

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 21S.1 (21PZ00001)  
Township 25, Range 36, Section 02*

---

**Property Information**

**Owner / Applicant: Robert Van Horn / Gerald K. Houck**

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

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

**Acreage: .53 acres**

**Tax Account #: 2501307**

**Site Location: On the south side of Cone Road approximately 898 feet west of South Plumosa Street**

**Commission District: 2**

**Current Zoning: Single-Family Residential (RU-1-9)**

**Requested Zoning: Retail, Warehousing & Wholesale Commercial (BU-2)**

**Background & Purpose**

The applicant is seeking to amend the Future Land Use designation on .53 acres of land from Neighborhood Commercial (NC) to Community Commercial (CC).

This segment of Cone Road had a Mixed Use (MIX) Future Land Use designation prior to 1988. In 2001, the Future Land Use designations were changed from MIX to NC and CC along this segment of Cone Road when Brevard County updated the Comprehensive Plan and the Future Land Use Map. Currently, the subject parcel has a vacant single-family residence built in 1954.

A companion rezoning application was submitted accompanying this request for a zoning change from Single-Family Residential (RU-1-9) to Retail, Warehousing, and Wholesale Commercial (BU-2).

## Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	Single-Family Residence and Brevard County owned land	RU-1-9	RES 6
<b>South</b>	Vacant Commercial Land	BU-2	CC
<b>East</b>	Used Auto Sales and Vacant Commercial Land	BU-2	CC
<b>West</b>	Warehouse and Office Building	BU-2	CC

To the north of the subject property, across Cone Road, is Brevard County owned land and a single-family residence, to the east is a used auto sales business and a vacant commercial property, to the south is vacant commercial land and to the west is a warehouse and an office building.

## Environmental Resources

*Mapped resources include Indian River Lagoon Nitrogen Reduction Overlay, 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;

*There is a seventy-five foot (75') right-of-way between the subject site and the residential neighborhood to the north. The applicant has not stated a specific commercial use but the effects of lighting, site activity and traffic will be evaluated at the time of site plan review.*

- 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 has been a historical existing commercial use pattern established along this segment of Cone Road, more specifically on the south side from S. Courtenay Parkway east to S. Plumosa Street.*

- 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 not been any development approvals within the past three (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 .53 acre parcel has frontage on Cone Road to the north and access to Oleander Drive to the east.*

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

*The subject .53 acre parcel is adjacent to CC to the south, east and west and adjacent to CC land uses across Oleander Drive to the east. Inter-connectivity could be provided between the subject site and the vacant commercial parcel to the south if warranted.*

- C. Existing commercial development trend in the area;

*There is a historical existing commercial use pattern along Cone Road from S. Courtenay Parkway and S. Plumosa Street to the east.*

- 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 serviced by Brevard County sewer and potable water by the City of Cocoa. Based upon Floor Area Ration (FAR) used for traffic analysis when considering Future Land use changes, Cone Road would be operating below the Acceptable Level of Service (LOS) of E. Specific concurrency issues will be addressed at the time of Site Plan review.*

- F. Spacing from other commercial activities;

*This segment of Cone Road from S. Courtenay Parkway and S. Plumosa Street has commercial activities abutting the property to the south, east and west. The subject parcel is already located within an existing commercial area.*

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

*The subject parcel is .53 acres. Currently there is approximately 1.3 acres of vacant commercial property within this 10 acre commercial cluster along the south side of Cone Road from S. Courtney Parkway to S. Plumosa Street.*

- 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 on pages 8 and 9).*

- I. Integration of open space; and

*Open space will be evaluated during the site plan review process.*

- J. Impacts upon strip commercial development.

*The subject .53 acre site would be considered infill rather than extend strip commercial development. The subject site is located within an existing commercial area.*

## **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 Crone Road has a historic pattern of commercial development, the majority of which is along the south side of the road. In addition, Cone Road from S. Courtenay Boulevard east to S. Plumosa Street has had a Future Land Use designation of MIX since 1988. When the Density Map was combined with the Future Land Use Map in 2001, the Future Land Use designations changed from MIX to NC and CC based upon the Density Map. This segment of Cone Road is not considered strip commercial.*

## **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 at the intersection of Cone Road and Oleander Drive, an Urban Minor Collector Road/Local Road intersection. Currently, there is a commercial cluster of approximately ten (10) acres of CC Future Land Use designations on the south, east and west sides. Crone Road.*

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

*The subject site is a minor intersection with an approximate 10 acre commercial cluster that runs along the south side of Cone Road from S. Courtenay Boulevard to S. Plumosa Street to the east.*

- 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 located within an approximately 10 acre commercial cluster along Cone Road. The nearest commercial cluster is approximately .70 miles north along the W. Merritt Island Causeway.*

*This is an existing community commercial corridor along Cone Road. With the exception of two parcels to include this one, the entire 10 acre cluster has a CC Future Land Use designation.*

- 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 twenty-three thousand eighty-six square foot (23,086 s.f.) 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 that the subject site is located in an area that establishes CC Future Land Uses as the predominant land use.

The Board should also consider if the request is consistent with the Comprehensive Plan and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Future Land Use Review & Summary  
Item # 21PZ00001**

**Applicant:** Van Horn - Houck

**Future Land Use Request:** NC to CC

**Note:** Applicant wants CC and BU-2 use

**P&Z Hearing Date:** 03/08/21; **BCC Hearing Date:** 04/15/21

**Tax ID Nos:** 2501307

- 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:**

- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- Protected Species

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

**Land Use Comments:**

**Indian River Lagoon Nitrogen Reduction Overlay**

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer for the development 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. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

**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 exist 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. The applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities. Land clearing is not permitted without prior authorization by NRM. Applicant should contact Merritt Island Redevelopment Agency (MIRA) at 321-454-6610 for other landscape requirements.

### **Protected Species**

Information available to NRM indicates that federally and/or state protected species may be present on the property. 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.