



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

20PZ00021

Troy Yates

GU (General Use) to BU-1 (General Retail Commercial)

Tax Account Number: 2400600
 Parcel I.D.: 24-35-01-25-8-2
 Location: East side of Grissom Parkway, approximately 0.23 mile south of Canaveral Groves Boulevard (District 1)
 Acreage: 0.44 acres
 Planning and Zoning Board: 04/06/20
 Board of County Commissioners: 05/07/20

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 Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	GU	BU-1
Potential*	No Units (Substandard Lot)	3,833 Square Feet
Can be Considered under the Future Land Use Map	YES RES 4	No RES 4 **

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. ** A small scale comprehensive plan amendment from Residential 4 (RES 4) to Community Commercial (CC) is being reviewed concurrently with this application and must be approved for the subject rezoning application to be considered.

Background and Purpose of Request

The applicant is seeking a change of zoning classification from GU to BU-1 for the purpose of developing and operating a lawn and garden center with mower repair and sales. The site is currently vacant. The owner purchased the property with the intent to use it with the proposed uses in mind.

Per Section 62-2103(b), this 0.44 acre parcel is a substandard lot in terms of lot size required for the GU zoning classification.

Land Use

The subject property retains the RES 4 FLU designation. The current zoning of GU on the subject property is consistent with the RES 4 FLU per 62-1255 (2). The proposed zoning of BU-1 is not

consistent with current FLU designation of RES 4. A companion Small Scale Comprehensive Plan Amendment (SSCPA) application, **20S.01 (20PZ00020)** for a Future Land Use designation change on the parcel from RES 4 to CC was submitted accompanying this zoning request to be consistent with the proposed BU-1 zoning.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

Preliminary review of mapped resources indicates four 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.

Preliminary Transportation Concurrency

The closest concurrency management segment to the subject property is Grissom Parkway, between Industry Road and Canaveral Groves Boulevard, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 69.24% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 1.67%. The corridor is anticipated to operate at 70.91% of capacity daily (LOS C). The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as this is a commercial development.

Both central potable water and central sewer services are available from the City of Cocoa Utilities for the subject property. The closest county utilities are approximately three miles away.

Applicable Land Use Policies

FLUE 2.1 outlines the role of the Comprehensive Plan in the designation of commercial land.

The request for BU-1 zoning should be evaluated within the context of **Policy 2.7** of the Future Land Use Element, which identifies “development activities that may be considered within the Community Commercial Future Land Use Designation...”

Existing strip commercial;

The request for BU-1 zoning should be evaluated within the context of **Policy 2.8** of the Future Land Use Element, which sets forth locational criteria for community commercial land use activities, as follows:

- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial intersections. Collector/arterial intersections area 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 intersections.

Given the zoning pattern in the area, **Policy 2.15**, which addressed infill vs. strip commercial development, should also be considered, as follows:

The creation/promotion of strip pattern of commercial development shall be discouraged. Infill within established strip commercial areas is preferred over extension of a strip commercial pattern. Extension of a commercial land use designation may be considered in circumstances where the proposed commercial parcel is located within a block in which at least fifty percent (50%) of the block face (in linear feet) is either currently developed with commercial land uses or is designated for commercial use. In either case, the proposed commercial land use extension shall not constitute an encroachment into a residential area. Judging the suitability of a location for an extension of strip commercial development activities shall be based upon the following minimum 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.
- B. Setbacks and landscaped or other appropriate buffers shall be established to mitigate the visual impacts of strip commercial development.
- C. A sidewalk or bicycle path shall be required where appropriate (as encouraged by Tables 2.1 and 2.2 of the FLUE) to provide convenient access to surrounding residents and to reduce traffic volumes on the roadways.

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of the Administrative Policies.

The current GU zoning is original to the parcel adopted on May 22, 1958. The GU classification permits single-family residential development or single-family residences at a density of up to 1 unit per 5 acres on minimum lot sizes of 5 acres. The parcel includes a remnant of Lot 2, Block 8, of Canaveral Groves Subdivision, less and except lands as described in official Records Book 2983, Page 3425. The subject remnant parcel is a substandard lot for GU zoning per Section 62-2103 (b)

due to more than 20% reduction of the original lot size of one acre to 0.44 acres due to right-of-way acquisition for Grissom Parkway.

The proposed BU-1 zoning classification permits retail commercial land uses and minor automotive repair, including small engine repair, on minimum 7,500 square foot lots with a minimum width of 75 feet and minimum depth of 75 feet. It does not permit warehouses, other than self-storage mini-warehouses as a permitted with conditions use subject to the stipulations of Section 62-1837.5, nor does it permit major automobile repairs as defined in Section 62-1102. The lot exceeds the minimum lot width, depth, and area requirements of the proposed BU-1 zoning classification.

The character of the area is vacant land with low density single-family zoning and low to medium density single-family residential FLU designations. There are properties with commercial zoning and FLU to the north, closer to the intersection of Grissom Parkway and Canaveral Groves Boulevard, but none directly adjacent to the property. The properties to the north, east, northeast, and southeast also have RES 4 FLU designations with single-family zoning classifications. These areas consist almost exclusively of land-locked parcels under separate ownership.

The extension of existing commercial properties along the east side of Grissom Parkway to the subject property may not be considered consistent with FLUE Policy 2.15 for the following reasons: 1) the proposed rezoning would be an extension of commercial from the intersection of Grissom Parkway and Canaveral Groves Boulevard to the subject site that would represent strip commercial, which is to be discouraged under this policy; 2) this extension of existing commercial which leap-frogs over a property that is residential. In addition, Policy 2.15 that states: "Infill within established strip commercial areas is preferred over extension of a strip commercial pattern."

There have been only two zoning actions within the last three years within 0.5 miles of the subject property. **19PZ00054** approved August 1, 2019 changed the zoning classification from GU to Agricultural Residential Low Intensity (AU(L)) on a lot approximately 1,160 feet directly west of the subject property. **17PZ00110** approved December 7, 2017 changed the zoning classification from Rural Residential Mobile Home (RRMH-1) to Agricultural (AGR) on a lot located approximately 2,020 feet east-east-northeast of the subject property. The next most recent zoning action within 0.5 miles of the subject property was **13PZ-00058** approved September 12, 2013 changed the FLU designation from Neighborhood Commercial (NC) to CC and the zoning classification from GU to Retail, Warehousing, and Wholesales Commercial (BU-2) on a lot located approximately 2,480 feet directly south of the subject property.

For Board Consideration

In order for this proposed change of zoning classification to be considered, SSCPA **20S.01 (20PZ00020)** from RES 4 to CC would first have to be approved by the Board.

The Board may wish to consider:

- 1) The impact of this rezoning on the rural residential character of the surrounding area, and;
- 2) If the subject property meets the locational criteria of FLU Policy 2.8 (A), and;
- 3) Whether the extension of commercial strip development should be expanded further south in a leap-frog fashion in light of FLUE Policy 2.15.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary

Item # 20PZ00021

Applicant: Troy Yates

Zoning Request: GU to BU-1

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.