

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Small Scale Plan Amendment 22S.20 (22SS00017)
Township 24, Range 35, Section 01*

Property Information

Owner / Applicant: Terrance & Peggy Mulreany

Adopted Future Land Use Map Designation: Neighborhood Commercial (NC) and Residential 4 (RES 4)

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

Acreage: 8.89 +/- acres

Tax Account #: 2400694, 2400695, 2400696, 2400697, 2400698 &2400700

Site Location: Eastside of Grissom Pkwy, approximately 0.68 miles south of Canaveral Groves Blvd

Commission District: 1

Current Zoning: GU (General Use)

Requested Zoning: BU-2 (Retail, warehousing and wholesale commercial)

Background & Purpose

The applicant is requesting to amend the Future Land Use designation from Neighborhood Commercial (NC) and Residential 4 (RES 4) to Community Commercial (CC) on 8.89 acres. The NC portion of the subject properties encompasses 2.54 acres and RES 4 on the remaining 6.35 acres.

The applicant has not submitted a conceptual development plan; however, the intent is to match the properties immediately to the south and allow for a more unified future development.

A companion application **22Z00073**, if approved, would amend the zoning classification from General Use (GU) to Retail, warehousing and wholesale commercial (BU-2). There are no other applicable land use actions on file for the subject parcels. The site has frontage on Grissom Pkwy.

At this time, there are no active code enforcement associated with the subject parcels.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Undeveloped	GU	RES 4
South	Commercial	BU-1	CC
East	Undeveloped	GU	RES 4
West	Grissom Pkwy	N/A	N/A

Properties to the north and east of the subject property are undeveloped parcels that retains RES 4 and CC Future Land Uses; GU zoning.

Two of the six subject properties has frontage on the east side of Grissom Parkway. Additionally, the subject properties surrounds a 1.15 acre parcel that is not included in this request. That property will retain GU zoning and NC Future Land Use and has no frontage on Grissom Pkwy.

There are two properties abutting the subject property to the south; a 2.29-acre parcel with an approved site plan (21SP00041) and an active building permit (22BC18900) for a Dollar General Store; a 7.1-acre undeveloped parcel. The FLUM and zoning has been amended on both properties to CC and BU-2. Further to the south within the City of Cocoa land uses shift to warehousing and distribution facilities.

This area is a part of the Canaveral Groves subdivision.

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.

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:

- 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 has not submitted a conceptual development plan; however, the intent is to match the properties immediately to the south and allow for a more unified future development. Until a specific use is identified, the impact of Grissom Parkway cannot be determined.

- B. Whether the proposed use(s) would cause a material reduction (five percent 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;

On the west side across Grissom Parkway, the historical land use pattern is single-family residential, platted as a part of the Canaveral Groves subdivision with one-acre lots. On the east side of Grissom Parkway to the north and east are undeveloped one-acre residential lots platted as a part of the Canaveral Groves subdivision. To the immediate south are undeveloped commercial lots and a religious institution. Farther south within the City of Cocoa is Not for Profit corporation that leases space to other Not for Profit organizations engaged in behavioral health therapy, then the land uses shift to a gun range, warehousing, industrial and distribution facilities.

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

Over the immediately preceding three years, the Amazon Distribution facility was constructed. The facility is approximately 2,400 feet to the south within the City of Cocoa incorporated area.

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

To the south, immediately adjacent to the subject parcel is a 2.29-acre parcel rezoned (22Z00031) from Institutional Use, Low-Intensity (IN(L)) to Retail, Warehousing, and Wholesale Commercial (BU-2) in September 2022. The parcel also has an approved site plan (21SP00041) and an active building permit (22BC18900) for a Dollar General Store.

FLUM amendments within one-half mile:

20PZ00020, request to amend Future Land Use Map (FLUM) from RES 4 to CC, approved by the Board on May 7, 2020 on 0.44 acres located approximately 1,791 feet north of the subject property. Companion zoning change discussed under Policy #4.

22SS00009, request to amend FLUM from NC/RES 4 to CC, approved by the Board on October 6, 2022 on 4.83 acres located approximately 658 feet south of the subject property. Companion zoning change discussed under Policy #4.

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:

Two zoning actions has been approved within a half-mile radius of the subject property within the last three years: **20PZ00021**, approved by the Board on May 6, 2020, was a request to change GU (General Use) to BU-1 (General Retail Commercial) on 0.44 acres located approximately 2,460 feet northwest of the subject property; **22Z00031**, approved by the Board on September 12, 2022, IN(L) to BU-2 on 4.83 acres located to the south of the subject property.

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.

A companion application 22Z00073, if approved, would amend the zoning classification from General Use (GU) to Retail, warehousing

and wholesale commercial (BU-2). The applicant has not submitted a conceptual development plan; however, the intent is to match the properties immediately to the south and allow for a more unified future development. Until a specific use is identified, the impact of Grissom Parkway cannot be determined.

- B. In determining whether an established residential neighborhood exists, the following factors must be present:
1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

The Canaveral Groves Subdivision, west of Grissom Parkway, is an established single-family, residential neighborhood. This subdivision is located west of the subject property.

3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

The closest retail uses which include a convenience store with gas pumps and a restaurant are near Grissom Parkway at Canaveral Groves Boulevard which is approximately 0.75 miles north of the subject property.

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;
Two of the subject properties has a combined 637 feet of frontage on Grissom Parkway, an urban minor arterial operating at 60.64% of Maximum Acceptable Volume. Accessibility will be reviewed at site plan.
- B. Compatibility and inter-connectivity with adjacent adopted Future Land Use designations and land uses;

There are NC, CC and RES 4 FLUM designations adjacent to the subject property. Those properties are vacant at this time, however, one of the parcels adjacent the south, located within the CC District, is currently being developed as commercial. To the north and east of the subject property, are one acre platted lots within the RES 4 District. At this time, those lots lack County maintained road infrastructure that is necessary to facilitate development. The current NC designation on two of the subject properties may serve as a buffer to the more intensive CC land use designation to the south. Amending the subject property from NC designation to CC could be considered an encroachment into the residential area to the north and east of the subject property.

~~This request includes six parcels which surrounds one parcel, owned by a different owner, which is not included with this request. This parcel has a NC designation. A FLUM enclave would result upon approval of this request. FLUM Enclaves contain parcels with a different FLU designation and zoned in a manner that is not currently compatible with the future uses envisioned by the land use designation within which they are located.~~

- C. Existing commercial development trend in the area;
Existing commercial development along this segment of Grissom Parkway is very limited at this time.

- D. Fundamental changes in the character of an area prompted by infrastructure improvements undertaken by the County;
Although the County has improved Grissom Parkway and established a connection to Interstate 95 at the Port St. John interchange, the character of the area has changed very little in that time.

- E. Availability of required infrastructure at/above adopted levels of service;
The subject property has roadway access. Potable water service may be provided as an outside of Cocoa customer.

- F. Spacing from other commercial activities;
Commercial activities are located approximately 2,136 feet to north of the subject property along the east side of Grissom Pkwy. Additional commercial activities are being developed adjacent to the subject property's southern boundary.

- G. Size of proposed commercial designation compared with current need for commercial lands;
A market analysis could determine the need for more commercial lands in this area relative to the extent of the existing single-family residential development in Canaveral Groves.

- 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

Open space has been conserved on the east side of Grissom Parkway because there are no County maintained roads which prevents development from occurring. Extensive natural resource constraints may also play a role in conserving open space.

- J. Impacts upon strip commercial development.

Policy 2.12 -Strip commercial Development of the FLUE discourages the creation/promotion of strip pattern of commercial development. The applicant has not presented a development proposal at this time. Any proposed development would be addressed during site plan stage.

Locational and Development Criteria for Community Commercial Uses 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 applicant has not presented a development proposal at this time. Any proposed development would be addressed during site plan stage. Grissom Pkwy is a County maintained minor arterial urban roadway and the subject is not located at a principal arterial/principal arterial intersection.

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

The subject properties together are approximately 8.89 acres and are not located at intersection.

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.

There is a community commercial cluster located approximately 0.24 miles, within the City of Cocoa city limits, to the south of the subject property along this east side of Grissom Pkwy.

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.

The applicant has not presented a development proposal at this time. Any proposed development would be addressed during site plan stage. Gross floor area shall not exceed 150,000 square feet for a commercial cluster, if proposed, for this 8.89-acre site.

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 potential gross floor area, if FLUM amendment is approved, for the subject properties combined would be approximately 410,167 square feet.

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-2 and does not permit recreational vehicle parks.

Concurrency

The closest concurrency management segment to the subject property is Grissom Pkwy, between Industry Rd and Canaveral Groves Blvd, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 60.64% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 95.39%. The corridor is anticipated to operate at 156.03% of capacity daily. The proposal could create a deficiency in LOS. Specific concurrency issues will be addressed at the time of site plan review. This is only a preliminary review and is subject to change. The concurrency analysis provided above is preliminary and represents an estimate of impacts resulting from the maximum permissible uses under the proposed Future Land Use designation. However, if a site plan for the property is submitted and the

development proposal will cause a deficiency of the above-mentioned levels of service, then the County reserves the right to exercise the following options: deny or defer the proposal; cause the proposal to be modified to achieve consistency with the minimum LOS; or process the proposal as a conditional development permit pursuant to Section 62-604 of the Brevard County Code of Ordinances.

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 potable water. The closest Brevard County sewer line is approximately 2.8 miles southwest on Adamson Road.

Environmental Resources

- Wetlands/Hydric Soils
- Aquifer Recharge Soils
- Floodplain
- Protected and Specimen Trees
- Protected Species (FL Scrub Jay)

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

Historic Resources

There are no recorded historic 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 trends.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Future Land Use (FLU) Review & Summary
Item #22SS00017

Applicant: Terrance & Peggy Mulreany

Land Use Request: NC & RES-4 to CC

Note: To allow for more unified future development.

P&Z Hearing Date: 04/17/23; **BCC Hearing Date:** 05/04/202

Tax ID No: 2400694, 2400695, 2400696, 2400697, 2400698, & 24006700

- 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
- Aquifer Recharge Soils
- Floodplain
- Protected and Specimen Trees
- Protected Species (FL Scrub Jay)

Wetlands/Hydric Soils

The parcel contains mapped National Wetlands Inventory (NWI) wetlands, St. Johns River Water Management District (SJRWMD) wetlands, and hydric soils (Myakka sand, depressional; Immokalee sand, 0 to 2 percent slopes; Myakka sand, 0 to 2 percent slopes), as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes, and USDA Soil Conservation Service Soils Survey maps, respectively. All are indicators that wetlands may be present on the property. An Assessment of Jurisdictional Wetlands report prepared by Toland Environmental Consulting (TEC) in December 2022, delineated an 0.42-acre depression marsh wetland on site. The wetland assessment shall be verified at time of site plan submittal. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). Courtenay Parkway is an MQR in this location. 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 Species

Information available to NRM indicates that federally and/or state protected species may be utilize the property. There is an area of mapped Florida Scrub Jay occupancy on the southeast portion of the property; and there is potential for existence of Gopher Tortoises in aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees likely 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 parcel contains mapped National Wetlands Inventory (NWI) wetlands, St. Johns River Water Management District (SJRWMD) wetlands, and hydric soils (Myakka sand, depressional; Immokalee sand, 0 to 2 percent slopes; Myakka sand, 0 to 2 percent slopes), as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes, and USDA Soil Conservation Service Soils Survey maps, respectively. All are indicators that wetlands may be present on the property. An Assessment of Jurisdictional Wetlands report prepared by Toland Environmental Consulting (TEC) in December 2022, delineated an 0.42-acre depression marsh wetland on site. The wetland assessment shall be verified at time of site plan submittal. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). Courtenay Parkway is an MQR in this location. 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.

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Aquifer Recharge Soils

Immokalee sand, 0 to 2 percent slopes and Myakka sand, 0 to 2 percent slopes can also function as aquifer recharge soils. The subject parcel also contains Pomello sand an aquifer recharge soil as shown on the USDA Soil Conservation Service Soils Survey map. Mapped topographic elevations (~25 to 32 feet NAVD) 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

Floodplain Protection

A portion of the project area is mapped as being within an isolated floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. The property may be subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the isolated floodplain greater than one third (1/3) acre in size. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Protected and Specimen Trees

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