

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Small Scale Plan Amendment 23S.02 (23SS00002)
Township 26, Range 36, Section 13*

Property Information

Owner / Applicant: FMKT Mel Owner, LLC

Adopted Future Land Use Map Designation: Planned Industrial (PI) and Community Commercial (CC)

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

Acreage: 11.48

Tax Account #: 3011945

Site Location: East side of Wickham Road approximately 0.2 miles south of Pineda Ct

Commission District: 4

Current Zoning: BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing and Wholesale Commercial)

Requested Zoning: PUD (Planned Unit Development) (23Z00008)

Background & Purpose

The applicant is requesting to change the Future Land Use designation on approximately 10 acres from Planned Industrial (PI) to Community Commercial (CC) to establish a consistent FLU of CC for the entire 11.48-acre parcel. The subject property currently retains both PI (approximately 10 acres) and CC (approximately 1.5 acres) FLU designations and is developed (approved under County No. 14SP-00455) as four (4) commercial plazas, including The Fresh Market.

A companion rezoning application was submitted accompanying this request to change the zoning classification from BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing and Wholesale Commercial) to PUD (Planned Unit Development) **(23Z00008)**.

The proposed PUD zoning classification may be considered consistent with the existing CC FLU, however, PUD zoning cannot be considered consistent with the existing PI FLU designation, as provided in Sec. 62-1255.

If approved, this request would establish a consistent FLU of CC for the entire 11.48-acre parcel. The proposed PUD 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 proposes to rezone 11.48 acres to the PUD zoning to allow for the development of an additional parcel (1.27 +/- acres) within Lot 7 of the Pineda Landings platted development. Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 and 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 surrounding area is generally commercial along North Wickham Road. There are five (5) FLU designations within 500 feet of the subject site: NC, CC, RES 15, IND, and PI. The predominant FLU designation along this section of North Wickham Road, an urban principal arterial roadway, is CC.

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

19BC23447 was a building permit for a Commercial Addition-Alteration on 5.94-acres located adjacent to the north of the subject parcel.

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

Two zoning actions has been approved within one-half mile:

- **21Z00003, approved by the Board on April 15, 2021, was a request to rezone from BU-1 to BU-2 on 1.34 acres located approximately 832 feet west of the subject property on N. Highway 1.**
- **20Z00014, approved by the Board on October 1, 2020, was a request to rezone from PIP and PUD to all PUD, retaining an existing CUP for alcoholic beverages for on-premises consumption on 16.34 acres located adjacent to the north of the subject property on N. Wickham 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 of the Comprehensive Plan 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 with a multi-family residential development located immediately south of the subject property.

The 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 North Wickham Road, an urban principal arterial roadway operating at 65.70% of Maximum Acceptable Volume (MAV).

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 North Wickham Road.

C. Existing commercial development trend in the area;

Existing commercial development in the immediate area includes a commercial medical plaza (Brevard Medical City), retail, restaurants, and a financial institution.

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 not indicate that the maximum development potential from the proposed Future Land Use designation would cause a deficiency in the transportation adopted level of service.

The parcel is within the City of Cocoa utilities service area for public water and within the Brevard County utilities service area for sanitary sewer.

F. Spacing from other commercial activities;

The closest Community Commercial activities are located immediately to the west of the subject site with frontage on North Wickham Road and abutting the subject site to the north.

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

The 11.48-acre subject property is currently designated PI 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 developed and future development activities would 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).

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 on N. Wickham Road, an urban principal arterial roadway, at the intersection of Jordan Blass Drive, a local roadway.

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

There are approximately 22 acres of Community Commercial designated properties adjacent to the subject site on the east side of Wickham Road. 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.

N. Wickham Road, an urban principal arterial roadway, is a commercial corridor serving the local 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 500,069 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.

Surrounding Land Use Analysis

	Existing Use	Zoning	Future Land Use
North	Commercial	PUD; PIP	CC; PI
South	Residential (multi-family)	RU-2-15	RES 15
East	Residential (mobile home park)	TR-3	NC
West	Commercial	BU-1	CC

To the north is a developed commercial complex (Brevard Medical City) with CC FLU (approximately 13.3 acres) and PI FLU designations (approximately 10.0 acres).

To the south is a 26.76-acre parcel with RES 15 FLU developed as multi-family condominiums.

To the east, across Florida East-Coast Railway, is a residential mobile home park with NC FLU.

To the west, across N. Wickham Road, is a 1.0-acre parcel with CC FLU developed as a commercial bank and a 0.98-acre parcel with CC FLU developed as a commercial fast-food restaurant.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Wickham Road (an urban principal arterial roadway), from Pineda Causeway to Jordan Blass Drive, which has a Maximum Acceptable Volume (MAV) of 39,800 trips per day, a Level of Service (LOS) of D, and currently operates at 65.70% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.0%. The corridor is anticipated to operate at 65.70% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

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 public water and within the Brevard County utilities service area for sanitary sewer.

Environmental Constraints

- Site impacted under previous development orders.

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

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
Zoning Review & Summary
Item #23Z00008

Applicant: MBV PUD

Zoning Request: BU-1 & BU-2 to PUD

Note: Require zero frontage to sell a piece of the property.

P&Z Hearing Date: 04/13/23; **BCC Hearing Date:** 05/04/2023

Tax ID No: 3011945

- 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:

- Site impacted under previous development orders.

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:

Site impacted under previous development orders. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.