



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS**

**20Z00014**

**Brevard Medical City LLC, Brevard Medical City Owners Association, Inc.  
and Chateau Madeleine, LLC**

**PUD and PIP to all PUD with retention of the CUP for alcoholic beverages (full-liquor) at an  
Assisted Living Facility (ALF) with waiver request for building separation between existing  
and proposed ALF expansion**

Tax Account Number: 3012171, 2603505, 2632155, 3014504 and 3014506  
Parcel I.D.: 26-36-13-00-767, 767.A, 767.Y, 767.Z and 26-36-13-77-2  
Location: South side of Pineda Court 460 feet east of Wickham Road (District 4)  
Acreage: 16.329 acres

Planning and Zoning Board: 09/21/2020  
Board of County Commissioners: 10/01/2020

**Consistency with Land Use Regulations**

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can NOT be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	PUD and PIP with CUP for alcoholic beverages	PUD to provide for ALF and ILF uses and to retain existing CUP
<b>Potential*</b>	PUD – 72,200 square feet PIP – 221,409 square feet	56-unit ALF expansion and proposal of a 100-unit ILF
<b>Can be Considered under the Future Land Use Map</b>	Yes PUD - Neighborhood Commercial PIP - Planned Industrial	Yes** Neighborhood Commercial Community Commercial

\* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. \*\*Future Land Use request from Planned Industrial to Community Commercial is pending under **19PZ00086**. Approval of the LSCPA will allow the PUD request to be heard.

## Background and Purpose of Request

The applicant is requesting a change of zoning classification from PUD (Planned Unit Development) and PIP (Planned Industrial Park) to all PUD with the retention of the existing full-liquor CUP for alcoholic beverages accessory to a 96-bed ALF. Secondly, the applicant requests a waiver to the building separation distance required between the existing ALF and the proposed ALF addition. Thirdly, the applicant requests to expand the ALF to a total of 152-units and to add a 12-story 121.5-foot tall 100-bed Independent Living Facility (ILF) use with recreational amenities to this site. The ILF use is not permitted in the existing PIP zoning classification nor is it allowed in the BU-1 or BU-2 zoning classifications.

The subject parcel contains two zoning classifications. It received its PUD zoning on December 4, 1975 under **Z-3989** as part of Tract # 101 of the Suntree PUD. The designated use of this tract was for multi-family use allowing development density up to 15 units per acre. This portion was later rezoned under zoning action **Z-6806** and designated as Tract # 65. Tract # 65 contains BU-1 commercial uses. **Z-6806** was approved by the Board on August 9, 1984. That portion of the site is currently vacant.

The portion of the site zoned PIP was adopted on January 22, 1990 under **Z-8534(A)**. This action changed the zoning from IU zoning to PIP with a height limitation of 67 feet.

Subsequent action, **Z-10817(9)** removed the approval of the additional height allowance adopted on May 22, 2003.

**19PZ00004** adopted April 4, 2019 allowed full-liquor use to be added to the ALF site under the limitation that it would be permitted only in the dining areas, lounge, courtyard and residences.

## Land Use

The subject property contains two FLU designations – Planned Industrial (PI) and Neighborhood Commercial (NC). There is a Large-scale Comprehensive Plan Amendment request in review (**19PZ00086**) to change the Planned Industrial (PI) designation to Community Commercial (CC). If the FLU amendment is approved, the PUD request would be consistent with both the NC and CC FLU designations.

## Environmental Constraints

The proposed PUD, specifically parcel with tax account number 2603505, contains 100% forested, mapped polygon of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) code 4340 – Upland Mixed Coniferous/Hardwood trees (Coastal Temperate Hammock). The hammock forest is unique and experiencing loss rate in the area. Per Section HW3.5 of the Action Plan Matrix of the East Central Florida Regional Resiliency Action Plan, adopted by Brevard County on March 26, 2019, the applicant is encouraged to seek a design layout that integrates the hammock, and the PUD uses (Assisted and Independent Living Facilities) with Low Impact Development toward the goal of sustainable practices for health and well-being. Please refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

## **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Wickham Road, between Jordan Blass to St. Andrew, which has a Maximum Acceptable Volume (MAV) of 39,800 trips per day, a Level of Service (LOS) of D, and currently operates at 47.41% of capacity daily. The maximum development potential from the proposed rezoning decreases the percentage of MAV utilization by 0.76%. With the maximum development potential from the proposed rezoning, the corridor is anticipated to operate at 46.65% of capacity daily (LOS C). The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the project is for uses limited to the 55+ age community for Independent Living and Assisted Living needs.

The parcels are serviced potable water by the City of Cocoa. Sewer is provided by Brevard County.

## **Applicable Land Use Policies**

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 through 8 of the Future Land Use Element, outlined in the Administrative Policies.

**Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.** This site lies within the Future Land Use (FLU) designations of Planned Industrial and Neighborhood Commercial. The current Land Use designation does not support the institutional use – Independent Living Facility which the owner/applicant desires. The proposed FLUM amendment will change this parcel's FLU from Planned Industrial to Community Commercial. Both the Community Commercial and Neighborhood Commercial FLU designations support either PUD or Institutional zoning requests. The proposed PUD zoning classification which could support this use is not compatible with the PI FLUM; therefore, the owner/applicant proposes to change the FLUM and zoning on this property. The proposed changes to the FLUM and Zoning appear to be consistent with the general commercial land uses in the vicinity.

**Analysis of Administrative Policy #4 - Character of a neighborhood or area.** The subject parcel is a portion of the Brevard Medical City site located at the SE corner of Wickham Road and Pineda Court. This portion lies upon the eastern ½ of the parcel lying between Wickham Road and the FEC railroad tracks. The character of the area is a mixture of commercial and medical office uses within a Planned Industrial Park (PIP). Imperial Plaza, a multi-story commercial building is located to the north of this site. The Fresh Market, a multi-lot commercial shopping center, lies to the south. East of the railroad tracks are the developments known as Ameri-Cana Resorts Co-Op, a recreational vehicle park and Casa Loma Estates Mobile Home Park Co-Op.

## **Surrounding Properties**

The developed character of the surrounding area is commercial. The current PIP and PUD zoning classifications permits a variety of commercial, retail, office and medical office uses. The PUD portion is currently vacant. The portion of the property zoned PIP has a 96-bed Assisted Living Facility and a CUP for alcoholic beverages.

The abutting developed parcel to the west is zoned PIP and is part of Brevard Medical City. Uses in this area include retail, food service and medical offices. The parcels to the north are zoned PUD. The existing uses are a multi-storied commercial development known as Imperial Plaza that provides office and food service uses with the eastern portion of the site being used as a retention pond that lies east of Pineda Court. The abutting parcel to the south is zoned BU-2 and is identified as Pineda Landings. The Pineda Landings shopping center includes multiple parcels for food service, retail and a grocery store. The parcels to the east are developed as recreational vehicle and mobile home parks under the zoned classifications of RVP and TR-3.

PIP is a light industrial zoning classification, allowing light manufacturing within an enclosed building with strict buffering, storage and other requirements.

The BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses. BU-2 zoning could also support ALF use but does not support ILF uses.

The RVP recreational vehicle park zoning classification encompasses lands devoted for recreation vehicle, tent, park trailer and cabin uses together with such ancillary structures as allowed to promote a recreational type atmosphere for both park owners and/or their guests.

TR-3 zoning is a mobile home park zoning classification.

The Planned Unit Development (PUD) encourages and permits variation in development by allowing deviation in lot size, bulk or type of dwellings, density, lot coverage and open space from that required in any one residential zoning classification. The purpose of a PUD is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types, as well as industrial, commercial and institutional land uses.

The Preliminary Development Plan should be evaluated in the context of Section **62-1448 (b) (5)** of the Zoning code:

*Review criteria.* The decision of the planning and zoning board on the preliminary development plan application shall include the findings of fact that serve as a basis for its recommendation. In making its recommendation, the planning and zoning board shall consider the following facts:

a. Degree of departure of the proposed planned unit development from surrounding residential areas in terms of character and density.

Applicant response: The BMC PUD is of lower density than other CC properties in the area.

*Staff comment: The character and intensity of the area is mostly for medical office uses. The potential development on this site would generate 283,609 square feet of office/medical office uses which equates to a trip generation of 10,247 daily trips. The existing and proposed ALF and ILF uses only generate a maximum of 750 daily trips.*

b. Compatibility within the planned unit development and relationship with surrounding neighborhoods.

Applicant response: The BMC PUD is planned to fit well into the surrounding neighborhoods.

*Staff comment: The proposed development is a mixed-use development with Assisted Living and Independent Living facilities will complement the existing surrounding uses.*

- c. Prevention of erosion and degrading of surrounding area.

Applicant response: The BMC PUD will be constructed with a modern surface water management system and FDEP NPDES erosion controls.

*Staff comment: Engineering comments were provided to the applicant; further review will be conducted as part of the official site plan submittal.*

- d. Provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation as shown in the preliminary development plan.

Applicant response: The BMC PUD will provide all infrastructure, utilities, and common area improvements as required by code. The ILF and ALF will provide educational and recreational opportunities for the residents on and off site. Transportation to shopping and other areas is being provided by the facilities for the residents.

*Staff comment: This PUD proposal provides amenities to its residents which will be aged 55+. Brevard County code requires certain services to be provided to the clients of an ILF facility. The applicant states that the project will meet the needs for ALF and ILF residents as identified in Section 62-1826 & Section 62-1836.5 of Brevard County Code.*

- e. The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of the common open space.

Applicant response: The BMC PUD will provide significant open space and improvements to be maintained by the Owner's Association.

*Staff comment: The PDP graphic plan identifies that 4.082 acres (25% of the 16.329-acre site) will be provided for open space. ILF use pursuant to Section 62-1836.5 (6) (e) of Brevard County Code requires 25 % of the site of the ILF to be used for open space. Subsection (e) states: Each facility shall provide for its residents' on-site common recreation needs, both outdoors and indoors. At least 25 percent of the site shall be reserved for usable common open space as defined in section 62-1102. At least 10 square feet per unit of indoor recreation space shall be provided. Common dining areas which are made available for recreation during non-dining hours may constitute up to 50 percent of the indoor requirement, but the remainder shall be comprised of specific areas dedicated to indoor recreation, such as exercise rooms or activities rooms. ALF use does not require open space.*

- f. The feasibility and compatibility of the specified stages contained in the preliminary development plan to exist as an independent development.

Applicant response: The ALF has existing infrastructure in places and the ILF has connections to  
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roadways and utility infrastructure stubbed out to or adjacent to the property.

*Staff comment: Staff's initial review has commented upon the proposed phasing of the project. Minor modifications have been noted. If approved, comments will be addressed during the formal site plan review.*

g. The availability and adequacy of water and sewer service to support the proposed planned unit development.

Applicant response: The BMC PUD has connection to county sanitary sewer and Cocoa potable water utility services.

*Staff comment: A connection to water and sewer facilities are proposed.*

h. The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed planned unit development.

Applicant response: The BMC PUD is a low traffic project and has connections to arterial and local streets.

*Staff comment: The preliminary concurrency review indicates there are no anticipated LOS deficiencies.*

i. The benefits within the proposed development and to the general public to justify the requested departure from the standard land use requirements inherent in a planned unit development classification.

Applicant response: The benefit to the development and the public by the PUD versus standard land use requirements lies in the space utilization of common infrastructure and the symbiotic relationship of the PUD with surrounding BMC and nearby services. Local Suntree, Viera and beachside families have access to their loved ones nearby and the residents have access to BMC medical services and adjacent shopping and businesses.

*Staff comment: The proposed development and supporting infrastructure is adjacent to convenient shopping, medical services and provides extended care services (recreation, transportation, meal and housekeeping) to our aging citizenry.*

j. The conformity and compatibility of the planned unit development with any adopted development plan of the county.

Applicant response: The PUD will be consistent with future land use objectives. There are no special area plans in this location.

*Staff comment: The applicant is seeking a waiver of building separation between the existing and proposed ALF building expansion. The applicant is asking for the maximum waiver of 45 feet to have zero separation between the 8-story ALF buildings. If deemed appropriate, the Board can waive the distance on building spacing requirements.*

k. The conformity and compatibility of the proposed common open space, primary residential and secondary nonresidential uses with the proposed planned unit development.

Applicant response: We believe the features of the BMC PUD to be a perfect fit with the proposed residential and nonresidential component uses, which is senior living adjacent to a medical center.

*Staff comment: The proposed Preliminary Development Plan (PDP) provides the framework for an integrated scenario by allowing its residents to age in place, by providing support services to those individuals who may want them to those that depend upon them for daily living needs.*

**Staff Note:**

The Preliminary Development Plan (PDP) is part of the zoning application for a PUD and therefore is intended to depict the proposed use of the property. It is not intended to be specific with respect to engineering details that are normally reviewed at the Final Development Plan (site plan) stage of review. Additional details on the Preliminary Development Plan that are normally required at the Final Development Plan stage will not be reviewed at this time by staff. Accordingly, PUD zoning approved by the Board of County Commissioners will not be viewed as a waiver of land development regulations that are applied/submitted at the Final Development Plan stage of review.

Specific waivers to land development regulations must be stated on the preliminary development plan and must be verbally requested by the applicant at the public hearing. Unless a waiver is specifically requested by the applicant and specifically approved by the Board, it will not be assumed to have been approved.

*Staff comment: A waiver to onsite building separation distance has been requested between the existing and proposed ALF buildings that are 81.5 feet tall. The applicant states that as no architectural plans have been created, they are asking for the maximum waiver of 45 feet to have zero separation between the 8-story buildings. In the PUD code, Section 62-1446 (d) (3) (b-f), building height separation starts at 15 feet for up to a 2-story buildings and adds an additional 5 feet of separation distance required for each additional floor height of the building. An 8-story building requires 45 feet of building separation. There is no request for waiver of building separation distance for the 12-story ILF building.*

There have been five recent zoning actions within a half-mile of the subject property within the last three years.

- **19PZ00064** adopted August 1, 2019 mitigated a nonconforming mobile home park (TR-3). Parcel lies along the east side of FEC railroad tracks.
- **19PZ00004** adopted April 4, 2019 approved the full liquor CUP request for the onsite ALF.
- **18PZ00113** adopted December 6, 2018 approved beer and wine at a vape shop located 2,200 feet north of this site on the east side of Wickham Rd.
- **18PZ00059** adopted January 9, 2019 approved a rezoning from RU-2-15 to BU-1 with a BDP and the site is located 1,000 to the south along the east side of Wickham Road.
- **17PZ00109** adopted April 25, 2018 approved a rezoning from PIP to RU-2-15 with a BDP and this site is located to the east of the BU-1 site mentioned above lying 790 feet south from the

subject property. This site also includes an area under a CUP for a 180-foot tall (monopole) telecommunication tower that was approved under Z-10297 in September, 1999.

### **For Board Consideration**

The Board may wish to consider whether the proposed development is consistent and compatible with the surrounding area, and if any additional considerations are necessary to mitigate potential impacts. The Board may also wish to consider additional tree canopy preservation or determine if additional visual buffering should be required to enhance the compatibility of this project with the surrounding area.

The applicant requests continuation of the existing (full liquor) CUP for alcoholic beverages serving the current ALF residents. Secondly, the applicant requests a waiver of the full building separation distance (45-feet) between the existing and proposed ALF structures.



**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Zoning Review & Summary**

**Item # 20Z00014**

**Applicant:** Lee for Hardoon

**Zoning Request:** PIP & PUD to PUD, and retain existing CUP for alcohol

**Note:** Applicant wants to develop Assisted Living Facility (ALF) and Independent Living Facility (ILF).

**P&Z/LPA Hearing Date:** 09/21/20; **BCC Hearing Date:** 10/01/20

**Tax ID Nos:** 2603505, 2632155, 3014504, 3014506, & portion of 3012171

- 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:**

- SJRWMD Wetlands
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

The proposed PUD, specifically parcel with tax account number 2603505, contains 100% forested, mapped polygon of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) code 4340 – Upland Mixed Coniferous/Hardwood trees (Coastal Temperate Hammock). The hammock forest is unique and experiencing loss rate in the area. Per Section HW3.5 of the Action Plan Matrix of the East Central Florida Regional Resiliency Action Plan, adopted by Brevard County on March 26, 2019, the applicant is encouraged to seek a design layout that integrates the hammock, and the PUD uses (Assisted and Independent Living Facilities) with Low Impact Development toward the

goal of sustainable practices for health and well-being. Please refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

### **Land Use Comments:**

#### **Wetlands**

The subject parcel contains mapped SJRWMD wetlands on the forested, undeveloped portion of the project with tax account number 2603505. On May 21, 2018, an environmental assessment report was prepared by Atlantic Environmental Solutions. The report indicates that wetlands do not exist on the forested parcel. The report is subject to confirmation by SJRWMD. Per Section 62-3694(c)(5), wetland impacts may be permitted for mixed-use land development activities that meet criteria. Impacts to wetlands from residential and mixed-use land development activities, on a cumulative basis, shall not exceed 1.8% of the non-commercial and non-industrial acreage of the PUD. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696.

#### **Aquifer Recharge Soils**

The project area contains mapped aquifer recharge soils (Tavares fine sand and Pomello sand) as shown on the USDA Soil Conservation Service Soils Survey map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

#### **Protected and Specimen Trees**

The proposed PUD, specifically parcel with tax account number 2603505, contains 100% forested, mapped polygon of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) code 4340 – Upland Mixed Coniferous/Hardwood trees (Coastal Temperate Hammock). The hammock forest is unique and experiencing loss rate in the area. Per Section HW3.5 of the Action Plan Matrix of the East Central Florida Regional Resiliency Action Plan, adopted by Brevard County on March 26, 2019, the applicant is encouraged to seek a design layout that integrates the hammock, and the PUD uses (Assisted and Independent Living Facilities) with Low Impact Development toward the goal of sustainable practices for health and well-being. Per Section 62-4341(18), Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, 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. Please refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree

Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

### **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.