and each developed as retail commercial stores.

To the east is 20-acre parcel owned by Brevard County that is designated as PUB and developed as warehousing and storage.

To the west, along Cox Road, are four (4) commercial properties with CC FLU designations, including a 0.8-acre parcel developed as convenience store/gas station; a 1.46-acre parcel developed as warehousing; a 0.67-acre parcel developed as warehousing; and a 0.38-acre undeveloped commercial parcel. There is one commercial parcel (0.77-acres) with RES 15 FLU developed as a retail store.

Also, to the west, along Cox Road, is a 0.69-acre parcel developed as a single-family residence (built in 1959) with CC FLU; and a 0.38-acre parcel developed as a single-family residence (built in 1962) with RES 15 FLU. Further west, across Cox Road, is the City of Cocoa.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Lake Drive, from Cox Road to Range Road, which has a Maximum Acceptable Volume (MAV) of 17,700 trips per day, a Level of Service (LOS) of D, and currently operates at 18.64% of capacity daily. The maximum development potential from the proposed land use change increases the percentage of MAV utilization by 140.40%. The corridor is anticipated to operate at 159.05% of capacity daily. Specific concurrency issues and operational improvements will be addressed at the time of site plan review when a specific use is identified.

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

The subject site has access to Cocoa City Water Distribution per information provided by the City of Cocoa. The closest Brevard County sanitary sewer line is approximately 350 feet to the south at Lakeview Boulevard and W. King Street (SR 520).

Environmental Constraints

- Wetlands/Hydric Soils
- Protected and Specimen Trees

The subject parcel contains mapped hydric soils, and National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands. These are indicators that wetlands may be present on the property. A wetlands delineation will be required prior to any land clearing activities.

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

Historic Resources

There are no recorded historical 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 with the Comprehensive Plan and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT (NRM) DEPARTMENT
Comprehensive Plan Review & Summary
Item #23SS00001

Applicant: Carolyn Haslam

FLU Request: RES 15, NC, & CC to all CC

Note: Applicant wants to develop a grocery and retail site.

LPA Hearing Date: 03/13/23; **BCC Hearing Date:** 04/06/2023

Tax ID Nos: 2407578 & 2407572

- 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
- Protected and Specimen Trees

The subject parcel contains mapped hydric soils, and National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands. These are indicators that wetlands may be present on the property. A wetlands delineation will be required prior to any land clearing activities.

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). Lake Drive is an MQR in this location; Cox Road is not. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Brevard County Board of County Commissioners 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 site plan design or permit submittal.

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.

Land Use Comments:

Wetlands/Hydric Soils

The subject parcel contains mapped hydric soils (Anclote sand, frequently ponded, 0 to 1 percent slopes and Anclote sand), and NWI and SJRWMD wetlands. These are indicators that wetlands may be present on the property. A wetlands delineation will be required prior to any land clearing activities.

Section 62-3694(c)(3)b has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). Lake Drive is an MQR in this location; Cox Road is not. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Brevard County Board of County Commissioners 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 site plan design or permit submittal.

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.

Protected Species

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.