

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

Small Scale Plan Amendment 20S.06 (20PZ00079)
Township 21, Range 35, Section 17

Property Information

Owner / Applicant: **Aldon Bookhardt**

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

Requested Future Land Use Map Designation: Neighborhood Commercial (NC)

Acreage: 0.98 acres

Tax Account #: 2103831

Site Location: South side of east Main Street, west side of Harry T. Moore Avenue.

Current Zoning: General Retail Commercial (BU-1) and Single-Family Residential (RU-1-9)

Requested Zoning: Restricted Neighborhood Retail Commercial (BU-1-A) (20Z00023)

Background & Purpose

The applicant is requesting to amend the Future Land Use (FLU) designation from Residential 4 (RES 4) to Neighborhood Commercial (NC) on a 0.98 acre portion of the overall 3.04 acre parcel of land located on the southwest corner of East Main Street and Harry T. Moore Avenue for the purpose of developing the 0.98 acre site as a neighborhood retail store. The subject property has an existing FLU designation of RES 4 that was adopted with the Comprehensive Plan in September of 1988. The majority of the vacant subject property has retained General Retail Commercial (BU-1) zoning since 1966.

A companion rezoning application (20Z00023) was submitted accompanying this FLU amendment request to change the Zoning classification from General Retail Commercial (BU-1) to Restricted Neighborhood Retail Commercial (BU-1-A) on the 0.98 subject site and Single-Family Residential (RU-1-9) with a Binding Development Plan (BDP) on the remaining portion of the overall parcel 3.04 acre parcel. The proposed rezoning and Future Land Use Amendment will establish consistency between the zoning classification and the Future Land Use Map.

The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in the transportation adopted level of service. Potable water service is available to the site through Brevard County Utilities. The subject parcel is not currently serviced by County or municipal sanitary sewer; however, a Brevard County sanitary sewer line is located approximately 1,280 feet west of the property at U.S. Highway 1. A School Impact Analysis was not required for this application.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Across East Main Street - Retail Store and Vacant, Undeveloped Land	BU-1, BU-1-A, RU-1-7	RES 4
South	Across Jefferson Street - One (1) Single-Family Residence	RU-1-9	RES 4
East	Across Harry T. Moore Avenue - Multiple-Family Residential Housing	RU-2-30	RES 4
West	Vacant, Undeveloped Land and One (1) Single-Family Residence	RU-1-9	RES 4

To the north of the subject property (across East Main Street) is existing commercial retail and vacant land with FLU designations of RES 4; to the south (across Jefferson Street) is one (1) single-family residence with a FLU designation of RES 4; to the east (across Harry T. Moore Avenue) is multi-family housing with FLU designation of RES 4; and adjacent to the west is vacant, undeveloped land and one (1) single-family residence with FLU designations of RES 4.

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:

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

Please refer to the attached comments provided by the Natural Resources Management Department.

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.

Future Land Use Element – Policies/Analysis:

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, residential and institutional land use surrounding the subject site. To the north is a retail store; to the east is multi-family housing; to the south is a single-family residence; and to the west is a single-family residence. At the northeast corner of East Main Street and Harry T. Moore Avenue is a church.

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

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

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

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

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 is located on the southwest corner of East Main Street and Harry T. Moore Avenue.

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

The subject parcel is adjacent to parcels with Future Land Use designations of RES 4 on all sides; however, the parcel adjacent to the north (across East Main Street) has retained commercial zoning since prior to the adoption of FLU map in 1988 and is currently a retail store. The proposed change in land use to NC will acknowledge the subject property's commercial zoning classification.

- C. Existing commercial development trend in the area;

The parcel adjacent to the north (across East Main Street) is currently developed as a commercial retail store. Additional commercial development is located 50 feet east of the intersection of East Main Street and Harry T. Moore Avenue and is currently a fraternal organization clubhouse.

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

A Brevard County Utilities potable water line is adjacent to the subject property along East Main Street. The closest sanitary sewer line (Brevard County Utilities) is located approximately 1,280 feet west of the property at U.S. Highway 1.

- F. Spacing from other commercial activities;

The subject parcel is adjacent to a developed commercial property (retail store) to the north, across East Main Street. Additional commercial development (fraternal organization clubhouse) is located 50 feet east of the subject site on East Main Street. There is also existing commercial development approximately 1,280 feet west of the subject property at the

intersection of U.S. Highway 1 and East Main Street, providing an array of retail, personal and professional uses to serve several neighborhoods and sub-regional areas.

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

The FLU designation change from RES 4 to NC is proposed on a 0.98 acre parcel of land. Consistent with Policy 2.5 of the Future Land Use Element of the Comprehensive Plan, neighborhood commercial development is intended to be low-impact in nature and serve the needs of the immediate residential area.

- 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).

Activities Permitted in Neighborhood Commercial (NC) Future Land Use Designations

Policy 2.5

Neighborhood Commercial (NC) development activities are intended to be low-impact in nature and serve the needs of the immediate residential area. Intrusion of these land uses into surrounding residential areas shall be limited. Existing BU-1-A uses, which were established as of the adoption date of this provision shall be considered consistent with this policy. Development activities which may be considered within Neighborhood Commercial (NC) Future Land Use designation, provided that listed criteria are met, include the following:

- a) Professional offices (no drive through lanes permitted);
- b) Personal Services (no drive through lanes permitted);
- c) Convenience stores (no drive through lanes permitted);
- d) Residential uses;
- e) Institutional uses;
- f) Recreational uses;
- g) Public facilities; and
- h) Transitional uses pursuant to Policy 2.12.

Locational and Development Criteria for Neighborhood Commercial Uses

Policy 2.6

Locational and development criteria for neighborhood commercial land uses are as follows:

Criteria:

- A. Neighborhood commercial clusters should be located at collector/collector or collector/arterial intersections, except as otherwise provided for in this Comprehensive Plan.

The proposed NC future land use is located at the intersection of East Main Street and Harry T. Moore Avenue.

- C. New neighborhood commercial land use sites should incorporate no more than two acres maximum at each corner of an intersection, as set forth in Criterion A of this policy. Neighborhood commercial land uses at such intersections should not exceed eight (8) acres total.

The proposed NC future land use is for a total of 0.98 acres at the southwest corner of East Main Street and Harry T. Moore Avenue.

- D. Neighborhood commercial development clusters should be spaced at least 1/2 mile apart, except in the south beaches where neighborhood commercial clusters should be spaced at least three (3) miles apart.

The closest NC future land use designation is at an undeveloped parcel located approximately 840 feet to the west of the subject property at the intersection of East Main Street and Mitchell Avenue. This request recognizes the existing commercial zoning on the property.

- E. The gross floor area of neighborhood commercial complexes should not exceed 21,800 square feet and the Floor Area Ratio (FAR) should not exceed 0.75.

The proposed gross floor area submitted by the applicant does not exceed 21,800 square feet or a FAR of 0.75. The Floor Area Ratio (FAR) is regulated through the land development regulations at the time of site plan review.

The proposed NC FLU designation will acknowledge the subject site's existing commercial zoning and is consistent with recommendation 3.2 of the adopted 2007 Mims Small Area Study that states Commercial needs should generally be focused on providing goods and services to Mims residents, as opposed to larger regional markets.

For Board Consideration

The Board may wish to legitimize the existing commercial zoning as the request is compatible with the surrounding area and consistent with the Comprehensive Plan.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Future Land Use (FLU) Review & Summary
Item # 20PZ00079

Applicant: Aldon Bookhardt

FLU request: RES-4 to NC

Note: Applicant wants to develop a retail store on corner of Main St. and Harry T. Moore Ave.

P&Z Hearing Date: 10/05/20; **BCC Hearing Date:** 11/05/20

Tax ID No: 2103831 (east portion)

- 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:

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

No noteworthy land use issues were identified. Natural Resources Management (NRM) reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Land Use Comments:

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (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 parcel contains a small mapped polygon of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) code 4340 – Upland Mixed Coniferous/Hardwood trees. Heritage Specimen Trees (greater than or equal to 24 inches in diameter) are included in this FLUCCS code and may reside in the project area. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of heritage Specimen Trees. In addition, 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. The applicant is advised to 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. Specifically, gopher tortoises can be found in areas of aquifer recharge soils. 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.