

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 20S.01 (20PZ00020)*  
**Township 24, Range 35, Section 01**

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**Property Information**

**Owner / Applicant:** Troy Yates

**Adopted Future Land Use Map Designation:** Residential 4 (RES 4)

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

**Acreage:** .44 acres **Tax Account #:** 2400600

**Site Location:** East side of Grissom Parkway, 0.23 miles south of Canaveral Groves  
Boulevard

**Current Zoning:** General Use (GU)

**Requested Zoning:** General Retail Commercial (BU-1) (20PZ00021)

**Background & Purpose**

The applicant is seeking to amend the Future Land Use designation from Residential 4 (RES 4) to Community Commercial (CC) on a .44 acre parcel of land. The subject property is currently vacant and has a Future Land Use designation of RES 4 which has been in place since 2001 when Brevard County combined the Future Land Use Map with the Density Map during an Evaluation and Appraisal Review (EAR). Prior to 2001, the subject parcel had a density area designation of Urban Fringe four (4) units per acre since Brevard County adopted the Comprehensive Plan in September of 1988.

The subject parcel is not contiguous to a parcel with a Future Land Use designation of CC.

The CC Future Land Use designation provides an array of retail, personal and professional uses intended to serve several neighborhoods, sub-regional and regional areas.

A companion rezoning application was submitted accompanying this request for a Future Land Use designation change from General Use (GU) to General Retail Commercial (BU-1).

## Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	Vacant Single-Family	GU	RES 4
<b>South</b>	Vacant Single-Family	GU	RES 4
<b>East</b>	Vacant Single-Family	GU	RES 4
<b>West</b>	Across Grissom Parkway, two (2) Single-Family residences	AU, GU	RES 1:2.5

To the north, south and east of the subject property is vacant land with a Future Land Use designation of RES 4 (RES 4), to the west across Grissom Parkway are two (2) single-family residences with a Future Land Uses designation of Residential 1:2.5 (RES 1:2.5).

## Environmental Resources

*Based on the summary proved by the Natural Resource Management Department, it has been determined that the following are present on the subject property:*

- Wetlands
- Floodplain
- Protected Species
- Heritage Specimen Trees

*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.*

## 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.

### **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;

*There is a historical land use pattern of commercial approximately one quarter (1/4) mile north of the subject parcel at the corner of Canaveral Groves Boulevard and Grissom Parkway.*

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

*There has not been any actual development within the preceding three (3) years.*

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

*There have been no development approvals within the past three (3) years that have not yet been constructed.*

### **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.

*Based upon a traffic analysis, this segment of Grissom Parkway from Industry Road to Canaveral Groves Boulevard will not be negatively impacted by a commercial use. Currently this segment is operating at a level of service (LOS) of C. With a commercial use, the LOS will remain the same.*

*Approximately one quarter mile north of the subject site is the intersection of Canaveral Groves Boulevard and Grissom Parkway which has a historic pattern of commercial development. There has been no new development of commercial businesses within the past three (3) years.*

## **Role of the Comprehensive Plan in the Designation of Commercial Lands**

### **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 .44 acre parcel has frontage on Grissom Parkway, an urban minor arterial roadway which runs north and south at this segment between Industry Road and Canaveral Groves Boulevard.*

- B. Compatibility and inter-connectivity with adjacent adopted Future Land Use designations and land uses;

*The subject .44 acre parcel is not adjacent to Community Commercial (CC) designated land to the north, south, east and west. The subject parcel is adjacent to Residential 4 (RES 4) to the north, south and east and Residential 1:2.5 (RES 1:2.5) on the west across Grissom Parkway. The parcels to the north, south and east of the subject site are undeveloped single-family parcels which would not have inter-connectivity between uses. The parcels to the west of the subject site across Grissom Parkway are developed single-family homes and there would be no inter-connectivity between these parcels.*

- C. Existing commercial development trend in the area;

*There are six (6) parcels of land with commercial uses in a scattered pattern on the southeast and southwest corner of Canaveral Groves Boulevard and Grissom Parkway approximately one quarter (1/4) mile north of the subject parcel. The uses range from a convenience store with gas pumps to storage/junk yard and a cafeteria style restaurant with an approximate total acreage of six (6) acres.*

- D. Fundamental changes in the character of an area prompted by infrastructure improvements undertaken by the County;

*There are no fundamental changes in character within this area prompted by County infrastructure improvements.*

- E. Availability of required infrastructure at/above adopted levels of service;

*The subject parcel is not served by Brevard County Utilities' Sewer Services. The City of Cocoa provides water to this subject parcel.*

*The .44 acre parcel has direct access to Grissom Parkway to the west approximately one quarter (1/4) of a mile south of the Canaveral Groves Boulevard/Grissom Parkway intersection. Both of these roads are classified as urban minor arterial roadways. Currently this section of Grissom Parkway from Industry Road to the south and Canaveral Groves Boulevard to the north is operating at a Level of Service (LOS) of C. The additional impact to the roadway resulting from the development of this site would remain at a LOS of C. The maximum capacity for this segment of Grissom Parkway is LOS category E.*

- F. Spacing from other commercial activities;

*The subject parcel is approximately one hundred seventy-four feet (174') south of an existing cafeteria restaurant and approximately six hundred sixty-eight feet (668') south of an open storage/ junk yard located on the southeast corner of Grissom Road and Canaveral Groves Boulevard.*

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

*The FLU designation change from RES 4 to CC is proposed on a .44 acre parcel of land is Consistent with Policy 2.7 of the Future Land Use Element of the Comprehensive Plan. Community commercial development is intended to serve several neighborhoods and provide commercial uses.*

- H. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems;

*The Natural Resource Management (NRM) Department has provided a preliminary summary of adherence to the objectives/policies of the Conservation Element and the minimization of impacts upon natural resources and systems. (See attached NRM Department Summary).*

- I. Integration of open space; and

*Open space will be evaluated during the site plan review process.*

J. Impacts upon strip commercial development.

*The promotion of strip pattern commercial development is discouraged within the Future Land Use Element for property with a FLU designation of CC. Infill within established strip commercial areas is preferred over the extension of a strip commercial pattern. The subject property would not be considered infill within an established strip commercial area but would be considered an extension of the strip commercial pattern and not contiguous to existing CC.*

**Activities Permitted in Community Commercial (CC) Future Land Use Designations**

**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;

*The Future Land Use designation change from RES 4 to CC does not meet all of the guidelines listed in Table 2.2 as follows:*

- There is not inter-connectivity of the proposed CC site with adjacent adopted Future Land Uses. The adopted Future Land Uses are Residential (RES 4 and RES 1:2.5) which would not be conducive to inter-connectivity.*
- A minimum spacing to the nearest CC land use of two (2) miles has not been met since there is a cluster of CC land uses approximately  $\frac{3}{4}$  mile to the south.*
- There would be an expansion of strip commercial development rather than infill strip commercial development.*

*There is existing strip commercial development to the north of the subject site at the intersection of Canaveral Groves Boulevard and Grissom Parkway. Because the subject site is not contiguous to property with a CC land use designation, the development of this parcel would be considered expanding the strip commercial development rather than as an infill commercial use within existing strip commercial development.*

**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 subject parcel is located approximately one quarter (1/4) of a mile south of the intersection of Canaveral Groves Boulevard and Grissom Parkway. These two roads are both considered to be urban minor arterial roads.*

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

*The subject site is .44 acres and would not constitute a community commercial complex that would exceed 40 acres.*

- 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.

*The subject parcel is located approximately one quarter (1/4) mile south of the intersection of Canaveral Groves Boulevard and Grissom Parkway where there is an existing commercial cluster of approximately six (6) acres. Approximately two (2) miles to the north at the intersection of Port St. John Parkway and Grissom Parkway there is a commercial cluster of approximately thirty-four (34) acres.*

- 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.

*The gross floor area is regulated through the land development regulations at the time of site plan review.*

- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites.

*The overall subject site has the potential for a 19,166 square foot building. The FAR of up to 1.00 is permitted for CC designated sites. The Floor Area Ratio (FAR) is regulated through the land development regulations at the time of site plan review.*

- 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.

*This parcel does meet the criteria to be developed as a recreational vehicle park because it does have access to an interstate interchange from Grissom Parkway.*

### **Policy 2.15**

Judging the suitability of a location for an extension of strip commercial development activities shall be based upon the following minimum criteria:

#### **Criteria:**

- A. Impacts upon traffic circulation should be anticipated and mitigated through the reservation of right-of-way for road widening and marginal access streets. Access points for strip commercial complexes shall seek to minimize points of conflict by utilizing frontage roads, providing cross-access between parcels or installing shared use curb cuts for access driveways to the maximum extent feasible, as determined by Brevard County.

*This parcel has frontage on Grissom Parkway, an urban arterial roadway which connects to Canaveral Groves Boulevard approximately .25 miles north. The surrounding adjacent parcels have a residential future land use designation and will not provide connectivity between uses.*

- B. Setbacks and landscaped or other appropriate buffers shall be established to mitigate the visual impacts of strip commercial development.

*When developed with a community commercial use, the site plan associated with it will be reviewed for setbacks, landscape and buffering as part of that review to meet the current Land Development Regulations at the time of development.*

- C. A sidewalk or bicycle path shall be required where appropriate, as encouraged by Tables 2.1 and 2.2 to provide convenient access to surrounding residents and to reduce traffic volumes on the roadways.

*At the time of Site Plan review, the proposed commercial development will be reviewed taking into consideration the integration of both vehicular and non-vehicular access into the site. Currently there is no sidewalk along Grissom Parkway in place today.*



## **For Board Consideration**

This request is seeking a change in Future Land Use (FLU) designation from RES 4 to CC on a .44 acre parcel of land. This area of Unincorporated Brevard County is comprised of mainly residential development along the east and west sides of Grissom Parkway. At the intersection of Canaveral Groves Boulevard and Grissom Parkway there is a historical pattern of development that is strip commercial.

The subject site is not contiguous to commercial property but is contiguous to residential property on all four (4) sides. The majority of the Future Land Use designations are RES 4 and RES 1:2.5 surrounding this site. The Comprehensive Plan discourages the expansion of strip commercial uses but encourages it when it is an infill use. The subject site would expand the strip commercial uses that are just north of the subject site at the intersection of Canaveral Groves Boulevard and Grissom Parkway.

A preliminary concurrency analysis indicates that with a CC land use designation, the Level of Service (LOS) will not be affected. Currently this segment of Grissom Parkway is operating at Level C. The acceptable LOS for this segment is Level E. Should this parcel be developed as commercial, the LOS would remain the same at Level C. The site has direct access onto Grissom Parkway and has water service provided by the City of Cocoa.

The Board may wish to consider that Policy 2.15 of the Comprehensive Plan encourages infill commercial development and discourages the extension of strip commercial development. The subject parcel is not located adjacent to land designated with a Future Land Use of CC but rather residential (RES 4 and RES 1:2.5) on all 4 sides.

This request is accompanied by a companion proposal for a change of Zoning classification from General Use (GU) to General Retail Commercial (BU-1).



**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Future Land Use Review & Summary**  
**Item # 20PZ00020**

**Applicant:** Troy Yates

**Future Land Use Request:** Res 4 to CC

**Note:** Applicant wants to rezone for lawn and garden center

**LPA Hearing Date:** 04/06/20; **BCC Hearing Date:** 05/07/20

**Tax ID No:** 2400600

- 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.**
- If the owner/applicant has any questions regarding any potential limitations, s/he is encouraged to contact Natural Resources Management (NRM) at 321-633-2016 prior to any land clearing activities, plan, or permit submittal.

**Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Wetlands
- Floodplain
- Protected Species
- Heritage Specimen Trees

The northern half of the parcel is mapped as being within the isolated floodplain. Development of a lot within an isolated floodplain shall provide a contiguous area of structures, elevated to or above the 100-year base flood elevation. Compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the floodplain greater than one third (1/3) acre in size. A topographic survey and engineered site plan delineating floodplain limits on the property, and compensatory storage calculations are required at time of permitting.

**Land Use Comments:**

**Wetlands**

Information available to NRM indicates that wetlands may be present on the property. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along Mitigation Qualified Roadways (MQRs). This section of Grissom Parkway is an MQR. If wetlands are present, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696.

**Floodplain**

The northern half of the parcel is mapped as being within the isolated floodplain, as identified by FEMA and as shown on the FEMA Flood Zones Map. The portion of the property located within the isolated floodplain is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Development within an isolated floodplain shall not negatively impact adjacent properties or receiving water body quality.

Development of a lot within an isolated floodplain shall provide a contiguous area that includes the primary structure and perimeter buffer, accessory structures, onsite sewage disposal system and buffer, and access to the primary and accessory structures. These areas shall be elevated to or above the 100-year base flood elevation. A topographic survey or engineered site plan delineating floodplain limits on the property is required. Compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the floodplain greater than one third (1/3) acre in size. Compensatory storage calculations for proposed development shall be submitted and approved by engineering staff prior to final approval of site plan. All site plans shall meet the criteria in Chapter 62, Division 6, Stormwater Criteria specific to CLOMR requirements, and increase(s) in flood elevations must be investigated by detailed hydraulic modeling in volume-sensitive floodplains (e.g. lakes, closed basins). The applicant is encouraged to contact NRM at 321-633-2016 prior to any land clearing activities, plan, or permit submittal.

### **Protected Species**

Information available to NRM indicates that federally and/or state protected species may be present on the property. 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.

### **Heritage Specimen Trees**

The parcel contains mapped polygons of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) code 4110 – Pine Flatwoods. Per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, 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. A tree survey will be required at time of site plan submittal.