

# The Falling Leaf

Upscale Affordable Housing  
90-unit 3-story building 35-High  
Merritt Island FL. Brevard County



**MERRITT ISLAND**  
— REDEVELOPMENT AGENCY —

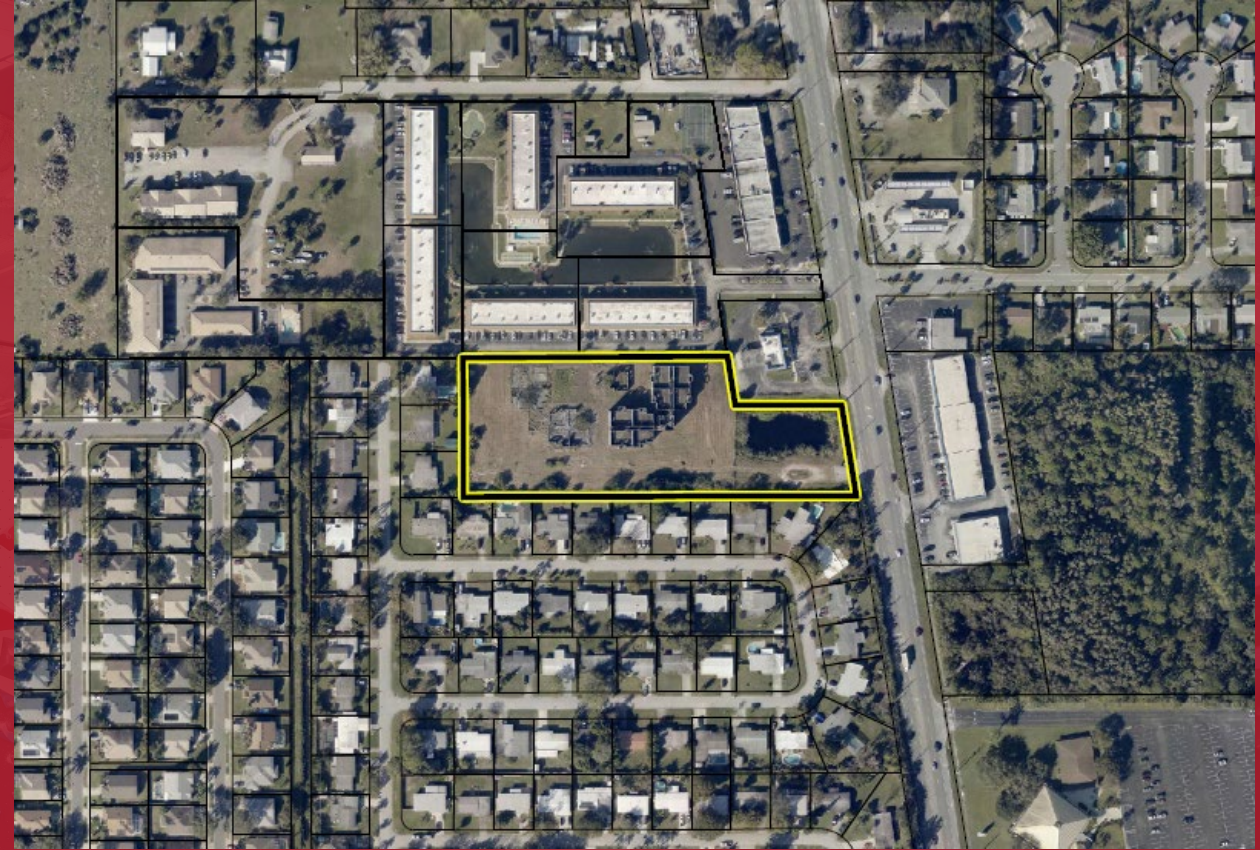
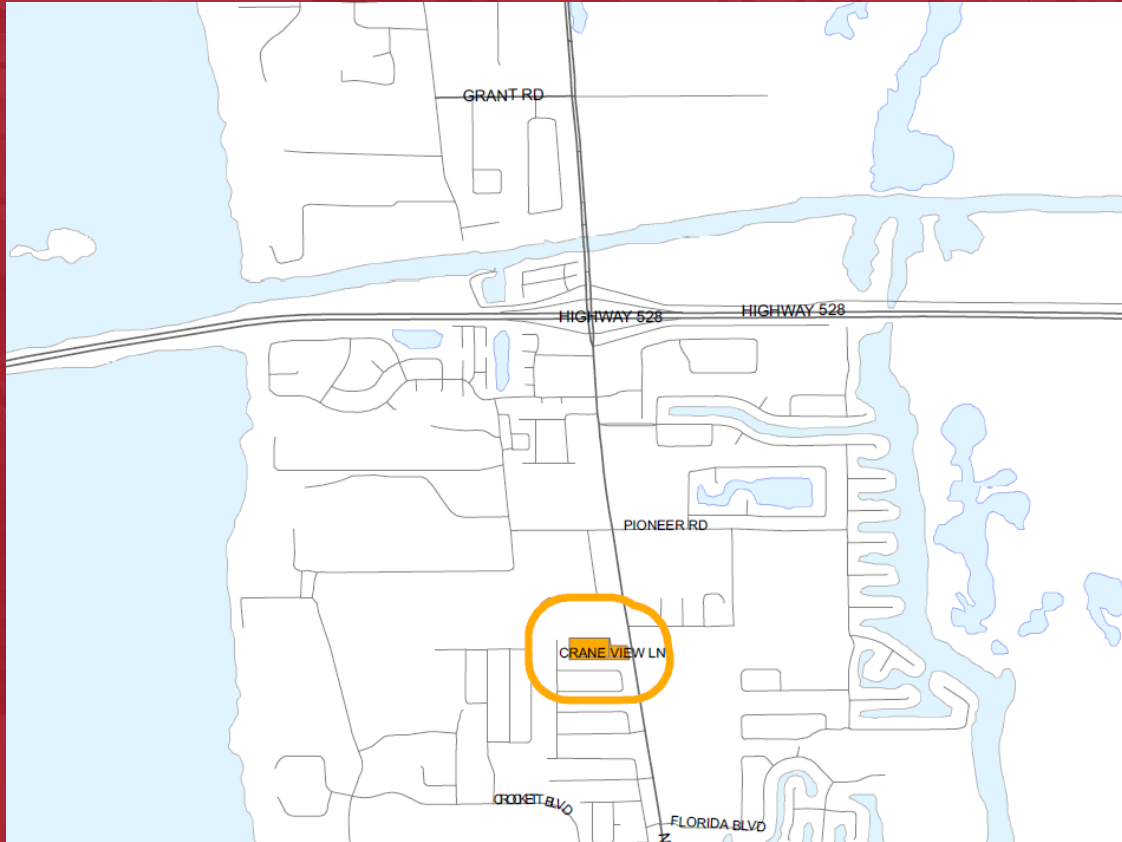
# The Falling Leaf



90 Multifamily Units



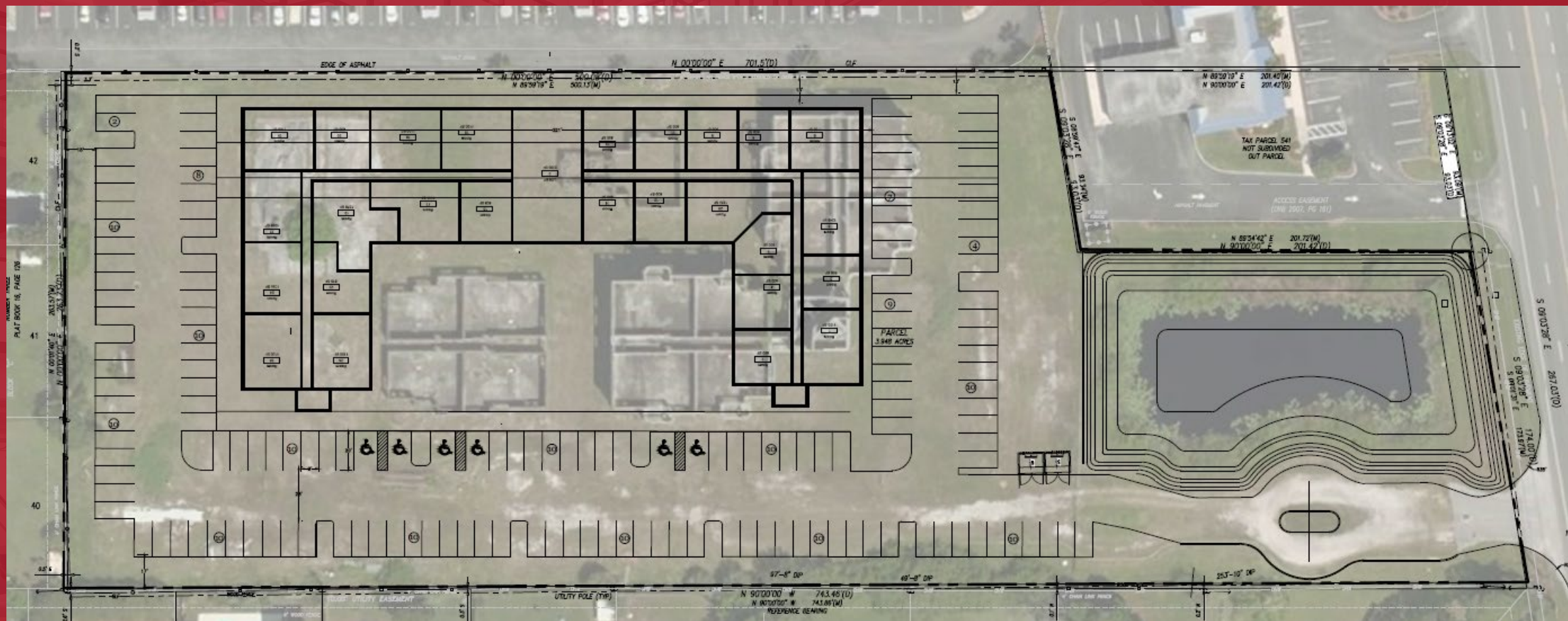
# Location



West side of N. Courtenay Pkwy., approximately 580 feet south of Butler Avenue (District 2)



# Site Plan





# Elevation



REAR COLORED ELEVATION

lon



# Elevation

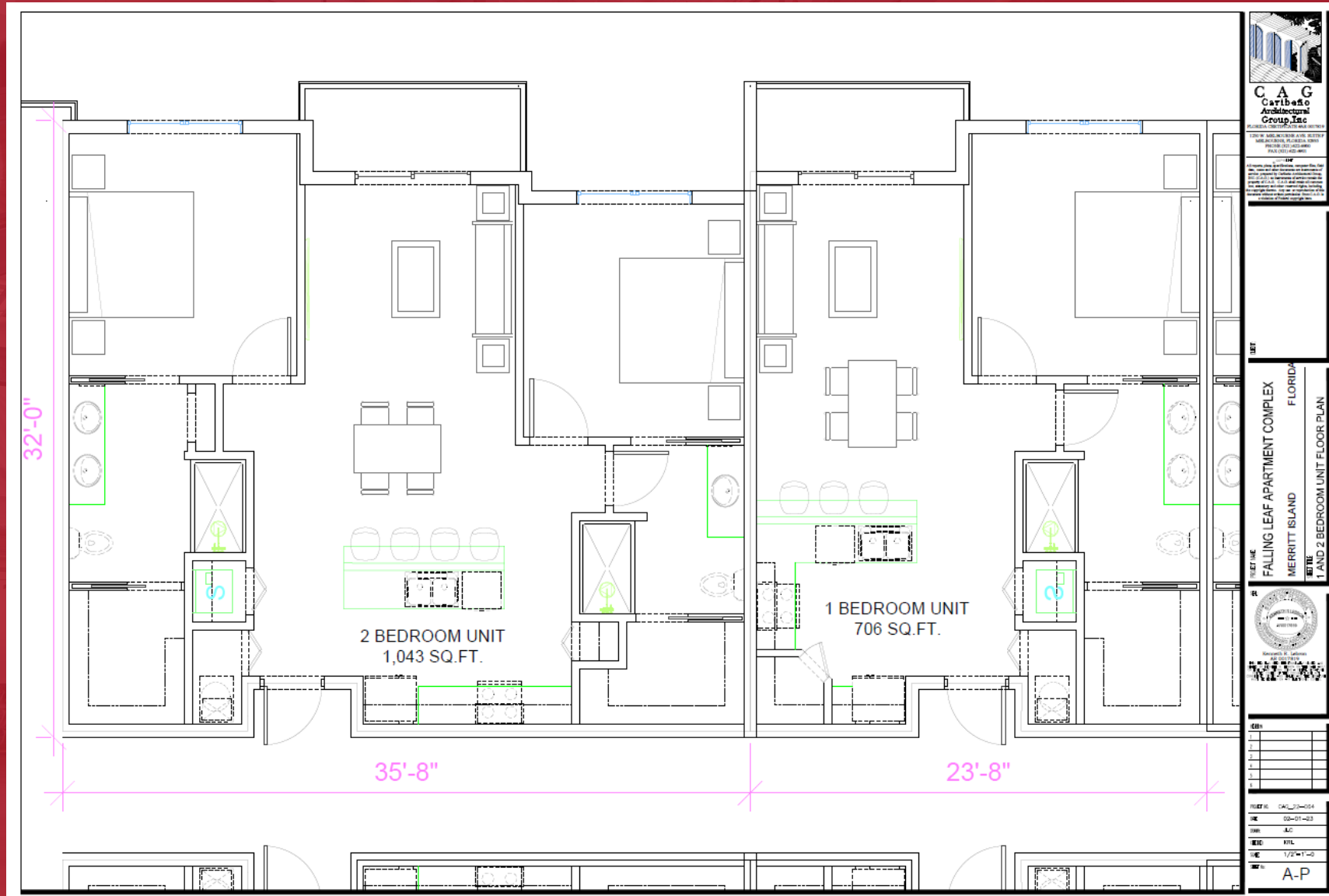




# Color Scheme

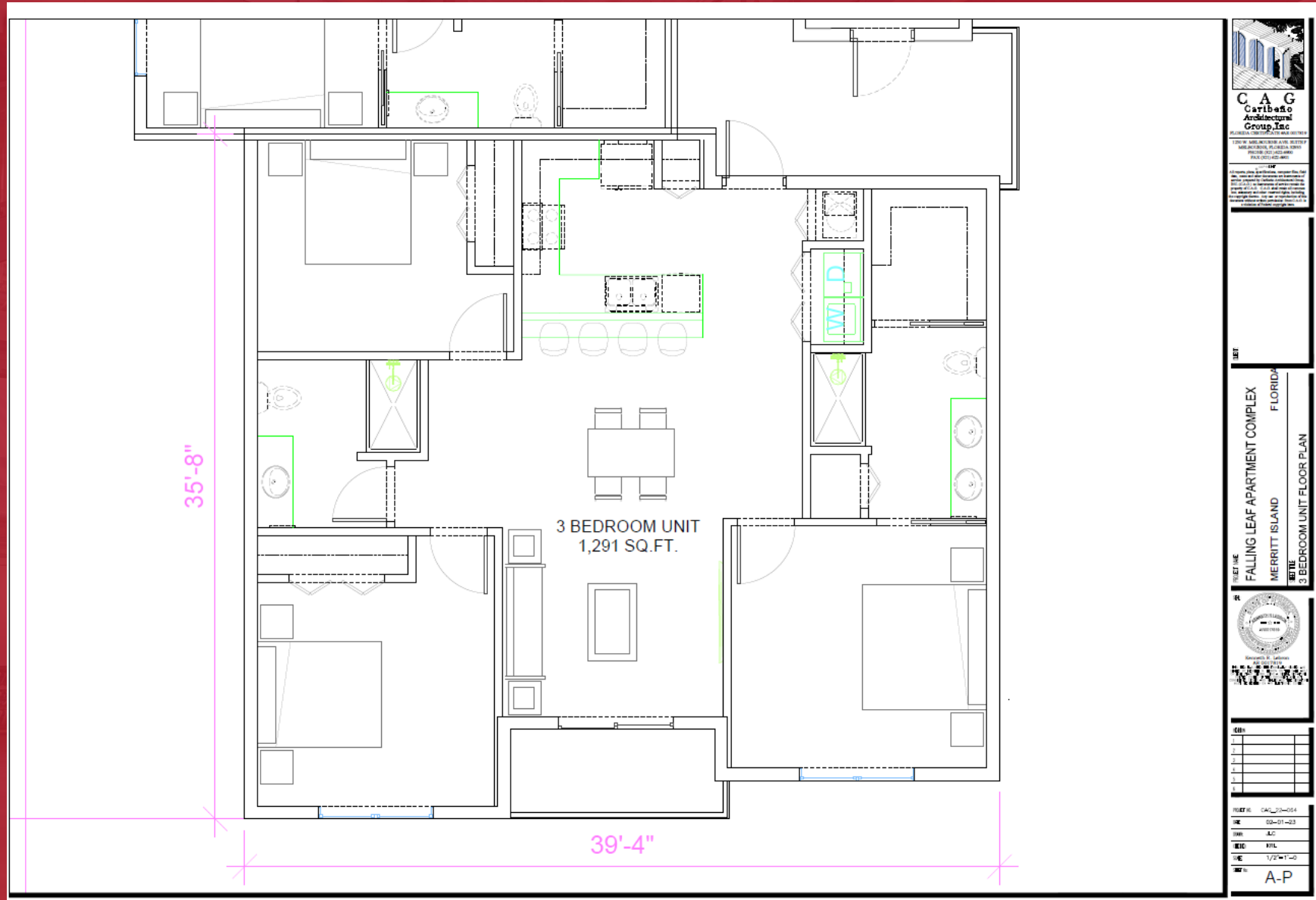


# 1 & 2-Bedroom Floor Plan





# 3 Bedroom Floor Plan





**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
North	Commercial; Multi-family	BU-1-A & BU-1; RU-2-30	NC & CC; RES 15
South	Single-family	RU-1-11	RES 15
East	Retail Commercial	BU-1-A	NC
West	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.



BOARD OF COUNTY COMMISSIONERS

## Planning and Development Department

2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940  
(321)833-2070 Phone / (321)833-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

### STAFF COMMENTS

22Z00071

#### Crane View, LLC

#### RU-2-15 (Medium-Density Multi-Family Residential) with a BDP to RU-2-30 (High-Density Multi-Family Residential) and Amendment of BDP

Tax Account Numbers: 2412341  
Parcel I.D.: 24-36-14-00-589  
Location: West side of N. Courtenay Pkwy., approximately 580 feet south of Butler Avenue (District 2)  
Acreage: 3.95 acres  
MIRA: 02/23/2023  
Planning & Zoning Board: 03/13/2023  
Board of County Commissioners: 04/06/2023

#### Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal cannot be considered under the current Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
<b>Zoning</b>	RU-2-15	RU-2-30
<b>Potential*</b>	48 Multi-Family units with existing BDP	90 multi-family units with proposed BDP
<b>Can be Considered under the Future Land Use Map</b>	NO RES 15 & NC	YES** RES 30

\* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. \*\*Approval is pending approval of companion request 22SS00016 which proposes to amend the Future Land Use designation from Residential 15 (RES 15) and Neighborhood Commercial (NC) to all Residential 30 (RES 30).

#### Background and Purpose of Request

The applicant is requesting a change of zoning classification from RU-2-15 (Medium-Density Multi-Family Residential) with an existing Binding Development Plan (BDP) to RU-2-30 (High-Density Multi-Family Residential), and applicant is proposing an amendment of BDP on 3.95 acres to develop the site as a multi-family complex with an amended BDP limited to 90 multi-family residential units. The 3.95-acre subject property currently has unfinished and dilapidated multi-family structures from a previous site plan.

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.

The existing Binding Development Plan (BDP) states:

- The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
- The Developer/Owner shall limit density to 48 units and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
- Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida.
- Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.
- This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on May 29, 2008. In the event the subject property is annexed into a municipality and rezoned, this Agreement shall be null and void.
- Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as it may be amended.

The site has frontage on N. Courtenay Pkwy. (SR-3) and is located in the Merritt Island Redevelopment Area (MIRA).

The original zoning of the subject property was AU (Agricultural Use) the parcel was rezoned to RU-1 (Single-Family Residential) on August 04, 1960 per zoning action **Z-382**.

The RU-1 zoning on the parcel was Administratively replaced with the new zoning classification RU-1-11 on June 1, 1972 per zoning action **Z-2980**.

The parcel was rezoned from RU-1-11 to BU-1-A (Neighborhood Commercial) on the east 200 feet and to RU-2-15 (Medium-Density Multi-Family) on the remainder of the parcel on July 9, 1981 per zoning action **Z-5691**.

The parcel was rezoned from BU-1-A on the east 200 feet to BU-1 (General Retail Commercial) with the remainder rezoned from RU-2-15 to BU-1-A with a Binding Concept Plan (BCP) for professional office only on May 26, 1987 per zoning action **Z-7795**.



The parcel was rezoned from BU-1-A with a Binding Concept Plan and BU-1 to RU-2-12 (Medium-Density Multi-Family Residential) with removal of the Binding Concept Plan; and approval of a Conditional Use Permit (CUP) for an Independent Living Facility on August 3, 2000 per zoning action **Z-10413**.

The parcel was approved for a Conditional Use Permit (CUP) for an Adult Congregate Living Facility in an RU-2-12 zoning classification and removing the existing CUP for an Independent Living Facility on March 7, 2002 per zoning action **Z-10675**.

The Conditional Use Permit (CUP) **Z-10675** for an Adult Congregate Living Facility in an RU-2-12 zoning classification was Administratively removed on February 1, 2007 per zoning action **Z-11317(23)**.

The parcel was rezoned from RU-2-12 to RU-2-15 with a Binding Development Plan (BDP) limiting density to 48 units on July 9, 2008 per zoning action **Z-11432**.

### Land Use

The subject property is currently designated as Residential 15 (RES 15) and Neighborhood Commercial (NC) FLU. The existing RU-2-15 zoning can be considered consistent with the existing RES 15 and NC FLU designation.

A companion application, **22SS00016**, if approved, would amend the Future Land Use designation from Residential 15 (RES 15) and Neighborhood Commercial (NC) to all Residential 30 (RES 30).

The proposed RU-2-30 zoning can be considered consistent with the proposed Residential 30 (RES 30) FLU designation.

The existing FLU RES 15 designation 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, this request actually represents an increase of approximately 59 units.

### Applicable Land Use Policies

**FLUE Policy 1.3** – addresses the Residential 30 Directive 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 this 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 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 (22SS00016) to this Rezoning request to change the FLU from RES 15 and NC to RES 30.**

**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.**

**The parcel is located in the Merritt Island Redevelopment Area (MIRA). Staff will update Board with results of this meeting.**

#### **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.

**The subject site is within the City of Cocoa's service area for potable water. The closest centralized sewer line (Brevard) is located on the west side of N. Courtenay Pkwy. (SR-3). 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 rezone 3.95 acres to RU-2-30 zoning classification and amend an existing BDP for the purpose of developing a multi-family complex with up to 90 units. 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 character of the area is commercial along the west corridor of N. Courtenay Pkwy. (SR-3) with residential land uses further west in the surrounding areas. There are four (4) FLU designations within 500 feet of the subject site: CC, NC, RES 6 and RES 15. The predominant FLU designation along this west section of N. Courtenay Pkwy. is RES 15.**

**Although the abutting parcels to the north are zoned RU-2-30 (30 units per acre density) these parcels have a FLU designation of RES 15 (15 units per acre density) which is not consistent/compatible with RU-2-30 zoning. This request may be considered an introduction of RES 30 (30 units per acre density) into the area along the west N. Courtenay Pkwy. (SR-3).**

**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.

**There has not 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.

**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.**

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



The developed character of the area is commercial along the west side of N. Courtenay Pkwy (SR-3) abutting the east 200 feet of the parcel along the north and transitions to residential zoning abutting the south of the property and the west of the property. The residential zoning in the area is RU-2-15 medium density multi-family residential abutting the parcel to the north and RU-1-11 single-family residential abutting the parcel to the south and west which allows for 7,500 sq. ft. lots.

The existing RES 15 and NC designations on the parcel 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, this request represents an increase of approximately 31 units.

#### Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Multi-family and bank	RU-2-30 & BU-1-A	RES 15 & NC
South	Single-family	RU-1-11	RES 15
East	Road Right-of-Way East of ROW Commercial retail plaza	East of ROW BU-1-A	NC
West	Single-family	RU-1-11	RES 15

To the north is two 1.12-acre parcels, each with RU-2-30 zoning and developed as multi-family condominiums.

To the south are eight 0.19-acre parcels and one 0.34-acre parcel developed as a single-family residence with RU-1-11 zoning.

To the east, across N. Courtenay Pkwy., is a 1.88-acre parcel developed as retail commercial with BU-1-A zoning.

To the west are three 0.24-acre parcels developed as a single-family residence with RU-1-11 zoning.

The current RU-2-15 classification permits multiple-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square foot lots.

The proposed RU-2-30 classification permits high density multi-family residential development of up to 30 unit per acre. Multiple-family residential structures may be constructed on a minimum lot size of 10,000 square feet, with at least 100' of lot width and 100' of lot depth. Single-family residences are also permitted on minimum lot sizes of 7,500 square feet with at least 75' of lot width and 75' of lot depth.

The BU-1-A classification permits restricted neighborhood retail and personal service uses to serve the needs of nearby low-density residential neighborhoods. Minimum lot size of 7,500 square feet is required with minimum width and depth of 75 feet.

#### Preliminary Concurrency

The closest concurrency management segment to the subject property is N. Courtenay Pkwy., from Crockett Blvd. to Pioneer Road, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 68.62% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.91%. The corridor is anticipated to operate at 69.53% 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.

The school concurrency indicates there is enough capacity for the total of projected and potential students from the proposed development. There is sufficient capacity at Mila Elementary School, Jefferson Middle School, and Merritt Island High School for the total of projected and potential students from this development.

The parcel is within the City of Cocoa utilities service area for public water. The closest centralized sewer line (Brevard County) is located on the west side of N. Courtenay Pkwy. (SR-3).

#### Environmental Constraints

##### 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.

#### For Board Consideration

The Board may consider if the request is consistent and compatible with the surrounding area.

## NATURAL RESOURCES MANAGEMENT (NRM) DEPARTMENT

### Zoning Review & Summary

Item #22Z00071

**Applicant:** Steve Anderson/Larry Poliner

**Zoning Request:** RU-2-15 to RU-2-30, 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.



An aerial photograph of a city construction site, overlaid with a semi-transparent red filter. In the foreground, a large rectangular building is under construction, showing its steel framework. A yellow crane is positioned on the construction site, extending diagonally across the frame. Surrounding the construction area are various urban buildings, including a prominent curved modern building on the left and older brick structures on the right. A street with cars and a 'Wrigley Field' sign are visible in the background. The text 'THANK YOU' is centered in the lower half of the image.

# THANK YOU