



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

21Z00032

Perrone Properties, Inc.; and Curtis R. and Sharon E. Davis

Agricultural Residential (AU) to RU-2-10 (Medium-Density Multiple-Family Residential)

Tax Account Number: 2424006 and 2424007
Parcel I.D.: 24-36-31-00-*506 and 24-36-31-00-*507
Location: 2100 and 2250 Pluckebaum Road, Cocoa Florida 32926. North side of Pluckebaum Road, approximately 2,670 feet west of the Intersection of Pluckebaum Road and Clearlake Road (District 1)
Acreage: 40.00 acres

Planning and Zoning Board: 11/15/2021
Board of County Commissioners: 12/02/2021

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can not be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	AU	RU-2-10
Potential*	16 units	400 units
Can be Considered under the Future Land Use Map	YES, RES 4	NO, RES 4**

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

The applicant has submitted a companion Small Scale Comprehensive Plan Amendment (SSCPA) application to change the Future Land Use Map (FLUM) from RES 4 (Residential 4) to RES 15 (Residential 15) under **21PZ00062.

Background and Purpose of Request

The applicant is seeking a change of zoning classification from AU (Agricultural Residential) to RU-2-10 (Medium-Density Multiple-Family Residential) for the purposes of developing a Single-Family Attached (townhome) community under the RA-2-10 (Single-Family Attached Residential) standards, as permitted by Section 62-1372 (1) a.

The property consists of two adjacent 20.00-acre lots, totaling 40.00 acres, under the current AU zoning.

Land Use

The subject property retains the RES 4 Future Land Use designation (FLU). The existing zoning classification of AU is consistent with the FLU. The proposed zoning classification of RU-2-10 is not consistent with the RES 4 FLU. The applicant has submitted a companion Small Scale Comprehensive Plan Amendment application to change the Future Land Use Map (FLUM) from RES 4 (Residential 4) to RES 15 (Residential 15) under **21PZ00062**. Should either the proposed Future Land Use designation of RES 15 be approved or RES 10 be approved, then this request to RU-2-10 can be considered to be consistent with Exhibit A of Section 62-1255.

Applicable Land Use Policies

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

FLUE Policy 1.4 – The Residential 15 Future Land Use designation affords the second highest density allowance, permitting a maximum residential density of up to fifteen (15) units per acre. This land use category allows single and multi-family residential development, except as otherwise may be provided for within 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 property retains RES 4 FLU. The City of Cocoa abuts the property on the north and east sides and City of Rockledge abuts on the south side at the easternmost part of the property. The property is in between medium-density residential and single-family residential land uses, with existing urban and suburban uses in the general area to the north, east, south, and west. To the southwest, between the subject property and I-95, are an AM Radio station, borrow pits, low-lying vacant/agricultural residential properties, and the Sheriff's Ranch, which includes a gun range. The eastern half of the property is developed with one single-wide manufactured home and nine pole barns. The western half of the property is undeveloped residential.

The existing and FLU of the subject property, and adjacent properties to the east, west, and southwest of the subject property, are increasingly out of character with the development of the general area. This is an area in transition, with the existing uses and FLU of the subject and abutting properties, being a small pocket of agricultural residential properties in an area increasingly transitioning via urban/suburban infill to medium density multi and single family residential. The proposed use could be considered consistent and compatible with the emerging development pattern of the area as a transition between medium density multi-family residential uses and FLU's, and single-family residential uses and FLU's. The proposed use is not consistent with the current FLU of RES 4, but is consistent with the proposed RES 15 FLU and would also be consistent with RES 10 FLU.

The 130.66 acre property to the north is currently being developed by Cocoa Grand LLC as a medium-density luxury apartment complex of 268 units, clustered on the center 31 acres of the property, within the City of Cocoa, and has frontage on the south side of SR-520, with commercial FLU's and uses on both sides of that frontage. The City of Cocoa FLU is Medium Density Residential (15 units/acre) for 102.2 acres of the property, and Commercial for the remaining 28.46 acres closer

to SR-520, which is site-planned for mini-warehouse storage units. While the gross density of the project is 268 units/130.66 acres, or 2.05 units/acre, plus proposed mini-warehouse use, the effective clustered density is approximately 268 units/31 acres, or 8.65 units per acre.

The property to the east of the subject property is vacant and has a Low Density Residential FLU within the City Limits of Cocoa, with medium density FLU to the north of that, and is across Pluckebaum Road from a single-family subdivision within the City of Rockledge with Low Density Residential (3 units/acre) FLU platted as quarter-acre lots under City of Rockledge PUD zoning.. The parcels to the south of the subject property and across Pluckebaum Road are developed as agricultural residential, and have Low Density City of Rockledge FLU on the eastern part, and RES 4 Brevard County FLU on the western part. To the west of the subject property are agricultural residential uses with RES 4 with RES 15 FLU's to the west of that on the west side of South Range Road.

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

The subject property and abutting neighbors to east, south and west can be characterized as a small pocket of vacant agricultural residential lots, surrounded by a greater neighborhood area, which consists of established commercial properties, and is transitioning with newer residential and commercial projects, including multi-family and single-family residential developments on adjacent and close-by properties. This trend in this area could be classified as urban/suburban infill. The area is located between medium density multi-family residential and high intensity commercial to the north; planned and developing residential to the northeast, east, and southeast; single-family residential to the south; lower-lying mixture of residential, agricultural residential and government managed lands to the southwest, including the approximately 600 acre Harvest Landing PUD within the City Limits of the City of Rockledge, and; commercial and medium density residential properties to the west.

Surrounding Area

Abutting the subject property to the north is a 130.66 acre property within the City of Cocoa, which is currently being developed as a 268 unit multi-family luxury apartment complex, with mini-warehouses, under City of Cocoa Multiple-Family Dwelling District (RU-2-15) and Whole-Sale Commercial (C-W) zoning. To the east is a vacant 40 acre parcel, within the City of Cocoa, with Single-Family Residential District (RU-1-7) zoning. To the south, across Pluckebaum Road, a single-family subdivision, with quarter-acre lots and within the City of Rockledge City Limits, is zoned Planned Unit Development (PUD), and, also across Pluckebaum, but further are, are agricultural utilized properties in unincorporated Brevard County with AU zoning. To the west are agricultural residential utilized properties in unincorporated Brevard County with AU zoning.

The current AU classification permits single-family residences and agricultural pursuits on 2 ½ acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits commercial crops, packaging, processing, and sale of commodities raised on the premises as provided in Chapter 86, Article IV, the raising/grazing of animals, including unlimited cattle and horses, up to four adult hogs, fowl and beekeeping.

The proposed Medium-Density Multiple-Family Residential (RU-2-10) classification permits multiple-family residential development or single-family residences at a density of up to 10 units per acre on

minimum lot sizes of 7,500 square feet. Single-Family Attached (townhomes) residential units are also permitted in this zoning classification as long as they meet the Single-Family Attached Residential (RA-2-10) standards.

The City of Cocoa Multiple-Family Dwelling District (RU-2-15) provisions are intended to apply to an area of medium density residential development with a variety of housing types. Lot sizes and other restrictions are intended to promote and protect medium density residential development, maintaining an adequate amount of open space for such development. Multiple-family, townhome, duplex, and single-family dwellings are permitted, if they meet the code criteria for the respective housing type.

The City of Cocoa Single-Family Residential District (RU-1-7) permits single family residential development on lots of 7,500 square feet (minimum). The minimum house size is 1,000 square feet.

The City of Rockledge Planned Unit Development District (PUD) has the potential to permit up to 12 units per acre of a variety of housing types, if certain code criteria are met, including but not limited to 25% open space, minimum lot size of 5,000 square feet, minimum living area of 1,200 square feet, and a maximum height of 40 feet.

On 08/21/2013, The City of Rockledge approved **Ordinance 1627-2012** rezoning the property directly across Pluckebaum Road from the southeastern cornerpoint of the subject property from Single-Family Residential to PUD with zero lot-line single-family residential lots of approximately 0.2 acres each. This is part of 156.21 acre PUD rezoning, and approximately 600 acres of contiguous PUD zoning, that extends from the south side of Pluckebaum Road, both southeast and southwest of the subject property, all the way to beyond the intersection of I-95 and proposed extension of Barton Boulevard.

The following zoning actions have been approved within a half-mile of the subject property within the last three years:

- On 01/23/2019, The City of Cocoa approved Ordinance **13-2018**, rezoning a property fronting Clearlake Road, which abuts the east side of the abutting property to the north of the subject property, from RU-1-7 to RU-2-15;
- On 10/10/2017, The City of Cocoa approved **Ordinance 09-2017**, rezoning the southern approximately 1,300 feet of the abutting property to the north of the subject property from RR-1 to RU-2-15;

Additionally, a rezoning from Single-Family Residential (RU-1-9) to Medium Density Residential (RU-2-10) for a similar project, is being reviewed by the Board as **21Z00031**, under the same review cycle as this application, for a property located approximately 0.8 miles to the northwest of the subject property.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands/Hydric Soils
- Floodplain
- Land Clearing and Landscape Requirements

- **Protected Species**

The subject parcel contains mapped SJRWMD wetlands and hydric soils. A wetland delineation will be required prior to any land clearing activities or site plan application. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e), including avoidance of impacts, and 62-3696.

Section 62-3694 states that non-bona fide agricultural and forestry operations utilizing best management practices are permitted in wetlands provided they do not result in permanent degradation or destruction of wetlands, or adversely affect the functions of the wetlands. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any activity of a Bona Fide Agricultural Use on land classified as agricultural land pursuant to Section 193.461, Florida Statute is exempt. The Brevard County Property Appraiser's Office establishes Bona Fide Agricultural land classification. The discovery of unpermitted wetland impacts, that may have occurred during periods of time when Bona Fide Agricultural land classification was not established, may result in enforcement action.

A majority of the parcels is located within an area mapped as FEMA Special Flood Hazard Area AE (Riverine Floodplain); and is thus subject to development criteria in Conservation Element Objective 4, its subsequent policies, and Section 62-3724 of the Floodplain Protection ordinance, including compensatory storage and residential land use density restrictions. Per Section 62-3724, there shall be no net change in the rate and volume of floodwater from the pre-development 100-year, 25-year, 10-year or mean annual riverine floodplain to be determined using the best available data. Development shall not adversely impact the drainage of adjoining properties.

The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Pluckebaum Road, between Clearlake Road and Fiske Boulevard, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 43.72% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 4.08%. The corridor is anticipated to continue to operate at 72.14% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

School concurrency review by Brevard County Public Schools is presented in School Impact Analysis Capacity Determination CD-2021-23 letter dated September 21, 2021 and concludes: "Considering the adjacent elementary school and high school concurrency service areas, there

currently is sufficient capacity for the total projected student membership to accommodate the Affinity Capital Pluckebaum Road development.”

The parcel is not serviced by Brevard County sewer. The applicant has obtained a Capacity Availability Certificate for sewer service from City of Cocoa Utilities Department.

The parcel is not serviced by Brevard County water. The applicant has obtained a Capacity Availability Certificate for water service from the City of Cocoa Utilities Department.

For Board Consideration

The Board may wish to consider whether this request for RU-2-10 zoning is consistent and compatible with the properties in the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review & Summary
Item # 21Z00032

Applicant: Fernandez for Perrone Properties, Inc.

Zoning Request: AU to RU-2-10

Notes: Applicant wants to develop 330 townhome units.

P&Z Hearing Date: 11/15/21; **BCC Hearing Date:** 12/02/21

Tax ID Nos: 2424006 & 2424007

- 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:

- Wetlands/Hydric Soils
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Agricultural land classification. The discovery of unpermitted wetland impacts, that may have occurred during periods of time when Bona Fide Agricultural land classification was not established, may result in enforcement action.

A majority of the parcels is located within an area mapped as FEMA Special Flood Hazard Area AE (Riverine Floodplain); and is thus subject to development criteria in Conservation Element Objective 4, its subsequent policies, and Section 62-3724 of the Floodplain Protection ordinance, including compensatory storage and residential land use density restrictions. Per Section 62-3724, there shall be no net change in the rate and volume of floodwater from the pre-development 100-year, 25-year, 10-year or mean annual riverine floodplain to be determined using the best available data. Development shall not adversely impact the drainage of adjoining properties.

The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

Land Use Comments:

Wetlands/Hydric Soils

The subject parcel contains mapped SJRWMD wetlands (Mixed scrub and shrub wetlands), and hydric soils (Holopaw sand and Ancote sand) as shown on the SJRWMD Florida Land Use & Cover Codes and USDA Soil Conservation Service Soils Survey maps, respectively; indicators that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities or site plan application. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). 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.

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Floodplain

A majority of the parcels is located within an area mapped as FEMA Special Flood Hazard Area AE (Riverine Floodplain); and is thus subject to development criteria in Conservation Element Objective 4, its subsequent policies, and Section 62-3724 of the Floodplain Protection ordinance, including

compensatory storage and residential land use density restrictions. Per Section 62-3724, there shall be no net change in the rate and volume of floodwater from the pre-development 100-year, 25-year, 10-year or mean annual riverine floodplain to be determined using the best available data. Development shall not adversely impact the drainage of adjoining properties. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

Land Clearing and Landscape Requirements

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen 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.