

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

Small Scale Plan Amendment 23S.03 (23SS00003)
Township 24, Range 36, Section 31

Property Information

Owner / Applicant: Afficap Cocoa, LLC

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

Requested Future Land Use Map Designation: Residential 15 (RES 15)

Acreage: 19.48+/- acres

Tax Account #: 2441241 & 2424005

Site Location: East side of Range Road approximately 700 feet north of Pluckebaum Rd.

Commission District: 1

Current Zoning: Agricultural Residential (AU)

Requested Zoning: Medium-Density Multi-Family Residential (RU-2-10)
(application 23Z00028)

Background & Purpose

The applicant is seeking to amend the Future Land Use Map (FLUM) designation on 19.48+/- acres of land from Residential 4 (RES 4) and Neighborhood Commercial (NC) to Residential 15 (RES 15) on 2 parcels totaling 19.48 acres for the purposes of a unified FLUM and zoning across the entire project area which includes the 2 parcels to the east which are not included in this request. The excluded 2 parcels FLUM and zoning were approved in December 2021, under **21PZ00062** and **21Z00032**. This request will provide a unified FLU and Zoning for the development.

The proposed project is an 300-unit townhome development located directly east of the subject property, as permitted by Section 62-1372 (1)a. The need for additional land came about during the site plan process when it was determined that a larger stormwater retention facility would be needed. The entirety of the 19.48 acres will not be used for stormwater retention so there is potential for the remaining site to be developed as multi-family under the RU-2-10 zoning (Ten units per gross acre).

A companion rezoning application (**23Z00028**) was submitted accompanying this request for a Zoning change from Agricultural Residential (AU) to Medium-Density Multiple-Family Residential (RU-2-10).

There are no previous FLUM amendments associated with the subject parcels.

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	Multi-Family Apartment Complex	City of Cocoa RU-2-15	City of Cocoa Medium Density Residential (15 units/acre)
South	Single-family residential	AU	RES 4 and NC
East	Lake	RU-2-10	RES 15
West	Junk yard	BU-1, BU-2, RU-2-8 and AU	RES 15, NC and CC

The subject property is in surrounded by Medium-Density Residential, Neighborhood Commercial, RES 4 and RES 15 FLU.

The City of Cocoa abuts the easternmost part of the subject property to the north with a property containing 130.66-acre and a FLUM designation of (RES 15). Also abutting to the north is NC land use designation which is a transitional designation between the higher intensity of lower intensity uses. This designation is intended to be low-impact in nature and serve the needs of the immediate residential area and requires direct access to collector or higher roadways.

West of the subject property, across Range Rd, land uses include RES 15, Community Commercial (CC) and NC designation. RES 15 land use designation affords the second highest density allowance, permitting a maximum density of up to 15-units/acre. Community Commercial (CC) designation focus is on development activities which are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses.

Neighborhood Commercial and RES 4 designation are to the immediate south of the subject project. RES 4 land use permits a maximum density of up to 4-units/acre and serves as a transition between areas of higher and lower density.

Comprehensive Plan Policies/Comprehensive Plan Analysis

Comprehensive Plan Policies are shown in plain text; Staff Findings of Fact are shown in *italics*

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.

The subject property is served with potable water by the City of Cocoa.

- 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.

This Future Land Use Amendment request to change from RES 4 to RES 15 will require a connection to a centralized sewer system. The nearest potential connection is approximately one (1) mile north along State Road 520 (SR 520).

Residential 15 (maximum of 15 units per acre)

Policy 1.4

The Residential 15 land use designation affords the second highest density allowance, permitting a maximum density of up to fifteen (15) units per acre, except as otherwise may be provided for within this element. The Residential 15 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- A. Areas located east of Interstate-95, except in instances where they are adjacent to existing or designated residential densities of an equal or higher

density allowance; and

The subject site is located east of Interstate-95 (I-95). It is located adjacent to an equal density Future Land Use (FLU) designation to the north with a City of Cocoa, Medium Density Residential FLU (15 units/acre) designation with a 268 unit apartment complex. To the east are 2 parcels (companion parcels to the 2 parcels in this request) with RES 15 (15 units/acre). Vacant parcels located west of S Range Rd Residential 15 (RES 15) FLU designation are also located west of S Range Rd and continuing west toward I-95.

B. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 15 area;

The subject site is located directly adjacent to the north by an incorporated area which also allows up to fifteen (15) dwelling units per acre.

C. Areas adjacent to an existing Residential 15 land use designation; and

The subject site is located directly adjacent to an existing City of Cocoa FLU of Medium Density Residential which allows up to 15 dwelling units per acre.

D. Areas which have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

The subject site has direct access to S Range Road, an urban major collector roadway to the west.

E. Up to a 25% density bonus to permit up to 18.75 dwelling units per acre may be considered 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 Coastal High Hazard Area (CHHA).

The applicant is not proposing a Planned Unit Development and the subject property 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;

Land use patterns area includes RES 15, RES 4, NC and CC. The character of the area is residential to the east and transitions from 15 units per acre to 4 units per acre along the north side of Pluckebaum Rd. North of the subject property is NC designation which transitions to 15 units per acre. The predominant FLU designation of RES 15 is more concentrated in the area east of I-95 Highway developed as single-family.

There has been an emerging pattern of multi-family development to the north and east of the subject site. Proposed to the east is a 300-unit townhome development.

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

Over the preceding three years, the Cocoa Grand apartments (City of Cocoa) and Boniface Chrysler Dodge dealership was constructed. Harvest Landing subdivision is in the beginning phases of construction (City of Rockledge). These developments are within ½ mile of the subject property.

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

To the southeast, Harvest Landing subdivision with single-family lots is in the beginning phases of construction.

Concurrency

The closest concurrency management segment to the subject property is Pluckebaum Rd, between Clearlake Rd and Fiske 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 38.67% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 7.08%. The corridor is anticipated to operate at 45.74% of capacity daily. The proposal would not 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 subject site is within the City of Cocoa's service area for potable water. The closest Brevard County sewer line is approximately 0.80 miles northwest on Parrish Road.

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

Saturn Elementary School, McNair Middle School, and Rockledge High School for the total of projected and potential students from this development.

Environmental Resources

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands Protection/Hydric Soils
- Floodplain Protection
- Protected and Specimen Trees

The subject parcel contains mapped wetlands and hydric soils, indicators that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing or alteration activities. The wetland delineation shall be verified at time of site plan submittal. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). 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 property is mapped as being within the St. Johns Riverine floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. **The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage and density restrictions.** 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."

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 to consider if the request is consistent and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT (NRM) DEPARTMENT
Zoning Review & Summary
Item #23SS00003

Applicant: Javier Fernandez

Land Use Request: Res-4 & NC to Res-15

Note: Wants to develop a 300-unit townhome community

LPA Hearing Date: 06/12/2023; **BCC Hearing Date:** 07/13/2023

Tax ID Nos: 2424005 & 2441241

- 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.**

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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."

Land Use Comments:

Wetlands Protection/Hydric Soils

The subject parcel contains mapped National Wetlands Inventory (NWI) wetlands and hydric soils (Holopaw sand, 0 to 2 percent slopes, and Ancloste sand), indicators that wetlands may be present on the property. A wetland delineation is required prior to any land clearing or alteration activities. The wetland delineation shall be verified at time of site plan submittal. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). 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 plan or permit submittal, or performing any land clearing activities.

Floodplain Protection

The property is mapped as being within the St. Johns Riverine floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. **The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage and density restrictions.** Per Section 62-3723(4), elevations of the riverine 100-year, riverine 25-year, and ten-year floodplains shall be determined utilizing the best available data, which includes FIRM maps and the Flood Insurance Study for Brevard County, Florida and Unincorporated Areas, April 3, 1989, prepared by the Federal Emergency Management Agency; and the Mean Annual, 10-Year, 25-Year and 100-Year Profiles for the Upper St. Johns River Under the Existing Conditions, prepared by Dr. Donthamesetti V. Rao, P.E., St. Johns River Water Management District (March 1985). 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." The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal, or performing any land clearing activities.

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees may exist on the parcel. A tree survey will be required at time of a site plan submittal. The applicant is encouraged to perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.