

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

Small Scale Plan Amendment 21S.06 (21PZ00062)
Township 24, Range 36, Section 31

Property Information

Owner / Applicant: Perone Properties, Inc. and Curtis R. and Sharon E. Davis

Adopted Future Land Use Map Designation: Residential 4 (RES 4)

Requested Future Land Use Map Designation: Residential 15 (RES 15)

Acreage: 40 acres

Tax Account #: 2424006 & 2424007

Site Location: Approximately one quarter mile east of Srange Road on the north side of Pluckebaum Road.

Commission District: 1

Current Zoning: Agricultural Residential (AU)

**Requested Zoning: Medium-Density Multi-Family Residential (RU-2-10)
(application 21Z00032)**

Background & Purpose

The applicant is seeking to amend the Future Land Use designation on 40 acres of land from Residential 4 (RES 4) to Residential 15 (RES 15). The subject property currently has a Future Land Use designation of RES 4.

On June 29, 2021, Governor DeSantis signed into law HB 487, which increases the maximum acreage of a small-scale comprehensive plan amendment from 10 acres to 50 acres.

On the north side of the subject site there is a multi-family apartment complex under construction located within the City of Cocoa, with a Future Land Use Designation of Medium Density Residential with a zoning classification allowing up to fifteen (15) dwelling units per acre. On the east side of the subject site is vacant single-family land located within the City of Cocoa with a Very Low Residential Future Land Use designation. The Future Land Use designation of the subject site has remained RES 4 since the adoption of the Comprehensive Plan in September of 1988.

The applicant is seeking to change the Future Land Use designation from RES 4 to RES 15 to develop the property with single-family attached dwellings on 40 acres of land. A companion rezoning application was submitted accompanying this request for a Zoning change from Agricultural Residential (AU) to Medium-Density Multiple-Family Residential (RU-2-10). RU-2-10 would be compatible with a Residential 10 (RES 10) Future Land Use designation which would provide up to 10 dwelling units per acre versus the 15 dwelling units per acre being requested.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Multi-Family Apartment Complex (under construction)	City of Cocoa RU-2-15	City of Cocoa Medium Density Residential
South	Across Pluckebaum Road, Horse Stables	AU	RES 4
East	Vacant Single-Family	City of Cocoa RU-1-7	City of Cocoa Very Low Residential
West	Grazing Land	AU	RES 4

To the north of the subject property there is an approved apartment complex under construction to yield 268 units, to the east is vacant single-family land, to the south across Pluckebaum Road there are horse stables and to the west is grazing land.

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.

Policy 1.2

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

Criteria:

- C. In the Residential 30, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.

The subject property is served with potable water by the City of Cocoa.

- D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.

This Future Land Use Amendment request to change from RES 4 to RES 15 will require a connection to a centralized sewer system. The nearest potential connection is approximately one (1) mile north along State Road 520 (SR 520). The City of Cocoa verified that as of this date, there is sufficient sanitary sewer capacity for the proposed development of 330 townhomes to be developed on the subject site.

Residential 15 (maximum of 15 units per acre)

Policy 1.4

The Residential 15 land use designation affords the second highest density allowance, permitting a maximum density of up to fifteen (15) units per acre, except as otherwise may be provided for within this element. The Residential 15 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- A. Areas located east of Interstate-95, except in instances where they are adjacent to existing or designated residential densities of an equal or higher density allowance; and

The subject site is located east of Interstate-95 (I-95). It is located adjacent to an equal density Future Land Use (FLU) designation to the north with a City of Cocoa, Medium Density Residential FLU designation with a 268 unit apartment complex that is currently under construction. The apartment complex is centered in the middle of a 130.66 acre site on approximately 31 acres of land. In addition, there is an approximately 28.46 acre portion with a Future Land Use designation of City of Cocoa Commercial with access to the north onto SR-520. To the east is a City of Cocoa FLU designation of Very Low Residential with Single-Family Residential (RU-1-7) Zoning. To the west is

land with a Residential 4 (RES 4) FLU designation and Agricultural Residential (AU) Zoning and to the south, across Pluckebaum Road, are lands with a RES4 FLU designation and AU Zoning.

B. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 15 area;

The subject site is located directly adjacent to the north by an incorporated area which also allows up to fifteen (15) dwelling units per acre.

C. Areas adjacent to an existing Residential 15 land use designation; and

The subject site is located directly adjacent to an existing City of Cocoa FLU of Medium Density Residential which allows up to 15 dwelling units per acre.

D. Areas which have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

The subject site has direct access to Pluckebaum Road, an urban major collector roadway to the south.

E. Up to a 25% density bonus to permit up to 18.75 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the Coastal High Hazard Area (CHHA).

The applicant is not seeking a Planned Unit Development.

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:

- 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 an emerging pattern of multi-family development surrounding the subject site. To the north, in the City of Cocoa, a

Large-Scale Site Plan was approved and recorded by the City of Cocoa on December 14, 2020. To the east, south and west are horse stables, vacant single-family land and grazing land.

This area is in transition with the existing uses and FLU of the property being a small pocket of agricultural residential properties in an area increasingly transitioning within suburban/urban infill.

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

Construction is in progress for the approved Large-Scale Site Plan for an Apartment Complex to the north of the subject site.

3. development approved within the past three years but not yet constructed.

To the north, adjacent to the subject parcel, is an approved Apartment Complex with 268 dwelling units that was approved by the City of Cocoa in December, 2020.

Concurrency

The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in the transportation adopted level of service. The subject site is within the City of Cocoa's service area for potable water. The subject parcel will be required to connect to a centralized sewer system. The City of Cocoa has evaluated the capacity for sanitary sewer as sufficient at this time. The school concurrency indicates there is enough capacity for the total of projected and potential students from the Pluckebaum development.

Environmental Resources

Mapped resources include Hydric Soils/Wetlands, Floodplain, Land Clearing and Landscape Requirements and Protected Species.

- Wetlands/Hydric Soils
- Floodplain
- Land Clearing and 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 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 if the request is consistent and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Future Land Use Review & Summary
Item # 21PZ00062

Applicant: Fernandez for Perrone Properties, Inc.

Future Land Use Request: RES 4 to RES 15

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
- 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.

Land Use Comments:

Wetlands/Hydric Soils

The subject parcel contains mapped SJRWMD wetlands (Mixed scrub and shrub wetlands), and hydric soils (Holopaw sand and Anclote 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.

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.

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.