

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 20S.11 (20PZ00107)*  
**Township 23, Range 36, Section 22**

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**Property Information**

**Owner / Applicant:** Harold Kurz Trustee

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

**Requested Future Land Use Map Designation:** Planned Industrial (PI)

**Acreage:** 3.66 acres

**Tax Account #:** 2316254

**Site Location:** Southwest corner of North Tropical Trail and North Courtney Parkway

**Commission District:** 2

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

**Requested Zoning:** Planned Industrial Park (PIP)

**Background & Purpose**

The applicant is seeking to amend 3.66 acres of land from the Future Land Use designation of Community Commercial (CC) to Planned Industrial (PI). The subject property currently has a Future Land Use designation of CC. Prior to the CC Future Land use change in 2001 as part of an Evaluation and Appraisal Review (EAR), the subject parcel had a Future Land Use designation of Mixed Use (MU) that was in place since the County adopted the Comprehensive Plan in September of 1988.

Currently, the subject parcel is vacant. The applicant is seeking this Future Land Use change to PI, in order to provide supplies, parts and services to the Space Center.

In 2005, County staff assisted a Citizen Resource Group (CRG) in a North Courtenay Parkway Corridor Study. The Citizen Resource Group evaluated North Courtenay Parkway from the Barge Canal to Kennedy Space Center that included all properties that had frontage on North Courtenay Parkway. [The CRG, as part of its evaluation of this corridor, recognized that this is a commercial corridor with a combination of mainly CC with some Neighborhood Commercial (NC) Future Land Uses.] In addition, the CRG created guidelines for development along this corridor. The guidelines range from

uses such as outdoor storage shall not be visible from the roadway, no bay doors shall face the roadway and no portion of a building should be constructed of sheet metal not visible from the roadway. Additionally, the CRG created guidelines for signage and landscaping around the signage.

In 2018, County staff completed the North Merritt Island Small area study hosting many meetings with the appointed Citizen's Committee and community in North Merritt Island. As a result of the study, recommendations were made and prioritized. The top recommendation was for Brevard County to significantly improve the current FEMA stormwater model for North Merritt Island. As a result, Brevard County has been in the process of significantly improving the current FEMA stormwater model as requested.

A companion rezoning application was submitted accompanying this request for a Zoning change from General Retail Commercial (BU-1) to Planned Industrial Park (PIP) (20Z00078).

### Surrounding Land Use Analysis

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

To the north of the subject property is a Merritt Island Volunteer Fire Department building, vacant Brevard County and School Board property, to the east is the Banana River Baptist Church, to the south is a convenience store with gas pumps and to the west there are two (2) single-family residences.

### Environmental Resources

*Mapped resources include hydric soils/wetlands, aquifer recharge soils, floodplain, Indian River Lagoon nitrogen reduction overlay, protected and specimen trees and protected species.*

- Hydric Soils/Wetlands
- Aquifer Recharge Soils
- Floodplain

- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- 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 seeking this Future Land Use change to PI, in order to provide supplies, parts and services to the Space Center. In addition, the applicant is seeking to rent out space and hire subcontractors to help facilitate the client's needs. The applicant has not indicated the hours of operation for this manufacturing use. There are existing single-family residences to the west across Kangaroo Lane that could potentially be impacted by the hours of operation, noise, 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 no historical or emerging industrial land use pattern in this area along North Courtenay Parkway. There are no industrial uses such as mining, manufacturing or warehousing within a five (5) mile radius.*

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) Zoning change from Agricultural Residential (AU) to Estate Use (EU) in September of 2018 located approximately 2,622 feet northwest of the subject site. No actual development has been started as a result of this change.*

#### **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.

*The subject site is adjacent to a developed residential community with a Future Land Use designation of Residential 1 (RES 1) which allows one*

*dwelling unit per acre of land. This residential neighborhood began developing as early as 2004.*

B. In determining whether an established residential neighborhood exists, the following factors must be present:

1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

*This is a well-established residential neighborhood with clearly established boundaries such as North Tropical Trail to the north, North Courtney Parkway to the east, West Crisafulli Road to the south and North Tropical Trail to the west which is adjacent to the east side of the Indian River Lagoon.*

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

*There are no occasional neighborhood commercial uses scattered within this neighborhood west of the subject site.*

3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

*The area to the west of the subject site is residential and not considered to be transitional with multiple commercial, industrial or other non-residential uses have been applied for and approved during the past five (5) years.*

### **Administrative Policy 5**

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following criteria:

#### **Criteria:**

- A. Whether adopted levels of service will be compromised;

*According to a preliminary concurrency analysis, it is anticipated there will not be a substantial or adverse transportation impact with the change in the Future Land Use designation to PI of the subject site.*

## **Role of the Comprehensive Plan in the Designation of Industrial Lands**

### **Policy 3.1**

The Comprehensive Plan shall impose broad criteria for consideration in evaluating proposals for new industrial designated lands within Brevard County. At a minimum, these criteria shall address the following:

#### **Criteria:**

- A. Compatibility with adjacent adopted Future Land Use designations and land uses;

*The Planned Industrial (PI) Future Land Use designation may not be compatible with the surrounding residential area.*

- B. Existing industrial development trend in the area;

*There is not an existing industrial development trend within this North Courtenay Parkway corridor.*

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

*The development is not anticipated to cause a deficiency to the roadway Level of Service (LOS) on this section of North Courtenay Parkway.*

*The City of Cocoa provides water service to this area.*

*Currently the closest Brevard County sewer service is located approximately 5,622 feet south of the subject property at the intersection of North Courtenay Parkway and Church Road. Brevard County will be extending the force main and reuse main north from Church Road to North Tropical Trail in front of the subject site in the near future.*

- D. Size of proposed industrial designation compared with current need for industrial lands;

*The subject property is 3.66 acres. At this time, there is not a current need for additional industrial lands. At the time of the County's Evaluation and Appraisal Review (EAR) of the Comprehensive Plan in 2023, this will be re-evaluated to address future needs.*

- E. Accessibility to major transportation corridors, as well as air, water and rail transportation facilities;

*The subject site has access onto North Courtenay Parkway (SR 3) which is an Urban Principal Arterial Roadway.*

*The closest Commercial Airport is approximately nine (9) miles south on Merritt Island.*

*Access via the Barge canal approximately 4.5 miles south, could be available to provide access to the Indian River Lagoon for water transport.*

*The Florida East Coast (FEC) Railroad could be accessed approximately seven (7) miles southwest of the subject site.*

- F. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems; and

*Please refer to all comments provided by the Natural Resource Management Department at the end of this report.*

- G. Accessibility to labor, raw materials and markets.

*The subject site would have accessibility to labor, raw materials and markets within approximately 7miles.*

## **Planned Industrial Land Use Designation**

### **Policy 3.5**

The Planned Industrial land use designation is intended to accommodate the clustering of light industrial and business uses in settings which provide special attention to the integration of infrastructure, such as circulation, parking, and utilities, while placing emphasis upon aesthetics of the project and compatibility with abutting properties and properties within the industrial park. These parks shall be designed to limit intrusion into residential areas. Appropriate uses are those that operate within enclosed buildings such as manufacturing, assembling, fabricating, warehousing and retailing activities. Hotel and motel accommodations that serve the travel needs of employees or clients associated with firms within the planned industrial or business parks are also appropriate. Marinas may also be considered within this land use designation. Appropriate locations for planned industrial parks shall be based upon the criteria listed below. Table 3.1 summarizes the specific development parameters listed below as well as issues that affect decision making for rezoning requests and for site plan review, as described in Policies 3.2 and 3.3.

#### **Criteria:**

- A. Planned industrial park project sites shall incorporate at least three (3) acres.

*The subject site is 3.66 acres and meets the size criteria for planned industrial park projects.*

- B. Planned industrial parks must be within 660 feet of the major transportation corridors. Major transportation corridors include such roadways as Interstate 95, U.S. Highways 1 and 192, and State Roads 3, 46, 50, 528, 524, 520, 518, and 516.

*The subject site is located directly adjacent to State Road 3 (SR 3) which is considered to be a major transportation corridor.*

### **For Board Consideration**

The Board may wish to consider if this request is consistent and compatible with the surrounding area given that it will be introducing the PI Future Land Use in the area.

The Board may also wish to consider that a portion of the property is mapped as being within the floodplain as identified by FEMA Flood Zone maps. Objective 5 of the Conservation Element of the Comprehensive Plan seeks to preserve, protect, restore and replace wetlands to achieve no net loss of functional wetlands.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Future Land Use Review & Summary  
Item # 20PZ00107**

**Applicant:** Perrette for Kurz  
**Future Land Use Request:** CC to PI



**Note:** Applicant wants to supply the Space Center with parts and services not included in BU-1.  
**NMI Hearing Date:** 01/07/21; **BCC Hearing Date:** 02/04/21  
**Tax ID No:** 2316254

- 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/Wetlands
- Aquifer Recharge Soils
- Floodplain
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- Protected Species

The subject parcel contains mapped hydric soils with potential for wetlands. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial or industrial land development activities along Mitigation Qualified Roadways (MQRs). North Courtenay Parkway is an MQR at this location. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal. A wetland delineation will be required prior to any site plan design, land clearing activities, or building permit submittal.

The parcel is subject to compensatory storage for fill required for development on North Merritt Island. A topographic survey or engineered site plan delineating floodplain limits on the property is required. The engineer shall provide a report including the hydraulic and hydrologic modelling and analysis. Please see floodplain section in NRM comments for more information.

The property is mapped within the Indian River Lagoon Nitrogen Reduction Septic Overlay. If sewer is not available, the property will require a septic system that provides at least 65% total nitrogen reduction through multi-stage treatment processes per Chapter 46, Article II, Division IV-Nitrogen Reduction Overlay.

**Land Use Comments:**

**Hydric Soils/Wetlands**

The subject parcel contains mapped hydric soils (Copeland-Bradenton-Wabasso Complex) as shown on the USDA Soil Conservation Service Soils Survey map. Hydric soils are an indicator that wetlands may exist on the property. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial or industrial land development activities along Mitigation Qualified Roadways (MQRs). North Courtenay Parkway is an MQR at this location. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696. An environmental report was prepared by Andrew Conklin Environmental Services, LLC (ACES) on May 26, 2020. The report indicated that approximately 0.37 acres of wetlands may exist on the western boundary; however, a formal wetland delineation will be required prior to any site plan design, land clearing activities, or building permit submittal.

### **Aquifer Recharge Soils**

The subject parcel contains a small area of 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.

### **Floodplain**

A portion of the property is mapped as being within the floodplain as identified by the Federal Emergency Management Agency (FEMA) and as shown on the FEMA Flood Zones Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Additional impervious area increases stormwater runoff that can adversely impact nearby properties unless addressed on-site. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Per Section 62-3724(4), any development, land alteration, or grading on North Merritt Island in the area from Hall Road, north to State Road 405, herein after referred to as "Area," is subject to compensatory storage, and written certification from the engineer of record that there will be no adverse flooding impacts upon properties within the Area resulting from the proposed development. The engineer shall provide a report that includes full engineering data and analysis, including the hydraulic and hydrologic modelling and analysis demonstrating that there is no impact. A topographic survey or engineered site plan delineating floodplain limits on the property will be required. Delineation of floodplains shall use best available pre-alteration ground elevation data. Any engineered compensatory storage shall be maintained by the owner in perpetuity. Any modifications to the system require approval under Section 62-3724.

### **Indian River Lagoon Nitrogen Reduction Overlay**

The property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. If sewer is not available, the property will require a septic system that provides at least 65% total nitrogen reduction through multi-stage treatment processes per Chapter 46, Article II, Division IV-Nitrogen Reduction Overlay.

### **Protected and Specimen Trees**

A majority of the subject property is mapped within SJRWMD FLUCCS codes 4350-Upland Scrub, Pine and Hardwoods, and 4110 – Pine Flatwoods. Protected Trees (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter)

are included in these FLUCCS codes, and are likely found on 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. A tree survey will be required at time of site plan submittal, and is recommended prior to any site plan design in order include preservation of any robust Specimen Trees. 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**

The subject property has a large mapped Florida Scrub Jay polygon over the site as shown on the Florida Scrub Jay Occupancy Map. The ACES report indicated that Florida Scrub Jays were not found onsite; however, gopher tortoises were found onsite. 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.