

## **FUTURE LAND USE MAP SERIES PLAN AMENDMENT**

*Small Scale Plan Amendment 20S.04 (20PZ00051)*  
**Township 20, Range 35, Sections 31**

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### **Property Information**

Owner / Applicant: **Richard R. Wrubel Jr. and Gina M. Wrubel Trust**

Adopted Future Land Use Map Designation: NC

Requested Future Land Use Map Designation: CC

Acreage: 1.32 acres Tax Account #: 2000354

Site Location: Northwest corner of McCullough Road and U.S. Highway 1

Current Zoning: AU

Requested Zoning: BU-1

### **Background & Purpose**

The applicant is seeking to amend the Future Land Use designation from Neighborhood Commercial (NC) to Community Commercial (CC) on a 1.32 acre parcel of land. The subject property is currently vacant and has a Future Land Use (FLU) designation of Neighborhood Commercial (NC) 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 designation of Mixed Use (MU) which provided for a variety of residential and commercial uses since Brevard County adopted the Comprehensive Plan in September of 1988. In 2001, the County combined the Density and Future Land Use Map into the current Future Land Use Map thus changing the designations from MU to NC and CC along this section of U.S. Highway 1. Properties with a residential zoning received a FLU designation change from MU to NC and properties with a commercial zoning received a FLU designation change of MU to CC.

The subject parcel is contiguous to parcels with a CC Future Land Use designation on the north and west and with a NC designation to the east across U.S. Highway 1 and south across McCullough Road. Because the subject parcel had residential zoning when the FLU designations were changed in 2001, this parcel received a NC designation.

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 change of zoning classification from Agricultural Use (AU) to General Retail Commercial (BU-1).

### Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Vacant Commercial	BU-1-A	CC
South	Vacant Commercial	AU	NC
East	Vacant Single-Family, Two Single-Family Residences	AU & RR-1	NC
West	Vacant Commercial	BU-1-A	CC

### Environmental Resources

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

- 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 single-family residences on the east side of U.S. Highway 1. There is one professional office approximately 597' north of the subject property. The majority of parcels along this section of U.S. Highway 1 are undeveloped commercial properties.*

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

*There has not been any actual development within the preceding three (3) years however, there have been 3 zoning actions in 2017, 2018 and 2020.*

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 U.S. Highway 1 from Lionel Road to Burkholm Road will not be negatively impacted by a CC land use. Currently, this segment is operating at a level of service (LOS) of C. With a CC FLU designation, the LOS will remain the same.*

## **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 parcel does have frontage on U.S. Highway 1, an Urban Principal Arterial roadway.*

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

*The subject parcel is adjacent to parcels with a Future Land Use designation of CC on the north and west sides. These parcels are currently undeveloped and have the potential to provide inter-connectivity at the time of development.*

- C. Existing commercial development trend in the area;

*This segment of U.S. Highway 1 remains largely as undeveloped commercial properties with a FLU designation of NC and CC. On the east side of the subject site, across U.S. Highway 1, are single-family residences the majority of which were built in the 1980's with a FLU designation of NC.*

- 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' potable water supply. Currently, there is a Brevard County water line approximately 1,570' south of McCullough Road. There is no sanitary sewer available for this parcel nor the surrounding parcels.*

- F. Spacing from other commercial activities;

*The subject parcel is adjacent to vacant commercial land to the north, west and south and developed residential uses across U.S. Highway 1 to the east. This section of U.S. Highway 1 has predominantly commercial land uses to serve several neighborhoods and sub-regional areas and provide an array of retail, personal and professional uses.*

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

*The FLU designation change from NC to CC is proposed on a 1.32 acre parcel of land. 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 sub-regional areas and provide an array of retail, personal and professional 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 subject parcel does not extend strip commercial development. This section of U.S. Highway 1 between Lionel Road and Burkholm Road, has adjacent commercial land uses.*

### **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;
- b) Transient commercial uses;
- c) Tourist commercial uses;
- d) Professional offices;
- e) Personal service establishments;
- f) Retail establishments;
- g) Non-retail commercial uses;
- h) Residential uses;
- i) Institutional uses;
- j) Recreational uses;
- k) Public facilities;

- l) Transitional uses pursuant to Policy 2.12; and
- m) Planned Industrial Park development (as permitted by PIP zoning).

## **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.

*This section of U.S. Highway 1 had a FLU designation of MU until the EAR in 2001, which changed the FLU designations from MU to NC and CC.*

*The subject site is located at the intersection of U.S. Highway 1, an Urban Arterial roadway and McCollough Road, a Local road. This section of U.S. Highway 1 was not intended to meet the Commercial Cluster criteria of commercial properties located at a Collector/Arterial intersection.*

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

*This 1.32 acre site would not exceed community commercial complexes of greater than forty (40) acres at an intersection.*

- B. 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.

*Because this segment of U.S. Highway 1 was not intended to be a commercial cluster but rather part of an overall commercial corridor, this criterion does not apply.*

- 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.

*This parcel has the potential for a 5,755 square foot building. 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 U.S. Highway 1.*

### **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.

*The subject parcel does have frontage on U.S. Highway 1, a Principal Arterial roadway to the east. In addition, there is potential for access onto McCulloch Road to the south. If this parcel were to be developed, cross-access can be achieved with the parcel directly adjacent to the west.*

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

*When developed with a CC land 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 this portion of U.S. Highway 1 to the east nor on McCulloch Road to the south.*

## **For Board Consideration**

This request is seeking a change in Future Land Use (FLU) designation from Neighborhood Commercial (NC) to Community Commercial (CC) on 1.32 acre parcel. This section of the U.S. Highway 1 corridor, from Lionel to Burkholm Road, is intended to serve the nearby residential neighborhoods and sub-regional regional areas with an array of retail, personal and professional uses.

The subject 1.32 acre parcel currently has an existing FLU designation of NC with a CC designation on both the north and west sides. At the time of the Evaluation and Appraisal Report (EAR) in 2001, the FLU designations along this corridor were changed from Mixed Use (MU) to NC and CC. Properties with a residential zoning designation were given a NC FLU designation and parcels with a commercial zoning designation were given a CC FLU designation.

A preliminary concurrency analysis indicates that the proposed change in Future Land Use designation from NC to CC would not generate traffic that would cause deficiency of the adopted roadway level of service (LOS). Today, the traffic counts indicate that this section of U.S. Highway 1 is operating at a LOS of C and with the proposed change of use it would remain the same.

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Future Land Use Review & Summary  
Item # 20PZ00051**

**Applicant:** Richard & Gina Wrubel

**Future Land Use Request:** NC to CC

**Note:** Applicant wants to rezone to be consistent with surrounding area and adjacent parcel also owned by applicant.

**P&Z Hearing Date:** 07/06/20; **BCC Hearing Date:** 08/06/20

**Tax ID No:** 2000354

- 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:**

- Protected Species
- Heritage Specimen Trees

No noteworthy land use issues were identified for subject parcel. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

**Land Use Comments:**

**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 entire parcel is mapped with 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.