

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 20S.08 (20PZ00089)*  
**Township 28, Range 37, Section 18**

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**Property Information**

Owner / Applicant: **Flor-Ohio LLC**

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

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

Acreage: 3.32 acres

Tax Account #: 2851597

Site Location: Southwest corner of Eber Boulevard and Hollywood Boulevard

District: Three (3)

Current Zoning: Restricted Neighborhood Retail Commercial (BU-1-A)

**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 3.32 acre parcel of land located on the southwest corner of Eber Boulevard and Hollywood Boulevard. The subject property is vacant and has an existing FLU designation of RES 4 that was adopted with the Comprehensive Plan in September of 1988. The subject property has retained Restricted Neighborhood Retail Commercial (BU-1-A) zoning since 1976. The proposed Future Land Use Amendment will establish consistency between the zoning classification and the Future Land Use Map as RES 4 is not consistent with BU-1-A per Brevard County Code section 62-1255.

The closest concurrency management segment to the subject property is Hollywood Boulevard (Eber to Florida/Wingate) which has a Maximum Acceptable Volume (MAV) of 17,700 trips per day, a Level of Service (LOS) of C, and currently operates at 83.42% of capacity daily. The maximum development potential from the current zoning (108,460 square feet) would increase the percentage of MAV utilization by 22.46%. If fully developed, the corridor is anticipated to operate at 106.88% of capacity daily. Pursuant to Brevard County Code Section 62-602, a concurrency evaluation will be conducted at the site plan review stage.

The parcel is not serviced by Brevard County water or sanitary sewer; however, potable water may be available to the subject site through the City of West Melbourne. Additionally, the City of West Melbourne Utilities Department confirms an 8-inch sewer force main exists on the north side of Eber Boulevard and a 16-inch sewer force main exists on the east side of Hollywood Boulevard.

A School Impact Analysis was not required for this application.

### Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	Across Eber Boulevard - Residential Subdivision	R1-B Single-Family Residential (West Melbourne)	MD-RES Medium Density Residential (West Melbourne)
<b>South</b>	Residential Mobile Home Park	TR-3	RES 4
<b>East</b>	Across Hollywood Boulevard – Vacant, Undeveloped Land	R-A Residential Agricultural (West Melbourne)	COM Commercial (West Melbourne)
<b>West</b>	Residential Mobile Home Park	TR-3	RES 4

To the north of the subject property (across Eber Boulevard) is a residential subdivision (West Melbourne); adjacent to the south and west is a residential mobile home park with a FLU designation of RES 4; and to the east (across Hollywood Boulevard) is vacant, undeveloped land (West Melbourne).

### Environmental Resources

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

- Hydric Soils
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Overlay
- 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;

*The subject property is located at the intersection of Eber Boulevard and Hollywood Boulevard which are classified as urban major collector and urban minor arterial roadways, respectively. There is a historical land use pattern of residential land use surrounding the subject site; however, the site has retained BU-1-A neighborhood commercial zoning since 1976 (Z-4052). Existing development to the north, south, and west of the subject site is residential. East of the subject site is undeveloped land located in the City of West Melbourne.*

*The existing zoning (BU-1-A) is not consistent with the adopted Future Land Use (RES 4). The proposed land use change to NC will correct the inconsistency and legitimize the subject property's commercial zoning classification and allow development.*

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 by Brevard County 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 property has direct access to Eber Boulevard (an urban major collector road) and Hollywood Boulevard (an urban minor arterial road).*

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

*The subject property is adjacent to parcels with Future Land Use designations of RES 4 on the south and west. The proposed change in land use to NC will acknowledge the subject property's commercial zoning classification. The adjacent properties are already developed and there is no opportunity for inter-connectivity.*

E. Existing commercial development trend in the area;

*The subject property is adjacent to vacant commercial land on the east side, across Hollywood Boulevard. An existing commercial node of various commercial retail stores and businesses is located approximately one (1) mile southeast of the subject property at the intersection of Hollywood Boulevard and Palm Bay Road. Additionally, a commercial cluster is located approximately one (1) mile east of the subject property at the intersection of Eber Boulevard and Dairy Road.*

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

*Potable water may be available to the subject site through the City of West*

*Melbourne. Sewer force mains exist on the north side of Eber Boulevard and on the east side of Hollywood Boulevard per the City of West Melbourne Utilities Department.*

*The preliminary concurrency analysis indicates a potential deficiency in the transportation adopted level of service if the maximum development potential from the current zoning of the subject property is realized.*

G. Spacing from other commercial activities;

*A convenience store with gas pump is located 2,340 feet to the west of the subject property. A daycare center (within the City of West Melbourne) is located approximately 4,400 feet to the west of the subject site. Additionally, an office park and a convenience store with gas pump (within the City of Melbourne) is located approximately 5,000 feet to the east of the subject property at the intersection of Eber Boulevard and Dairy Road.*

H. 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 3.32 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. Based on size, staff considers this request to serve the needs of the immediate residential area.*

I. 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 southwest intersection of Eber Boulevard (urban major collector) and Hollywood Boulevard (urban minor arterial).*

- 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 3.32 acres at the southwest corner of Eber Boulevard and Hollywood Boulevard. This request recognizes the existing commercial zoning on the property.*

- 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 a parcel located approximately 4,700 feet to the east of the subject property at the intersection of Eber Boulevard and Dairy Road. 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.

*No proposed gross floor area has been submitted by the applicant. The Floor Area Ratio (FAR) is regulated through the land development regulations at the time of site plan review.*

**For Board Consideration**

The Board may wish to consider whether the request to NC is consistent with the comprehensive plan policies and compatible with the surrounding area.

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**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Future Land Use (FLU) Review & Summary**  
**Item # 20PZ00089**

**Applicant:** Jack Spira for Sheldon Fromson

**FLU Request:** RES-4 to NC

**Note:** Applicant wants to change FLU to be consistent with zoning of BU1-A.

**P&Z Hearing Date:** 11/09/20; **BCC Hearing Date:** 12/03/20

**Tax ID No:** 2851597

- 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:**

- Hydric Soils
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Overlay
- 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:**

**Hydric Soils**

The majority of the subject parcel contains mapped hydric soils (Pineda sand and Eau Gallie sand) as shown on the USDA Soil Conservation Service Soils Survey map. On the southeast corner of the property, there is a small area of Basinger sand, which may also function as a potential hydric soil. Hydric soils are an indicator that wetlands may be present on the property. A wetland determination/delineation will be required prior to any land clearing activities. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

**Aquifer Recharge Soils**

Basinger sand may also function as an aquifer recharge soil. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.



**Indian River Lagoon Nitrogen Reduction Overlay**

The northern portion of the parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. Upon development, if adequate sewer is not available, then the use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required.

**Protected and Specimen Trees**

Aerials indicate that Protected (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) may reside on subject property. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Protected and 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. A mapped Florida Scrub Jay polygon is located approximately 170 feet to the east. 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.