

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

FINDINGS OF FACT (EXHIBIT B)

Small Scale Plan Amendment 20S.12 (20PZ00116)
Township 21, Range 35, Section 17

Property Information

Owner / Applicant: **Preferred Leasing, LLC**

Adopted Future Land Use Map Designation: NC and RES 4

Requested Future Land Use Map Designation: CC

Acreage: 6.33 acres

Tax Account #: 2103387 & 2103397

Site Location: Northeast corner of Cuyler Street and U.S. Highway 1

Current Zoning: BU-1 & AU

Requested Zoning: all BU-1

Background & Purpose

The applicant is seeking to amend the Future Land Use designation on two parcels of land equaling 6.33 acres from Neighborhood Commercial (NC) and Residential 4 (RES 4) to Community Commercial (CC). The applicant is seeking this Future Land Use amendment in order to expand an existing Tractor Supply and Sales store. The parcels are adjacent, have direct access to U.S. Highway 1 and are located within unincorporated Brevard County in Mims.

This segment of U.S. Highway 1 had a Mixed Use (MIX) Future Land Use designation since 1997. In 2008, the Future Land Use designations changed to NC adjacent to U.S. Highway 1 and RES 4 directly to the east, and has remained in place since that time.

In 2007, Brevard County staff was directed to create a Small Area Study in the Mims area. The subject parcels are within the Mims Small Area Study Boundary. A recommendation from the study was to guide future commercial development to the southern Mims area near the U.S. Highway 1 corridor and at the State Road 46 (SR 46)/Interstate 95 (I-95) interchange. The subject parcels are approximately .34 miles south of the SR 46/I-95 interchange.

A companion rezoning application was submitted accompanying this request for a Future Land Use designation change, proposing to change the Zoning classification from General Retail Commercial (BU-1) and Agricultural Residential (AU) to all BU-1.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Mims Trailer Park, Single-Family Residence	TR-3 & BU-1	CC, NC & RES 4
South	Single-Family Residence	BU-1	CC
East	Vacant & Single-Family Residence	RU-2-6 & AU	RES 4
West	Convenience Store with gas pumps & Junk Yard with Open Storage	BU-1 & BU-2	CC

To the north of the subject property is Mims Trailer Park and a single-family residence, to the east is vacant single-family zoned land and a single-family residence, to the south is a single-family residence and to the west is a convenience store with gas pumps and a junk yard with open storage.

Environmental Resources

Mapped resources include hydric soils/wetlands, land clearing and landscape requirements and protected species:

- Hydric Soils/Wetlands
- Land Clearing & Landscape Requirements
- 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 resource groups of historic or archaeological sites on the project site according to the Master Site File from the Florida Division of Historic Resources. At the time of site plan review, the applicant will be required to submit a description of the ground disturbing activities to the Compliance and Review Division of the Florida Department of State Division of Historical 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 foreseeably be affected by the proposed use;

The applicant is seeking this Future Land Use change to CC, in order to expand an existing tractor supply store with farm equipment sales. Typical hours of operation for a Tractor Supply store are 8:00 a.m. to 8:00 p.m. The proposed expanded use will not exceed the Level of Service (LOS) on U.S. Highway 1. There is the potential impact to the residential neighborhood to the east to be impacted by noise, lighting, odor and site activity.

- 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 an existing land use pattern of commercial uses along this section of the U.S. Highway 1 corridor. According to the 2007 Mims Small Area Study, the Citizen's Committee recommended that Mims remain rural and small town in nature directing new commercial growth to southern Mims near U.S. Highway 1 and the State Road 46 (SR 46) /Interstate 95 (I-95) interchange approximately .34 miles north of the subject site.

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 have been two (2) zoning actions within a half-mile radius of the subject property within the past three (3) years. There was a change of zoning from Single-family residential (RU-1-7) to Suburban Residential (SR) adopted on March 7, 2019 (18PZ00147) and a conditional use permit for on-premise alcohol beverage consumption for the wedding venue at the Think Green site located approximately two thousand feet (2000') south of the subject property.

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.

There is a residential neighborhood abutting the subject site to the east along Harry Moore Avenue. To the west of the subject site is an existing Tractor Supply store. The applicant is seeking to expand the Tractor Supply store.

NC Future Land Use designation is used to buffer residential neighborhoods from the more intense commercial activities of a CC Future Land Use designation.

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 CC of the subject site.

The closest concurrency management segment to the subject property is US Highway 1, between Dairy Road and SR Highway 46, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 40.58% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 30.75%. The corridor is anticipated to continue to operate at 71.33% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

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;

Both Parcels A and B have direct access to U.S. Highway, an urban principal arterial roadway on the west side of the properties.

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

Inter-connectivity can be provided between the two parcels when developed. Inter-connectivity is not desirable through residential areas to the north, and east.

- C. Existing commercial development trend in the area;

This section of the U.S. Highway 1 corridor has both NC and CC Future Land Use designations. U.S. Highway 1 is an urban principal arterial roadway consisting of community commercial uses which serve the surrounding

neighborhoods. Across U.S. Highway 1, to the west is an existing convenient store with gas pumps. Also, to the west across U.S. Highway 1, is an open storage facility selling new and used building supplies with a junk yard.

- D. Fundamental changes in the character of an area prompted by infrastructure improvements undertaken by the County;

There have been no new improvements to the infrastructure in this area that have created fundamental changes in the character of the area.

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

The subject parcels are served by Brevard County water. There are no existing Brevard County Utilities sewer lines that run adjacent to this property. Approximately 2,250 feet north of the subject site there is a sewer connection.

The preliminary transportation concurrency analysis indicates that the section of U.S. 1 between Dairy Road and SR 46 has a maximum acceptable volume (MAV) of 41,790. Brevard County defers to the Space Coast Transportation Planning Organization's (TPO's) traffic count program, which indicates that in 2019 the roadway's trips were at 40.58% of the MAV. With this Future Land Use change to Community Commercial (CC), the subject parcel at its highest use would increase the Maximum Acceptable Volume (MAV) to 71.33%. Currently, this section of U.S. 1 has a Level of Service (LOS) of D. The Future Land Use change to Community Commercial (CC) would not create a LOS deficiency. This segment of U.S. 1 has a maximum Acceptable Level of Service (LOS) of D.

- F. Spacing from other commercial activities;

There are commercial activities adjacent to the subject site to the west across U.S. Highway 1 and to the south across Cuyler Street

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

The subject parcels, if changed to a CC Future Land Use designation would become part of an existing 7.3 acre community commercial cluster located at the intersection of U.S. Highway 1 and Cuyler Street. There are many parcels along U.S. Highway that have a Future Land Use designation of CC.

- 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 CC designated property. Since this is a designated commercial corridor, the proposed change in Future Land Use to CC will not extend an undesirable strip commercial pattern.

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;
- b) Transient commercial uses;
- c) Tourist commercial uses;
- d) Professional offices;
- e) Personal service establishments;
- f) Retail establishments;
- g) Non-retail commercial uses;
- h) Residential uses;
- i) Institutional uses;
- j) Recreational uses;
- k) Public facilities;
- l) Transitional uses pursuant to Policy 2.12; and
- m) Planned Industrial Park development (as permitted by PIP zoning).

The applicant has indicated that the proposed use will include the expansion of an existing tractor supply store.

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 parcels is neither located on a collector/arterial nor arterial/arterial intersection but rather on a local/arterial intersection.

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

The subject parcels when combined with the existing 7.3 acre community commercial cluster, would create a 13.63 acre cluster which is less than 40 acres at an intersection.

- 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 parcels if approved with a CC Future Land Use designation, would create a 13.63 acre community commercial cluster. The intersection of Cuyler Street and U.S. Highway There is a 5.8 acre community commercial cluster is a local/arterial intersection and not a collector/arterial nor arterial/arterial intersection. There is a commercial cluster located approximately .34 miles north of the subject parcels at the intersection of SR 46 and U.S. Highway 1 which is an arterial/arterial intersection.

- 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 subject parcels have the potential for a 275,734 square foot commercial development. The FAR is regulated through the land development regulations at the time of site plan review.

- F. Recreational vehicle parks shall be located in areas which serve the needs of tourists and seasonal visitors to Brevard County. The location of recreational vehicle parks shall have access to interstate interchanges via arterial and principal collector transportation.

The subject parcels meet the criteria to be developed as a recreational vehicle park because they have access to an interstate interchange from the U.S. Highway 1 corridor.

Policy 2.15 of the Future Land Use Element Judging the suitability of a location for an extension of strip commercial development activities shall be based upon the following minimum criteria:

Criteria:

- A. Impacts upon traffic circulation should be anticipated and mitigated through the reservation of right-of-way for road widening and marginal access streets. Access points for strip commercial complexes shall seek to minimize points of conflict by utilizing frontage roads, providing cross-access between parcels or installing shared use curb cuts for access driveways to the maximum extent feasible, as determined by Brevard County.

The two (2) subject parcels have frontage on U.S. Highway 1. At the time of development, cross-access can be provided between the 2 parcels.

- B. Setbacks and landscaped or other appropriate buffers shall be established to mitigate the visual impacts of strip commercial development.

When developed with a community commercial use, the site plan associated with it will be reviewed for setbacks, landscape and buffering as part of that review to meet the current Land Development Regulations at the time of development.

- C. A sidewalk or bicycle path shall be required where appropriate, as encouraged by Tables 2.1 and 2.2 to provide convenient access to surrounding residents and to reduce traffic volumes on the roadways.

At the time of Site Plan review, the proposed commercial development will be reviewed taking into consideration the integration of both vehicular and non-vehicular access into the site.

For Board Consideration

This request is seeking a change in Future Land Use (FLU) designation from NC and RES 4 to CC on 6.33 acres and a 2.5 acre portion of the overall 4.07 parcel adjacent to the south. The parcels have direct access to U.S. Highway 1, a commercial corridor along an urban major arterial roadway that provides commercial services to the surrounding local, sub-regional and regional neighborhoods. In addition, both parcels have access to Cuyler Road a Local Road.

The Board may wish to consider that the intersection of Cuyler Road and U.S. Highway 1 is a local/arterial intersection and not a collector/arterial nor arterial/arterial intersection as Policy (A) of the Comprehensive Plan directs commercial clusters to these larger intersections. The Board may wish to consider that the subject parcels when combined with the existing 7.3 acre community commercial cluster would create an approximately 13.33-acre cluster at the intersection of Cuyler Street and U.S. Highway 1, a collector/arterial intersection. Policy 2.8(A) of the Future Land Use Element of the Comprehensive plan provides that community commercial clusters be limited to ten (10) acres in size at a collector/ arterial intersection. In addition, Policy 2.8(C) adds that clusters up to forty (40) acres in size should be spaced five (5) miles apart. The subject parcel is located approximately .34 mile south of a community commercial cluster located at the intersection of SR 46 and U.S. Highway 1.

The Board may wish to consider the expansion of CC into the residential area to the east.

The Board may wish to consider one of the recommendations from the Small Area study was that future commercial development be directed to the southern area of Mims near U.S. Highway 1 and SR 46.

This request is accompanied by a companion proposal for a change of Zoning classification from BU-1 and AU to all BU-1.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Future Land Use Review & Summary
Item # 20PZ00116

Applicant: JT Realty Holdings for Preferred Leasing

Future Land Use Request: NC, CC & RES-4 to CC

Note: Applicant wants to expand farm machinery sales and service store.

P&Z Hearing Date: 02/08/21; **BCC Hearing Date:** 03/04/21

Tax ID Nos: 2103397 & 2103387

- 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
- Land Clearing & Landscape Requirements
- Protected Species

The subject property may contain mapped Type 2 aquifer recharge soils that are found within aquifer recharge areas with elevations greater than or equal to 30 feet mean sea level (NGVD 1929). Per Section 62-3636, within Type 2 aquifer recharge soils, the maximum impervious surface shall be 35 percent, private lakes shall be prohibited, and land alteration shall not alter the recharge or storage characteristics of the area. A topographic survey will be required to at time of site plan review to determine elevations in aquifer recharge areas. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

Land Use Comments:

Aquifer Recharge Soils

A large area of the subject parcel contains mapped aquifer recharge soils (Candler fine sand and Tavares fine sand) as shown on the USDA Soil Conservation Service Soils Survey map. Topographic maps available to NRM indicate elevations greater than or equal to 30 feet mean sea level (NGVD 1929) in portions of the aquifer recharge areas. Per Section 62-3636, Type 2 aquifer recharge areas, the maximum impervious surface shall be 35 percent of the Type 2 aquifer recharge area on the site. Private lakes as described in article XIII, division 5,

of this chapter shall be prohibited. Land alteration shall not alter the recharge or storage characteristics of the area. This includes the removal high permeability soils or replacement with lower-permeability soils. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Land Clearing & Landscape Requirements

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.