

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 20S.10 (20PZ00088)  
Township 23, Range 35, Section 23*

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**Property Information**

**Owner / Applicant: 4725 Fay Blvd Land Trust**

**Adopted Future Land Use Map Designation: Neighborhood Commercial (NC)**

**Requested Future Land Use Map Designation: Community Commercial (CC)**

**Acreage: 1.59 acres**

**Tax Account #: 2309941**

**Site Location: On the south side of Fay Boulevard approximately 190 feet east of  
Adams Place**

**Commission District: 1**

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

**Requested Zoning: General Retail Commercial (BU-1)**

**Background & Purpose**

The applicant is seeking to amend 1.59 acres of land from the Future Land Use designation of Neighborhood Commercial (NC) to Community Commercial (CC). The subject property currently has a Future Land Use designation of NC. Prior to the NC Future Land use change on December 6, 2007, the subject parcel had a Future Land Use designation of Residential 4 (RES 4) and has been in place since the County adopted the Comprehensive Plan in September of 1988.

Currently, the subject parcel is being used as a church that was built in 1999. The applicant is seeking this Future Land Use change in order to construct a hardware store on the south side of Fay Boulevard between Adams Place to the west and Waterloo Avenue to the east.

In 1991, Brevard County Staff prepared the Port St. John Small Area Plan for the purpose of compliance with Objective 10 of the Comprehensive Plan to eliminate inconsistencies between the official zoning map and the Comprehensive Plan through a Small Area Study process.

In 2005, County staff assisted in a Port St. John & Grissom Parkway Small Area Study. The Citizen’s Resource Group made up of ten members completed a Future Land Use Map visioning process. The recommendation was to create a commercial corridor along Grissom Parkway and Port St. John Parkway with light retail and low density residential.

On October 4, 2018, the Board of County Commissioners directed staff to conduct a Small Area Study of Port St. John after a request was made to change the Future Land Use designation from Residential 4 (RES 4) to Community Commercial (CC) and a Zoning change request from Institutional Use – Low Intensity (IN(L)) to General Retail Commercial (BU-1) on a 1.78 acre parcel of land located on the south side of Fay Boulevard west of the subject parcel.

Staff identified three (3) areas for consideration regarding Future Land Use changes; Fay Boulevard from Stillwater Avenue to Waterloo Avenue, the intersection at Fay Boulevard and Grissom Parkway, and the intersection at Fay Boulevard and U.S. Highway 1. Staff did not recognize the need to add additional CC Future Land Use to this area of Fay Boulevard.

A companion rezoning application was submitted accompanying this request for a Zoning change from Restricted Neighborhood Retail Commercial (BU-1-A) to General Retail Commercial (BU-1).

**Surrounding Land Use Analysis**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Brevard County Park	GML	REC
<b>South</b>	Day Care Center and Vacant Brevard County owned land	BU-1-A & RP	PUB
<b>East</b>	Vacant Brevard County owned land	RU-1-9	RES 4
<b>West</b>	Family Dollar and (across Adams Place) a Multi-unit Retail Store	BU-1-A	NC & RES 4

To the north of the subject property is a Brevard County park with ball fields and tennis courts, to the east is a vacant Brevard County parcel of land, to the south is a Day Care Center and vacant parcels of land and to the west is a multi-unit retail store.

## Environmental Resources

*Mapped resources include aquifer recharge soils, protected and specimen trees and protected species.*

*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:**

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foresee ably be affected by the proposed use;

*The applicant is proposing to change the Future Land Use and Zoning in order to construct/redevelop a hardware store. Typical hours of operation for a hardware store are from 8:00 a.m. to 7:00 p.m. There are existing single-family residences to the northeast and northwest that could potentially be impacted by the hours of operation, lighting and traffic.*

- 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 existing commercial use pattern in this area between Grissom Parkway to the west and Waterloo Avenue to the east that occurred prior to the adoption of the Comprehensive Plan in 1988.*

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

*There has not been any actual development within this area in the preceding three (3) years.*

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

*There was one (1) Future Land Use change in October of 2018 approving the change from RES 4 to CC. There was a companion Zoning approval changing the Zoning from IN(L) to BU-1. There have been no actual development approvals within the past 3 years.*

## **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 1.59 acre parcel has frontage on Fay Boulevard to the north and access to Adams Place to the west.*

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

*The subject 1.59 acre parcel is adjacent to NC to the west and RES 4 across Adams Place to the west. To the east and south the Future Land Use designation is also RES 4. To the north is a Brevard County park with a Recreation (REC) Future Land Use designation.*

*The parcel to the west has an existing Dollar Store with a Neighborhood Commercial (NC) Future Land Use designation and across Adams Place an existing multi-unit retail store. Interconnectivity could be provided between the Dollar Store to the west and the subject site.*

- C. Existing commercial development trend in the area;

*There is a historical existing commercial use pattern in this area between Grissom Parkway to the west and Waterloo Avenue to the east that occurred prior to the adoption of the Comprehensive Plan in 1988.*

- 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 parcel is not serviced by Brevard County sewer. The closest available Brevard County sewer line is located directly in front of the parcel in the center of Fay Boulevard.*

*The parcel is serviced by The City of Cocoa water.*

*The subject 1.59 acre parcel has frontage on Fay Boulevard to the north and access to Adams Place to the west.*

- F. Spacing from other commercial activities;

*The nearest community commercial cluster is located approximately 1.32 miles south at the intersection of Grissom Parkway and St. John's Parkway which is approximately 93 acres. This segment of St. John's Parkway between Interstate 95 (I-95) and Grissom Parkway was intended as a commercial corridor to serve local, regional and sub-regional residential communities. Additionally, there is a cluster of community commercial and industrial land uses along Curtis Boulevard beginning on the north side of Fay Boulevard. And lastly, U.S. Highway 1 is a commercial corridor intended to serve local, regional and sub-regional communities to include Port St. John.*

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

*The subject parcel is 1.59 acres and is not located in an area with CC Future Land uses. Port St. John residents have accessibility to the existing commercial corridors located approximately between 1.32 to 2 miles from the subject site. There are approximately 14 acres of available commercial land along St. John's Parkway at the Grissom Parkway intersection.*

- 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 promotion of strip pattern commercial development is discouraged within the Future Land Use Element for property with a Future Land Use designation of CC. Infill within established strip commercial areas is preferred over the extension of a strip commercial pattern. While this request does not expand the commercial area, it does allow for more a more intense zoning classification to be considered.*

## **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;

*This segment of Fay Boulevard is not intended to be a community commercial node, but has the potential for neighborhood commercial development at the intersection of Fay Boulevard and Adams Place. Neighborhood Commercial (NC) development activities are intended to be low-impact in nature and serve the needs of the immediate residential area without intrusion into the surrounding residential neighborhoods whereas 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.*

## **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.

*The subject parcel is located on an urban collector/local intersection and does not meet the criteria of being located at a collector/arterial nor arterial/arterial intersection. However, the Board may limit CC land uses in surrounding residential areas. There is very limited CC land use along Fay Blvd.*

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

*The subject site would not exceed the 40 acre community commercial complex threshold.*

- C. 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.

*The subject site is not considered a commercial cluster and would be located approximately 1.32 miles from the nearest cluster at the intersection of Grissom Parkway and St. John's Parkway.*

- 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.

*The overall subject site has the potential for a sixty-nine thousand two hundred sixty (69,260) square foot building. The FAR of up to 1.00 is permitted for CC designated sites. 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 if this request is consistent and compatible with the surrounding area given that there are limited parcels or CC Future Land Use along Fay Blvd.

The Board may also wish to consider the recommendations of the Small Area Study that directed CC Future Land Uses to the existing Commercial corridors along Port St. John Parkway and Grissom Road, Curtis Boulevard and Fay Boulevard and U.S. Highway 1 (U.S. 1) and Fay Boulevard.

The Board may wish to consider that according to Policy 2.8(A) of the Future Land Use Element of the Comprehensive Plan that CC clusters up to ten acres should be located at collector/arterial intersections and that the subject parcel is located at a collector/local intersection.

The Board may also wish to consider Policy 2.8(C) of the Future Land Use Element of the Comprehensive Plan that community clusters up to ten (10) acres in size should be spaced at least 2 miles apart. The subject site is not considered a commercial cluster and would be located approximately 1.32 miles from the nearest cluster at the intersection of Grissom Parkway and St. John's Parkway.

The Board may wish to consider Policy's 2.8(A) and 2.8(C), locational criteria for Community Commercial.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Future Land Use (FLU) Review & Summary**  
**Item # 20PZ00088**

**Applicant:** Carmine Ferraro

**FLU Request:** NC to CC

**Note:** Applicant wants hardware store with outdoor garden center.

**PSJ Hearing Date:** 11/18/20; **LPA Hearing Date:** 11/23/20; **BCC Hearing Date:** 12/03/20

**Tax ID No:** 2309941

- 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 (Paola fine sand, Tavares fine sand and Orsino fine 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**

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. Specifically, gopher tortoises can be found in areas of aquifer recharge soils. In addition, a large Florida Scrub Jay polygon is mapped over the parcel and surrounding areas. 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.