

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 22S.19 (22SS00016)*  
**Township 24, Range 36 Section 14**

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**Property Information**

**Owner / Applicant:** Crane View LLC

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

**Requested Future Land Use Map Designation:** Residential 30 Directive (RES 30 DIR)

**Acreage:** 3.95 acres

**Tax Account #:** 2412341

**Site Location:** West side of N. Courtenay Parkway, approximately 580 feet east of Butler  
Avenue

**Commission District:** 2

**Current Zoning:** Medium-Density Multiple-Family Residential (RU-2-15) with a Binding  
Development Plan (BDP)

**Requested Zoning:** High-Density Multiple-Family Residential (RU-2-30) and  
amendment of a Binding Development Plan (BDP) (22Z00071)

**Background & Purpose**

The applicant is requesting to change the Future Land Use designation on 3.95 acres of land from Residential 15 (RES 15) and Neighborhood Commercial (NC) to Residential 30 Directive (RES 30 DIR) to develop the site as an apartment complex with up to 90 multi-family residential units. The subject property is currently vacant with four (4) partially constructed buildings.

The subject property retains RES 15 and NC Future Land Use designations. The closest RES 30 Directive is 3.1 miles to the south of the subject site on S. Tropical Trail. If approved, this request would equate to 23 units per acre with limitations within the BDP.

There are five (5) active liens on open code enforcement cases (21CE-01807, 20CE-01187, 18CE-00793, 18CE-00742, and 16CE-02285) associated with this property

including two active violations for unsafe structure and failure to maintain vacant structure.

A companion rezoning application was submitted accompanying this request to change the zoning classification from RU-2-15 (Medium-Density Multiple-Family Residential) with a Binding Development Plan (BDP) to RU-2-30 (High-Density Multiple-Family Residential) with the removal and replacement of a Binding Development Plan (BDP) (22Z00052).

The existing RU-2-15 zoning can be considered consistent with the existing RES 15 FLU and NC FLU designations, as provided in Sec. 62-1255.

The proposed RU-2-30 zoning can be considered consistent with the existing NC FLU, as provided in FLU Policy 2.10; however, the proposed RU-2-30 zoning may not be considered consistent with the existing RES 15 FLU, as provided in Sec. 62-1255.

The proposed RU-2-30 zoning can be considered consistent with the proposed RES 30 DIR FLU, as provided in Sec. 62-1255.

### **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.

### **Policy 1.2**

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.

**This Future Land Use Amendment request to change from RES 15 and NC to RES 30 DIR will require a connection to a centralized water and sewer service.**

- 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.

**The subject site is within the City of Cocoa's service area public water. This Future Land Use Amendment request to change from RES 15 and NC to RES 30 DIR will require a connection to a centralized water and sewer service.**

## **Residential 30 Directive (maximum of 30 dwelling units per acre)**

### **Policy 1.3**

The Residential 30 Directive Future Land Use designation affords the highest density allowance, permitting a maximum density of up to thirty (30) units per acre, except as otherwise may be provided for within the Future Land Use Element. Parameters for this future land use designation include:

#### **Criteria:**

- A. The Residential 30 Directive land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan.

1. Areas located east of Interstate-95; and

**The subject site is located 6.6 miles east of Interstate-95 (I-95).**

2. Unincorporated enclaves located within or adjacent to incorporated areas which permit similar or greater density allowance; or

**The subject site is not located adjacent to an incorporated area.**

3. Areas adjacent to existing Residential 30 land use designation; and

**The subject site is not adjacent to an existing RES 30 land use designation. This request can be considered an introduction of RES 30 into the surrounding area. The closest RES 30 DIR is 3.1 miles south of the subject property on South Tropical Trail.**

4. Areas with direct access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

**The subject site has direct access to an arterial roadway. North Courtenay Parkway is classified as an Urban Principal Arterial roadway.**

- B. In the Merritt Island Redevelopment Area, Brevard County should encourage high density development in clustered patterns that maximize the provision of open space to avoid the impacts of "strip" or "checkerboard" land use patterns and to assist in the development of an urban atmosphere. The Residential 30 Directive land use designation may permit development in excess of 30 units per acre, provided that one of the

following applies:

1. Residential density of up to 37.5 dwelling units per acre, may be considered if approved as part of a redevelopment plan; or

**The subject site is not part of an approved redevelopment plan.**

2. Developments which are tied to a binding development plan and propose a mixture of residential and commercial uses may permit the residential portion of the project with density of up to 50 dwelling units per acre.

**The subject site is within the Merritt Island Redevelopment Agency (MIRA); however, the proposal is not part of a redevelopment plan approved by Board of County Commissioners.**

**The applicant has submitted a companion application to this Future Land Use Amendment requesting to rezone from RU-2-15 with a Binding Development Plan (BDP) to RU-2-30 and remove the existing BDP and add a new BDP (22Z00071).**

**The proposed BDP limits the parcel to density of 90 dwelling units per acre.**

- C. A 25% density bonus to permit up to 37.5 dwelling units per acre may be considered, except in the Coastal High Hazard Area (CHHA), where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

**The applicant has not proposed a Planned Unit Development. The subject site is not located within the CHHA.**

### **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:**

- 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 character of the area is commercial along North Courtenay Parkway with residential land uses in the surrounding areas. There are four (4) FLU designations within 500 feet of the subject site: CC, NC, RES 15, and RES 6. The predominant FLU designations along this section of North Courtenay Parkway are NC and CC.**

**This request can be considered an introduction of RES 30 DIR into the area along North Courtenay Parkway. The closest RES 30 DIR FLU designation is located approximately 3.1 miles south of the subject property on South Tropical Trail. That parcel is currently undeveloped.**

**The most recent FLU amendment (21S.09) in this area was adopted March 3, 2022 by Ordinance 22-05 to change the FLU designation from NC to CC on 0.92 acres 233 feet to the southeast of the subject property on N Courtenay Parkway. That parcel is currently undeveloped.**

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.**

**20Z00042, approved by the Board on November 3, 2022, was a request to amend a BDP to add car wash use on an 8.89-acre parcel with BU-1 zoning located approximately 136 feet northeast of the subject property at the southeast corner of Skyline Boulevard and North Courtenay Parkway.**

- 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.**

#### **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 developed character of the area along North Courtenay Parkway to the north of the subject parcel is mostly commercial that transitions to multi-family residential to the west.**

**South of the subject property is a mix of commercial, institutional, and residential development. There is an older single-family residential neighborhood (platted in 1962) immediately adjacent to the south of the subject property. The residential zoning in the area is RU-1-11 single-family residential which allows one quarter (1/4) acre lots.**

**There are multiple parcels with multi-family zoning classifications within a one-half mile radius of the subject property ranging from RU-2-10 to RU-2-30. The closest RU-2-30 zoning classification is located immediately to the north of the subject property on 6.3 acres developed as a condominium complex (Island Village Condominiums). Property Appraiser records indicate a total of 93 units in Island Village Condominiums Phases A through F which equates to a built-out density of approximately 14.76 units per acre.**

**As provided in FLU Policy 2.10, residential development or the integration of residential development with commercial development can be permitted in the Neighborhood Commercial (NC) land use designation, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and area designated for residential use on the Future Land Use Map, as provided in FLU Policy 2.10. Residential development may be permissible in 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.**

**The existing RES 15 and NC FLU designations would allow for 59 units under FLUE Policy 2.10 if the Board deemed the scale and intensity as compatible with the abutting residential development.**

**When considering the existing development potential of the subject site (59 units), this request actually represents an increase of approximately 31 units.**

## Surrounding Land Use Analysis

	Existing Use	Zoning	Future Land Use
<b>North</b>	Commercial; Multi-family	BU-1-A & BU-1; RU-2-30	NC & CC; RES 15
<b>South</b>	Single-family	RU-1-11	RES 15
<b>East</b>	Retail Commercial	BU-1-A	NC
<b>West</b>	Single-family	RU-1-11	RES 15

To the north is a 0.92-acre parcel designated as NC and CC FLU and developed as a commercial financial institution.

To the south is a single-family residential neighborhood (platted in 1962) with RES 15 FLU.

To the east, across North Courtenay Parkway, is a 0.51-acre parcel and a 1.88-acre parcel, both designated as NC FLU and developed as retail commercial.

To the west is a single-family residential neighborhood (platted in 1962) with RES 15 FLU.

## Concurrency

The preliminary concurrency analysis did not 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 public water. The closest centralized sewer line (Brevard County Utilities) is located adjacent to the subject property on the west side of North Courtenay Parkway. The school concurrency indicates there is enough capacity for the total of projected and potential students from the proposed development.

## Environmental Constraints

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees

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

**Historic Resources**

According to information provided by the Florida Master Site File of the Florida Division of Historic Resources, there are no recorded cultural resources associated with the subject site.

**For Board Consideration**

The Board may consider if the request to introduce RES 30 is consistent and compatible with the surrounding area and the comprehensive plan.



**NATURAL RESOURCES MANAGEMENT (NRM) DEPARTMENT**  
**Comprehensive Plan Review & Summary**  
**Item #22SS00016**

**Applicant:** Steve Anderson/Larry Poliner

**FLU Request:** RES 15 & NC to RES 30, with new BDP limiting to 90 units

**Note:** Applicant wants to demo partially completed residential development, and construct new multi-family development.

**P&Z Hearing Date:** 03/13/23; **BCC Hearing Date:** 04/06/2023

**Tax ID No:** 2412341

- 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:**

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees

NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

**Land Use Comments:**

**Aquifer Recharge Soils**

The subject parcel contains mapped aquifer recharge soils (Taveres fine sand, 0-5% slopes) 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.

**Indian River Lagoon Nitrogen Reduction Overlay**

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage

treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

**Protected and Specimen Trees**

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 and minimum landscaping 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.