

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

Small Scale Plan Amendment 21S.02 (21PZ00018)
Township 24, Range 36, Section 02

Property Information

Owner / Applicant: Patricia Garagozlo Kat-Cam, LLC.

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

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

Acreage: 0.59 acres

Tax Account #: 2410506

Site Location: On the west side of North Courtenay Parkway, approximately 1,350 feet south of Hall Road

Commission District: 2

Current Zoning: Agricultural residential (AU)

Requested Zoning: Retail, Warehousing & Wholesale Commercial (BU-2) (21Z00006)

Background & Purpose

The applicant is requesting to amend the Future Land Use designation on 0.59 acres of vacant, undeveloped land from Neighborhood Commercial (NC) to Community Commercial (CC). The subject property currently has a Future Land Use designation of NC that was adopted in May of 2000 when the Mixed Use District land use designation throughout the County was converted into either NC or CC depending on the underlying zoning classification in place (Amendment No. 99B.14). The original land use designation adopted with the Comprehensive Plan in September of 1988 was Mixed Use District along this segment of SR 3 (North Courtenay Parkway).

A companion rezoning application (21Z00006) was submitted accompanying this request for a Zoning change from Agricultural residential (AU) to Retail, Warehousing, and Wholesale Commercial (BU-2).

A School Impact Analysis was not required for this application.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Vacant Undeveloped Land	BU-2 and BU-1	CC
South	Commercial RV Sales	BU-2 and BU-1	CC
East	Across North Courtenay Parkway – Commercial Construction Company	BU-1	CC
West	Brevard County Mitchell Ellington Park	AU	REC

To the north of the subject property is vacant, undeveloped land; to the south is a RV sales business; to the east, across North Courtenay Parkway, is a construction business; and to the west is a Brevard County owned park (114± acres).

Commercial land uses in this area are limited to being in close proximity to the North Courtenay Parkway (State Road 3) Urban Principal Arterial road, the major north-south corridor providing external access to North Merritt Island.

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 closest residential neighborhood is approximately nine-hundred feet (900') southeast of the subject property across North Courtenay Parkway and off Gator Drive. 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 North Courtenay Parkway including some developed retail, warehouse and wholesale businesses.

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

There has not been any new development along North Courtenay Parkway within one-half mile of the subject property 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 for parcels adjacent to the subject property 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 0.59 acre parcel has frontage on North Courtenay Parkway to the east. North Courtenay Parkway (State Road 3) is an Urban Principal Arterial roadway providing access to North Merritt Island.

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

The subject 0.59 acre parcel abuts CC to the north and south, and is adjacent to CC land uses to the east across North Courtenay Parkway. Inter-connectivity could be provided between the subject site and the adjacent parcels to the north and south. Cross-access easement requirements are evaluated during site plan review.

- C. Existing commercial development trend in the area;

There is an existing commercial use pattern in this area as commercial land uses are limited to being in close proximity to the North Courtenay Parkway (SR 3). The SR 3 corridor also has some developed retail, warehouse and wholesale businesses. Approximately 84.6 acres of commercially designated future land use is located along North Courtenay Parkway from Hall Road south to Duval Street, including 32.3 acres that remain undeveloped.

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

In 2014, intersection improvements were constructed at North Courtenay Parkway and Hall Road, approximately 0.3 miles north of the subject property. The project included the replacement of the span signal to mast arms, major drainage improvements, and turn lane improvements. The intersection improvements increased the efficiency of the intersection and improved the overall flow of the North Courtenay Parkway corridor.

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

The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in the transportation adopted level of service. The parcel is within the City of Cocoa's service area for potable water and within Brevard County's service area for sanitary sewer.

- F. Spacing from other commercial activities;

The subject parcel is located within an existing commercial corridor along North Courtenay Parkway and is surrounded by Community Commercial (CC) to the north, south and east.

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

The subject parcel is 0.59 acres. Currently there is approximately 32.3 acres of vacant commercial property within this 84.6 acre commercial cluster along North Courtenay Parkway from Hall Road to Duval 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 0.59 acre site could 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;
- 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 application does not indicate a specific development activity for the site.

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 North Courtenay Parkway, an urban principal arterial roadway. Currently, there is a commercial cluster of approximately 85 acres along North Courtenay Parkway from Hall Road to Duval Street.

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

The subject site is 0.59 acre infill located along a commercial corridor (North Courtenay Parkway) and is not located 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 site is located within a commercial cluster along North Courtenay Parkway. With the exception of three parcels, including the site, the entire 85 acre commercial cluster from Hall Road south to Duval Street 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 (CC) sites.

The overall subject site has the potential for a twenty-five thousand seven hundred square foot (25,700 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.

Environmental Resources

Mapped resources and noteworthy land use issues include National Wetlands Inventory (NWI) Wetlands, 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.

For Board Consideration

The Board may wish to consider that the subject site is located along a commercial corridor (North Courtenay Parkway) 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 (FLU) Review & Summary
Item # 21PZ00018

Applicant: Patricia Garagozlo

FLU Request: NC to CC

Note: Applicant wants CC to increase options for utilizing the property.

NMI Hearing Date: 05/13/21; **P&Z Hearing Date:** 05/17/21; **BCC Hearing Date:** 05/27/21

Tax ID No: 2410506

- 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:

- National Wetlands Inventory (NWI) Wetlands
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- Protected Species

The subject parcel contains mapped NWI wetlands. A wetland was delineated on the western portion of the property. The wetland delineation will require agency verification. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). North Courtenay Parkway is an MQR in this location. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Brevard County Board of County Commissioners may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at (321) 633-2016 prior to any site plan design or permit submittal.

The entire parcel is mapped within the Indian River Lagoon 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.

Land Use Comments:

Wetlands

The subject parcel contains mapped Freshwater forested/Shrub wetlands as shown on the NWI Wetlands map. A wetland has been delineated on the western portion of the property. The wetland delineation will require agency verification. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). North Courtenay Parkway is an MQR in this location. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by Brevard County Board of County Commissioners may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at (321) 633-2016 prior to any site plan design or permit submittal.

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

The subject property is within a mapped polygon of SJRWMD FLUCCS code 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 this FLUCCS code and may be found on the property. 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. Per Section 62-4339, parcels greater than 2.5 acres in size shall meet canopy preservation 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. 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.