



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

21Z00015

Schwab Construction Group, Inc. (Patricia A. Schwab & Daniel Lee Schwab)

BU-1 (General Retail Commercial) to RU-2-15 (Medium-Density Multi-Family Residential)

Tax Account Number: 2426535
Parcel I.D.: 24-36-35-00-9
Location: Southeast side of Palmetto Avenue, 1,000 feet southwest of E. Merritt Avenue (District 2)
Acreage: 0.94 acres

Planning and Zoning Board: 07/12/2021

Board of County Commissioners: 08/05/2021

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal may be considered under the Future Land Use Designation, Section 62-1255 per Policy 2.13.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	BU-1	RU-2-15
Potential*	40,946 sq. ft. commercial development	13 single-family units
Can be Considered under the Future Land Use Map	YES CC	YES CC**

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

** Zoning classification may be considered per Policy 2.13 of the Future Land Use Element.

Background and Purpose of Request

The applicant is seeking a change of zoning classification from BU-1 (General Retail Commercial) to RU-2-15 (Medium-Density Multi-Family Residential) for the purpose of building a 13 unit townhome subdivision. The parcel is vacant. The applicant did not provide staff with a proposed development plan submitted with this application for the proposed multi-family townhomes.

The BU-1 zoning is the original zoning of the parcel adopted May 22, 1958.

Land Use

The subject property retains the CC (Community Commercial) Future Land Use designation. The existing zoning classification BU-1 is considered consistent with the CC (Community Commercial) Future Land Use designation. The proposed RU-2-15 may be considered consistent with the CC (Community Commercial) Future Land Use designation per Policy 2.13.

Applicable Land Use Policies

Future Land Use: FLUE 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 listed criteria 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 2.14; and
- m) Planned Industrial Park development (as permitted by PIP zoning).

Residential Development in Neighborhood Commercial and Community Commercial Land Use Designations: FLUE Policy 2.13 - This request should be evaluated in the context of Policy 2.13 of the Future Land Use Element, which encourages residential development in areas designated Neighborhood Commercial and Community commercial.

“Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map. Residential development is permissible in these commercial land use designations at density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street. Increases in density beyond this allowance may be considered through a public hearing. In the Coastal High Hazard Area (CHHA), however, residential development is limited to the density of the closest residentially designated area on the FLUM that is on the same side of the street...”

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.

The subject property is vacant land and lies within the Community Commercial (CC) Future Land Use designation. The abutting parcels and the surrounding parcels lie within the Neighborhood Commercial (NC) Future Land Use designation. The parcels north of Palmetto Avenue lie within the Community Commercial (CC) Future Land Use designation. The Community Commercial (CC) Future Land Use designation is compatible with the current BU-1 zoning and the proposed RU-2-15 may be considered consistent with the CC (Community Commercial) Future Land Use designation per Policy 2.13.

This request should be evaluated in the context of Policy 2.13 of the Future Land Use Element, which encourages residential development in areas designated Neighborhood Commercial and Community commercial.

The residential density of the surround area, along with the subject parcel's proposed RU-2-15 zoning will allow for a density of 15 units per acre.

There have been no Future Land Use changes within the past 20 years.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

The subject parcel is zoned BU-1 and is vacant.

The developed character of the surrounding area along the southeast side of Palmetto Avenue is RU-2-15, BU-1 and RU-1-11(Single-Family Residential) zoned parcels which are developed multi-family uses in RU-2-15, commercial buildings in BU-1 and single-family houses in RU-1-11.

BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

RU-2-15 classification permits multiple-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square foot lots.

There have been no rezoning applications in the surrounding area in the past 10 years.

Surrounding Area

The abutting parcel to the south and east of the abutting undeveloped road is zoned RU-2-15 a multi-family condominium. The parcel to the west, across Burnwood Drive is zoned RU-2-15 which was previously a Mobile Home Park and appears to be vacant. This parcel was rezoned from TR-3 (Mobile Home Park) to RU-2-15 per zoning action **Z-11245** on May 22, 2006. The parcel to the north, across Palmetto Avenue is zoned BU-1 and is developed as a shopping center.

Environmental Constraints

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.

Preliminary Transportation Concurrency

The closest concurrency management segment to the subject property is N. Courtenay Parkway, between E. Merritt Island Cswy. (Highway 520) and E. Merritt Avenue, which has a Maximum Acceptable Volume of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 59.99% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.32%. The corridor is anticipated to continue to operate at 60.31% of capacity daily (LOS D). The proposal is not anticipated to create a deficiency in LOS.

According to the School Impact Analysis-Capacity Determination Letter (CD-2021-09) dated May 5, 2021, a proposed development of 14 units on the subject property is projected to generate 4 elementary students, 1 middle school student, and 2 high school students. CD-2021-09 concludes: "At this time, Mila Elementary School, Jefferson Middle school and Merritt Island High School are projected to have enough capacity for the total of projected and potential from the Clover Townhomes development.

The parcel will be serviced by Brevard County sewer and City of Cocoa water.

For Board Consideration

The Board may wish to consider whether the request is consistent and compatible with the surrounding area given the fact that RU-2-15 zoning has been established.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item # 21Z00015

Applicant: Daniel Schwab

Zoning Request: BU-1 to RU-2-15

Note: Applicant wants to build townhomes.

P&Z Hearing Date: 07/12/21; **BCC Hearing Date:** 08/05/21

Tax ID No: 2426535

- 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 sewer 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.

Protected and Specimen Trees

Aerials show the parcel to be wooded. Per Section 62-4339, the project has requirements for Canopy, Protected and Specimen tree(s) preservation. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), a purpose and intent of the ordinance is to encourage the protection of Specimen Trees. Per 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.

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.