



**AGENDA REPORT  
May 24, 2018**

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**SUBJECT:**

Public Hearing, Re: Panorama Mobile Home Park, Inc. (Cole Oliver/Joe Mayer) requests a Small Scale Comprehensive Plan Amendment from NC to CC. The property is 5.94 acres, located at 225 S. Courtenay Pkwy., Merritt Island. (18PZ00017) (District 2)

**FISCAL IMPACT:**

None.

**DEPT/OFFICE:**

Planning and Development

**REQUESTED ACTION:**

It is requested that the Board of County Commissioners conduct a public hearing to consider the request for a Small Scale Comprehensive Plan Amendment from NC (Neighborhood Commercial) to CC (Community Commercial). (18PZ00017) (District 2)

**SUMMARY EXPLANATION and BACKGROUND:**

The applicant is seeking to amend the Future Land Use designation from NC to CC on a 5.94 acre piece of a greater 7.16 parcel of land. The remaining 1.22 acre piece of the greater parent parcel already retains the CC Future Land Use designation. The subject parcel is located in South Merritt Island, less than 1000' south of SR 520 and uniquely situated between two north-south corridors, South Tropical Trail and South Courtenay Parkway.

A companion rezoning application accompanies this request for a Future Land Use designation change, proposing to change the zoning classification from RA-2-10 (Single-Family Attached Residential) to BU-1 (General Retail Commercial). The applicant has submitted a conceptual site plan for the development of a Self-Storage Facility along with the request for BU-1 zoning.

A preliminary concurrency analysis indicates that the proposed change in Future Land Use designation could generate traffic that would cause deficiency of adopted roadway levels of service. Today, the Space Coast TPO's 2016 traffic counts indicate that South Courtenay Parkway is at 98% of the maximum acceptable volume (MAV) and that South Tropical Trail is at 41% of the MAV. Proposed development will be required to submit a Traffic Impact Analysis when submitting a site plan, with almost any proposed development at this site having the potential to cause deficiencies in roadway level of service. Additionally, the location of the proposed expansion of the CC Future Land Use designation does not meet the locational development criteria for being located at an

intersection or by clustering commercial development.

The Board may wish to examine the potential impacts to the existing residential communities on the west side of the parcel, across S. Tropical Trail, with a Future Land Use designation change from NC to CC.

The Board may wish to consider whether additional analysis is necessary in order to justify the proposed change in Future Land Use designation.

On May 7, 2018, the Local Planning Agency heard the request and unanimously recommended approval.

Staff contact: Erin Sterk, Interim Planning & Zoning Manager, [erin.sterk@brevardfl.gov](mailto:erin.sterk@brevardfl.gov)

**ATTACHMENTS:**

**Description**

- ▢ **Staff Comments**
- ▢ **Maps**
- ▢ **FYI**
- ▢ **Public Comment1**



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

May 29, 2018

Honorable Scott Ellis  
Clerk  
Board of County Commissioners  
Brevard County  
Post Office Box 999  
Titusville, Florida 32781-0999

Attention: Ms. Deborah Thomas

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 18-14, which was filed in this office on May 29, 2018.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

ORDINANCE NO. 18- 14

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE SECOND SMALL SCALE PLAN AMENDMENT OF 2018, 18S.01, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.3184 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2018 as Plan Amendment 18S.01; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 18S.01; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

Officially filed with the Secretary of State on May 29, 2018

WHEREAS, on May 7, 2018, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 18S.01, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on May 24, 2018, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 18S.01; and

WHEREAS, Plan Amendment 18S.01 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 18S.01 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 18S.01 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 18S.01, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair,

invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Effective Date. The effective date of this small scale plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this 24 day of MAY, 2018.

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By:   
Rita Pritchett, Chairman

As approved by the Board on MAY 24, 2018.

**RESOLUTION NO. 18PZ00017**

**Corrected**

On motion by Commissioner Barfield, seconded by Commissioner Smith, the following resolution was adopted by a unanimous vote:

**WHEREAS, PANORAMA MOBILE HOME PARK, INC.** – (Cole Oliver and Joe Mayer) – requests a Small Scale Comprehensive Plan Amendment (18S.01) to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial), on property described as Tax Parcel 500, as recorded in ORB 2793, Page 2489, of the Public Records of Brevard County, Florida, less and except the existing CC. (5.94 acres) Located between N. Courtenay Pkwy. and S. Tropical Trail, approx. 350 ft. south of Fortenberry Rd. on the Courtenay Pkwy. side, and 0.26 mile north of Peck Ave. on the S. Tropical Trail side. (225 S. Courtenay Pkwy., Merritt Island); and

**Section 35,**

**Township 24S,**

**Range 36E, and,**

**WHEREAS,** a public hearing of the Brevard County Local Planning Agency was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Local Planning Agency recommended that the application be approved; and,

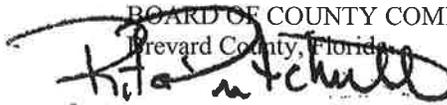
**WHEREAS,** the Board, after considering said application and the Brevard County Local Planning Agency's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be Approved; now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested Small Scale Comprehensive Plan Amendment (18S.01) to change the Future Land Use designation from NC to CC, be APPROVED as recommended, adopted Ordinance No. 18-14, and that the Future Land Use designation relating to the above described property be changed to CC, and the Planning & Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

**BE IT FURTHER RESOLVED** that this resolution shall become effective as of May 24, 2018.

BOARD OF COUNTY COMMISSIONERS

Brevard County, Florida



ATTEST:



SCOTT ELLIS, CLERK  
(SEAL)

by Rita Pritchett, Chair  
Brevard County Commission

As approved by Brevard County Commission on May 24, 2018.

(LPA Hearing – May 7, 2018)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years.

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**FINDINGS OF FACT (EXHIBIT B)**

*Small Scale Plan Amendment 18S.01 (18PZ00017)*

**Township 24, Range 36, Section 35**

**Property Information**

Owner / Applicant: **Panorama Mobile Home Park, Inc.**

Adopted Future Land Use Map Designation: NC

Requested Future Land Use Map Designation: CC

Acreage: 5.94 +/- acres Tax Account #: a portion of 2426677

Site Location: East of South Tropical Trail, between South Tropical Trail and South Courtenay Parkway, approximately 970' south of W. Merritt Island Causeway (SR 520)

Current Zoning: RA-2-10

Requested Zoning: BU-1

**Surrounding Land Use Analysis**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Vacant, Existing FPL Substation	RU-1-9	NC
<b>South</b>	Vacant, Medical Office Complex	BU-1	CC
<b>East</b>	Dollar General	BU-1	CC
<b>West</b>	Merritt Island Lodge, Sunset Bay Condominium	IN(L), RU-2-15	RES 15

**General Analysis**

The applicant is seeking to amend the Future Land Use designation from Neighborhood Commercial (NC) to Community Commercial (CC) on a 5.94 acre piece of a greater 7.16 parcel of land. The remaining 1.22 acre piece of the greater parent parcel already retains the CC Future Land Use designation. The subject parcel is located within Unincorporated Brevard County in South Merritt Island, less than 1000' south of SR 520 and uniquely situated between two north-south corridors, South Tropical Trail and South Courtenay Parkway.

The subject parcel abuts property developed with an existing FPL Substation to the north, a Dollar General to the east, a Medical Office Complex and two parcels of vacant land to the south and the Merritt Island Lodge to the west with the Sunset Bay Condominium complex surrounding it across South Tropical Trail. The corridor abutting the western boundary of the subject parcel is South Tropical Trail, which is developed with high-density residential on the corridor's west side and with single-family residential, undeveloped parcels, and even a soccer field owned by the nearby First

Baptist Church on the corridor's east side; however, the corridor abutting the parcel's eastern boundary is South Courtenay Parkway, which is developed mainly with commercial uses and some low-density single-family residential to the south and high-density residential to the north.

A companion rezoning application was submitted accompanying this request for Future Land Use designation change, proposing to change the Zoning classification from Single-Family Attached Residential (RA-2-10) to General Retail Commercial (BU-1). The applicant has submitted a conceptual site plan for the development of a Self-Storage Facility along with the request for BU-1 Zoning.

### **Environmental Resources**

*Note: Please refer to the attached report from the Natural Resources Management Office for a detailed analysis of the following environmental factors: Wetlands, Floodplains, Aquifer Recharge, and Endangered or Threatened Species. Applicants are encouraged to contact the Brevard County Natural Resources Management Office concerning environmental considerations prior to planning and development. Any future development will be subject to Brevard County's land development regulations.*

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### **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.*

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### **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.

## **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 parcel has frontage on two major north-south corridors - South Tropical Trail, an urban major collector road and South Courtenay Parkway, an urban minor arterial road. Both roads intersect West Merritt Island Causeway (SR 520) less than 1000' to the north of the subject parcel. There is*

*very little east-west connectivity in the area between the two north-south corridors, with Cone Road being the closest east-west roadway connection to the south of the subject parcel lying almost half a mile away and the Magnolia Avenue being the closest east-west roadway to the north lying almost two-tenths of a mile away. The subject parcel has no direct access from any roadway from either its northern or southern property boundary.*

*The conceptual plan submitted with the associated rezoning proposal depicts that the mini-storage use is proposing to access South Courtenay Parkway via a small access south of the Dollar General developed to the east, with potential to share access via cross-access easement with that developed parcel. The driveway on South Courtenay Parkway is located where the road tapers from two lanes into one heading southbound and from one lane into two heading northbound, with a center turn lane dividing the north-south lanes. Access management for turning movements in this location may prove to be difficult.*

*The conceptual plan does not indicate that the proposed development intends to provide access from the parcel to South Tropical Trail.*

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

*The area between South Tropical Trail and South Courtenay Parkway is interspersed with parcels with both the NC and CC Future Land Use designation, with NC primarily along South Tropical Trail and CC primarily along South Courtenay Parkway. The subject parcel is adjacent to developed CC properties on the east and south sides, as well as two vacant parcels to the south. To the north of this parcel, the parcel owned by FP&L retains the NC Future Land Use designation. The parcels to the west across South Tropical Trail retain the Residential 15 (RES 15) Future Land Use designation and are developed as a lodge surrounded by high-density multi-family residential condominiums.*

**C. Existing commercial development trend in the area;**

*The South Tropical Trail corridor is characterized by a mixture of Future Land Use Designations; some developed RES 15, underdeveloped NC and vacant CC are all nearby. The nearby RES 15 parcels across South Tropical Trail are developed as high-density, multi-family residential properties, but all of the NC and CC parcels that have frontage along the South Tropical Trail corridor are either vacant or underdeveloped, having single-family residential dwelling units on large parcels. In addition, the only parcel with the CC Future Land Use designation directly adjacent to South Tropical Trail today was adopted due to a County-wide Future Land Use Amendment removing the Mixed Use category in early 2001. At that time, the Future Land Use*

*category selected to replace the previous Mixed Use designation was based on staff analysis of existing density. In 2001, the parcels to the south had a BU-1 Zoning designation but all of the other surrounding parcels along this corridor had a RU-1-11 Zoning. Because a BU-1 Zoning designation has a greater density than RU-1-11, the Future Land Use was determined to be the higher of the NC and CC uses, resulting in the only parcel with the CC Future Land Use designation directly abutting South Tropical Trail, which remains undeveloped today.*

*The South Courtenay Parkway corridor consists of mainly developed commercial properties with the CC Future Land Use designation. Parcels with the CC Future Land Use designation extend another 815' south of the parcel's southern boundary. Heading south from the parcels with the CC Future Land Use designation, the corridor then transitions into single-family development.*

- 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 subject parcel is served by the Cocoa Utilities' potable water supply. There are existing Brevard County Utilities sewer lines that run along both South Tropical Trail South Courtenay Parkway that are accessible to this site. Additionally, a Brevard County Utilities 6" sewer forcemain runs along the subject parcel's southern property line within a utilities easement.*

*South Tropical Trail and South Courtenay Parkway each run in the north-south direction adjacent to this site, with South Tropical Trail on the property's west side being functionally classified as an urban major collector and South Courtenay Parkway on the property's east side being functionally classified as an urban minor arterial. There are no east-west roadway connections adjacent to the subject property.*

*Noted on the conceptual plan associated with the rezoning proposal, the site is proposing to gain access from only South Courtenay Parkway. The preliminary transportation concurrency analysis indicates that the South Courtenay Parkway corridor from has a maximum acceptable volume (MAV) of 15,600. Brevard County defers to the Space Coast Transportation Planning Organization's (TPO's) traffic count program, which indicates that in 2016 the roadway's trips were at 98% of the MAV.*

*The proposed Future Land Use designation change from NC to CC could significantly increase traffic on the corridor, and almost any development could result in a failure of the roadway's Level of Service. High traffic generators, like a drive-in bank, convenience store with gas pumps, or a fast-food market with a drive-through are all permissible within the CC Future Land Use designation, each of which would generate several thousand trips per day and hundreds of trips during the PM Peak Hour.*

*The Board may wish to consider whether proposed development should be required to connect with both South Courtenay Parkway and South Tropical Trail. Space Coast TPO 2016 Traffic Counts indicate that the South Tropical Trail corridor has a maximum acceptable volume (MAV) of 12,480 and trips are at only 41% of the MAV between Cone Road and SR 520.*

*The applicant will be required to submit a Traffic Impact Analysis when proposing development, which should be based on the 2018 FDOT Quality/Level of Service Handbook, along with the updated Generalized Service Volume Tables included in that handbook. A capacity analysis must be provided by the applicant in order to evaluate and consider any change to the maximum service volume that the South Courtenay Parkway roadway segment is currently set at (15,600).*

F. Spacing from other commercial activities;

*The subject parcel is adjacent to commercially developed land to the east along the South Courtenay Parkway corridor. To the north is developed a NC parcel with an existing FPL Substation. To the south there is developed and undeveloped commercial property with an existing Medical Office Complex.*

*The entire area between SR 520 south down to this site retains commercial Future Land Use designation. In addition to the significant commercial lands between South Tropical Trail and South Courtenay Parkway south of SR 520, significant commercially designated land exists along SR 520 heading east until you reach the mall parcels and the Banana River and heading north of SR 520 along South Courtney Parkway (SR 3). Within all of unincorporated Brevard County, this is one of the largest conglomerates of commercially designated lands that is not broken up into smaller nodes, second only to the west Cocoa area.*

*Exhibit A has been included as an attachment which depicts the **Connectivity & Block Size in Areas with a Commercial FLU Designation**. This exhibit demonstrates that this 42 + acre block of NC/CC is much larger in size and less connected than the surrounding blocks of commercially designated lands.*

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

*The Future Land Use designation change from NC to CC is proposed on 5.94 acres. When combined with the piece of the greater parcel that already retains the CC FLU designation, this will result in a 7.16 acre parcel with the CC FLU designation.*

*In this area south of SR 520 between South Tropical Trail and South Courtenay Parkway, there are a combined total of 49.34 acres of interspersed NC and CC parcels, many of which remain undeveloped and lack the desired connectivity to the surrounding arterial and collector roadway network. Of the nearest CC parcels, 44% remains undeveloped. Of the nearby NC parcels, 31% remains undeveloped, 27% is underdeveloped with single-family residences, rather than commercial development, and only 41% is developed with commercial uses.*

- 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).*

- I. Integration of open space; and

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

- J. Impacts upon strip commercial development.

*This area of Merritt Island is comprised of a mixture of Community Commercial and Neighborhood Commercial land uses. The promotion of strip pattern commercial development is discouraged within the FLU Element for Community Commercial property. Infill within established strip commercial areas is preferred over the extension of a strip commercial pattern.*

**Policy 2.15 of the Future Land Use Element Judging the suitability of a location for an extension of strip commercial development activities shall be based upon the following minimum criteria:**

**Criteria:**

- A. *Impacts upon traffic circulation should be anticipated and mitigated through the reservation of right-of-way for road widening and marginal access streets. Access points for strip*

*commercial complexes shall seek to minimize points of conflict by utilizing frontage roads, providing cross access between parcels or installing shared use curb cuts for access driveways to the maximum extent feasible, as determined by Brevard County.*

*B. Setbacks and landscaped or other appropriate buffers shall be established to mitigate the visual impacts of strip commercial development.*

*C. A sidewalk or bicycle path shall be required where appropriate, as encouraged by Tables 2.1 and 2.2 to provide convenient access to surrounding residents and to reduce traffic volumes on the roadways.*

## **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 applicant indicated that the proposed use will be a self-storage facility, but has not proposed to limit the property to that use via a Binding Development Plan.*

## 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 less than 10 acres, but parcels with the CC Future Land Use designation are not clustered here, but are interspersed with those with the NC Future Land Use designation. This site has access on both sides to an urban major collector road on the west side of the site and an urban minor arterial road on the east side. The subject parcel is not located at either a collector/arterial or principal arterial/principal arterial intersection and lacks any east-west roadway connectivity.*

*The closest intersections to this parcel with access to the east are South Courtenay Parkway and Fortenberry to the north and South Courtenay Parkway and Cone Road to the south. South Courtenay Parkway is considered to be an urban minor arterial roadway, Fortenberry Road is considered to be an urban major collector roadway and Cone Road is considered to be an urban minor collector roadway.*

*The Board may wish to consider road right-of-way connectivity along the south side of this property that would run east-west connecting South Courtenay Parkway to South Tropical Trail. This connection could increase accessibility to this site and decrease traffic congestion to the north at SR 520.*

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

*The subject parcel is 7.16 total acres in size, with 1.22 acres already having the CC Future Land Use designation and this additional 5.94 acres proposed for a change to CC. The subject parcel 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 parcel is less than 10 acres, but total more than 40 acres in size when combined with the parcels adjacent to it with the CC Future Land Use designation. As the SR 520 corridor and several intersecting north-south connections consist of parcels primarily retaining the CC Future Land Use designation, the total of the enormous cluster of CC in central Merritt Island totals greater than several hundred acres in size. This may be due in large part to the commercial development being a destination for many residents of both the beachside municipalities and residents from the mainland.*

- 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 FAR is regulated through the land development regulations at the time of site plan review.*

- F. Recreational vehicle parks shall be located in areas which serve the needs of tourists and seasonal visitors to Brevard County. The location of recreational vehicle parks shall have access to interstate interchanges via arterial and principal collector transportation corridors or the property shall be located on a major multi-county transportation corridor.

*This parcel does meet the criteria to be developed as a recreational vehicle park because it does have access to an interstate exchange from South Courtenay Parkway via SR 520.*

### **For Board Consideration**

This request is seeking a change in Future Land Use designation from Neighborhood Commercial (NC) to Community Commercial (CC) on 5.94 acres of the greater 7.16 acre parcel. This area of Unincorporated Brevard County is comprised of a mixture of Neighborhood Commercial (NC) and Community Commercial (CC) development. The subject site is vacant.

The subject parcel is quite unique in that it has frontage on two major north-south corridors - South Tropical Trail, an urban major collector road and South Courtenay Parkway, an urban minor arterial road. Both roads intersect West Merritt Island Causeway (SR 520) less than 1000' to the north of the subject parcel. There is very little east-west connectivity in the area between the two north-south corridors, with Cone Road being the closest east-west roadway connection to the south of the subject parcel lying almost half a mile away and the Magnolia Avenue being the closest east-west roadway to the north lying almost two-tenths of a mile away.

The frontage along South Courtenay Parkway is mostly existing commercial properties whereas the frontage on the west is mainly high-density residential development on the roadway's west side and single-family residential and vacant parcels with a commercial Future Land Use designation on the roadway's east side. The Board may wish to examine the potential impacts to the existing residential communities on the west side of this parcel with a Future Land Use designation change from NC to CC.

A preliminary concurrency analysis indicates that the proposed change in Future Land Use designation could generate traffic that would cause deficiency of adopted roadway levels of service. Today, the Space Coast TPO's 2016 traffic counts indicate that South Courtenay Parkway is at 98% of the maximum acceptable volume (MAV) and that South Tropical Trail is at 41% of the MAV. Proposed development will be required to submit a Traffic Impact Analysis when submitting a site plan, with almost any proposed development at this site having the potential to cause deficiencies in roadway level of service. Additionally, the location of the proposed expansion of the CC Future Land Use designation does not meet the locational development criteria for being located at an intersection or by clustering commercial development.

The Board may wish to consider whether additional analysis is necessary in order to justify the proposed change in Future Land Use designation.

This request is accompanied by a companion proposal for a change of Zoning classification from Single-Family Attached Residential (RA-2-10) to General Retail Commercial (BU-1).

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Small Scale Comprehensive Plan Amendment Review**

**SUMMARY**

<b>Item #: 18PZ00017</b>	<b>Applicant: Cole Oliver</b>
<b>Land Use Request: NC to CC</b>	
<b>P&amp;Z Hearing Date: 05/07/18</b>	<b>BCC Hearing Date: 05/24/18</b>

This is a preliminary review based on environmental maps available to the Natural Resources Management Department (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, County or Local Regulations. The subject parcel is located in the Merritt Island Redevelopment Agency Special District. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

<b>Natural Resource</b>	<b>Preliminary Assessment</b>	<b>Natural Resource</b>	<b>Preliminary Assessment</b>
Hydric Soils/Wetlands	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	N/A
Floodplains	Not mapped	Wildlife	Potential

**Comments:**

**This review relates to the following property: Twp 24, Rng. 35, Sec. 35;  
Tax ID No. 2426677**

The subject parcel contains mapped NWI and SJRWMD wetlands; indicators that wetlands may be present on the property. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). Courtenay Parkway is an MQR in this vicinity. The applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any land clearing activities, plan or permit submittal.

The subject parcel contains mapped aquifer recharge soils (Paola fine sand, 0 to Candler-Urban land). The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

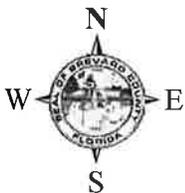
Information available to NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity,

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.

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

# LOCATION MAP

PANORAMA MOBILE HOME PARK, INC.  
18PZ00017 SMALL SCALE AMENDMENT 18S.01



1:24,000 or 1 inch = 2,000 feet

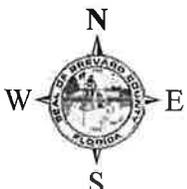
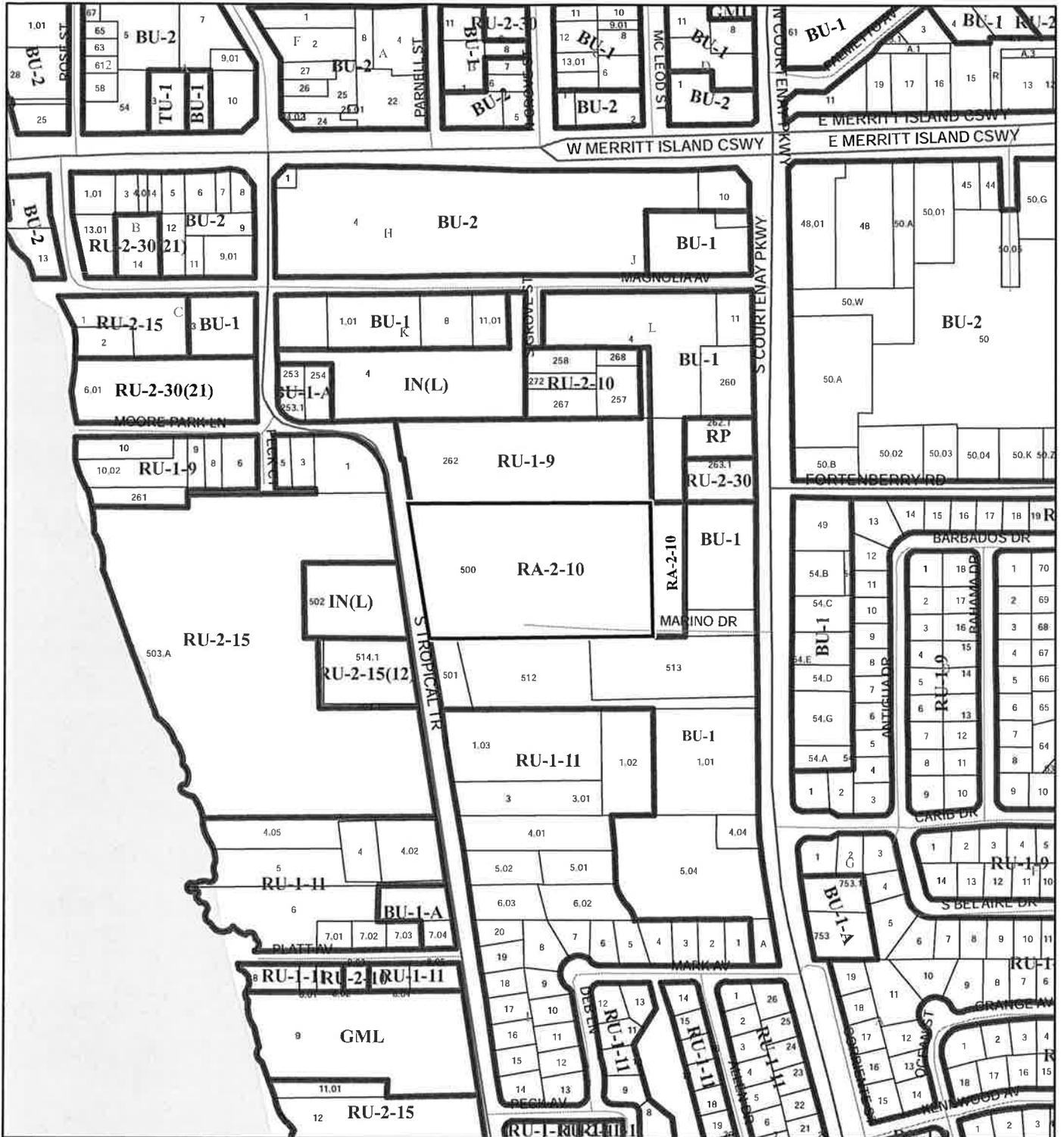
Buffer Distance: 500 feet

- Buffer
- Subject Property

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

# ZONING MAP

PANORAMA MOBILE HOME PARK, INC.  
18PZ0017 SMALL SCALE AMENDMENT 18S.01



1:4,800 or 1 inch = 400 feet

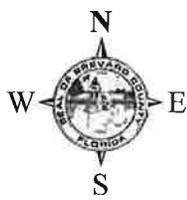
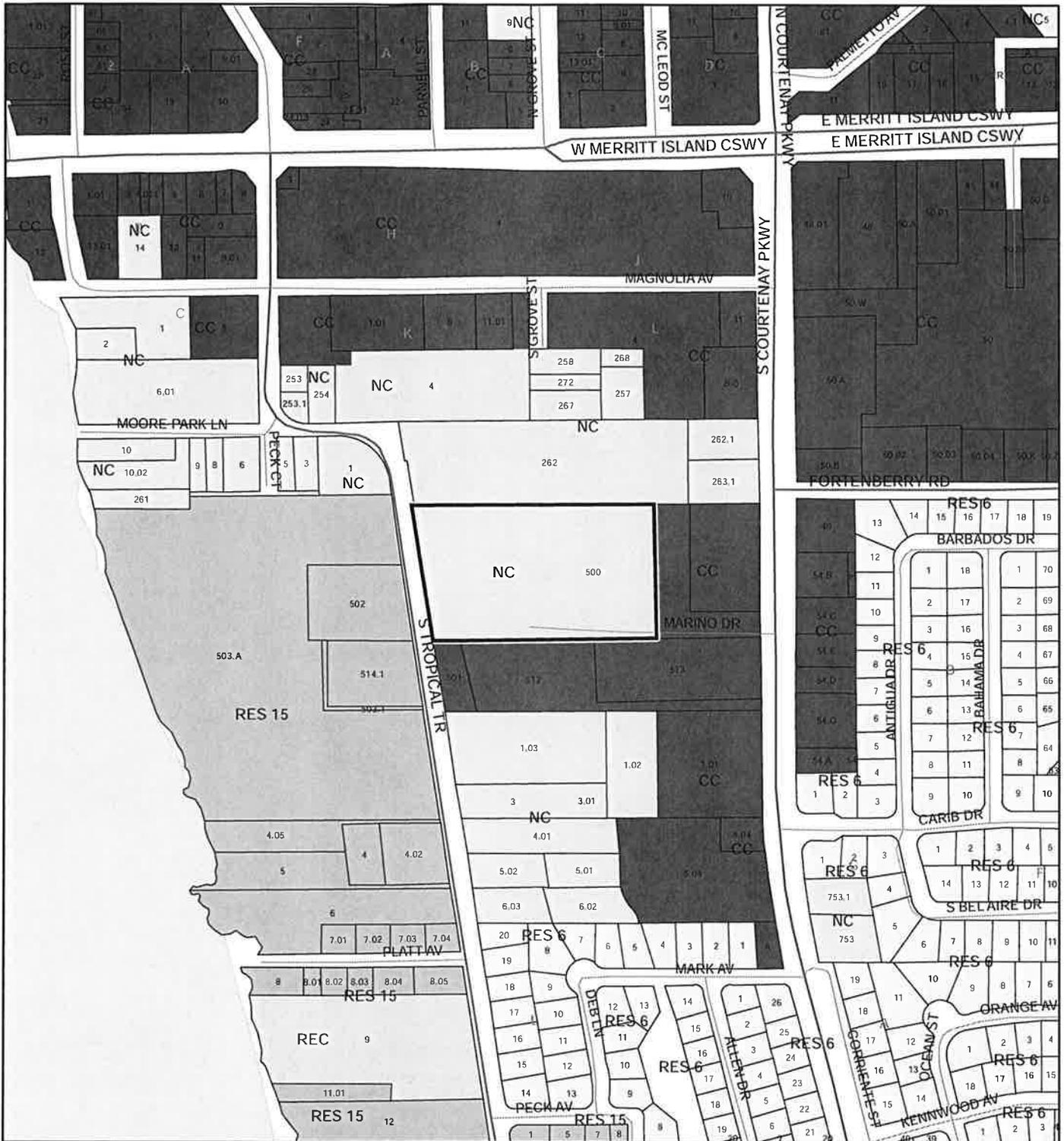
- Subject Property
- Parcels
- Zoning

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# FUTURE LAND USE MAP

PANORAMA MOBILE HOME PARK, INC.

18PZ00017 SMALL SCALE AMENDMENT 18S.01



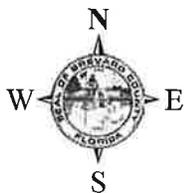
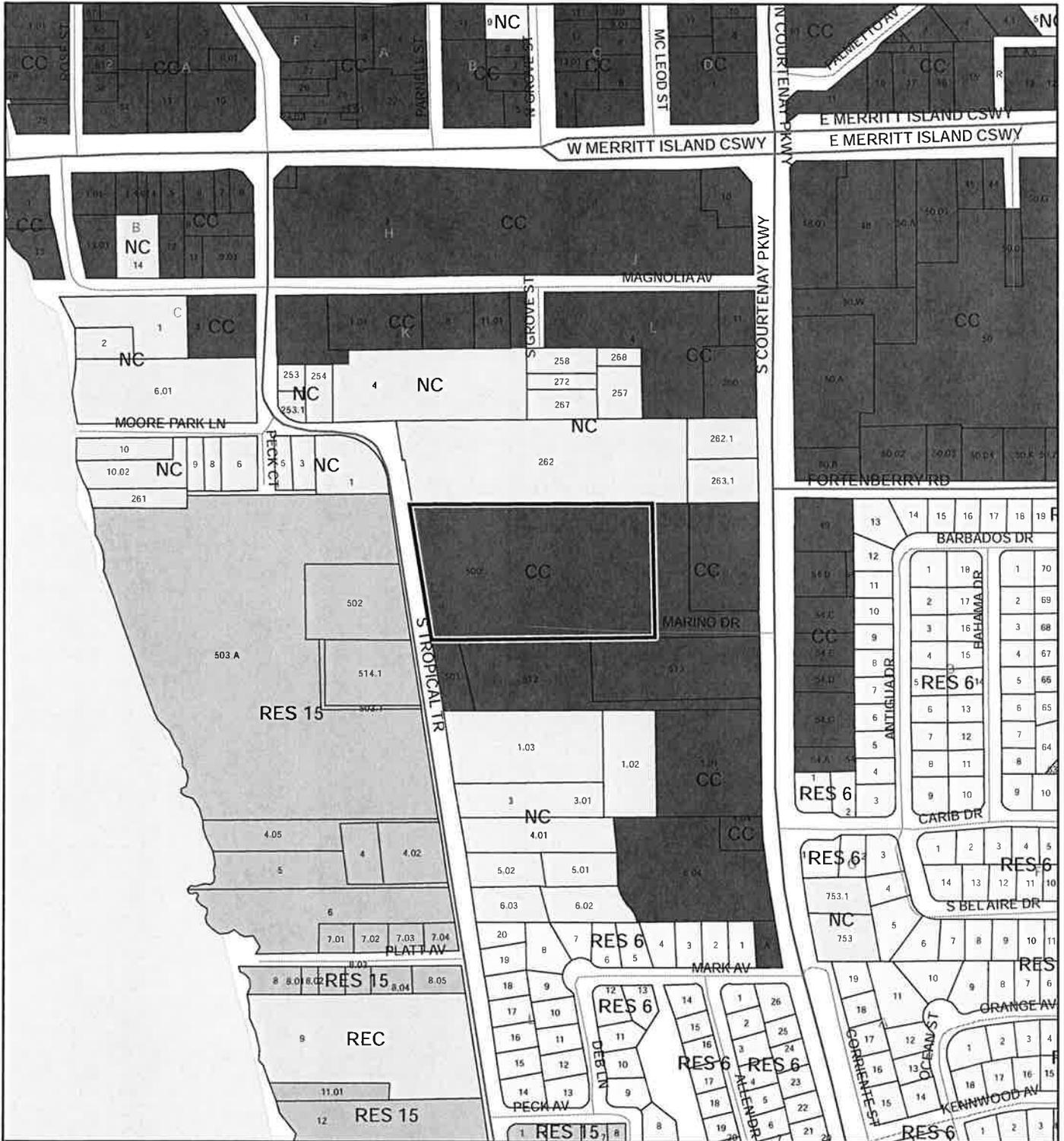
1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels

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# PROPOSED FUTURE LAND USE MAP

PANORAMA MOBILE HOME PARK, INC.  
18PZ00017 SMALL SCALE AMENDMENT 18S.01



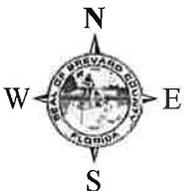
1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

# AERIAL MAP

PANORAMA MOBILE HOME PARK, INC.  
18PZ00017 SMALL SCALE AMENDMENT 18S.01



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2017

— Subject Property

□ Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 3/21/2018



**Ex Parte Discussion Disclosure**

Cole Oliver, applicant for PANORAMA MOBILE HOME PARK, INC. called me on or around April 26, 2018 to discuss the upcoming item on the Brevard County Planning and Zoning Board Agenda for May 7, 2018. He asked if I was familiar with the project he had coming before the board. I advised him that I had not seen the agenda packet yet. He described the project to me and asked if I had any questions. I stated I had none at this time; that I would not give him any opinion on the matter, but that I would give it fair consideration; and that I appreciated the call. The call lasted approximately 3-5 minutes.

Mr. Oliver called me today May 7, 2018 to advise that he and his engineer had reviewed the staff comments and were going to propose to the Board a Binding Development Plan to limit the use to the mini-storage, which would reduce the trips and thus meet concurrency. He described the access via a joint driveway with Dollar General and no access to South Tropical. I asked that he make sure staff was aware of this to include in their presentation and thanked him for the call.

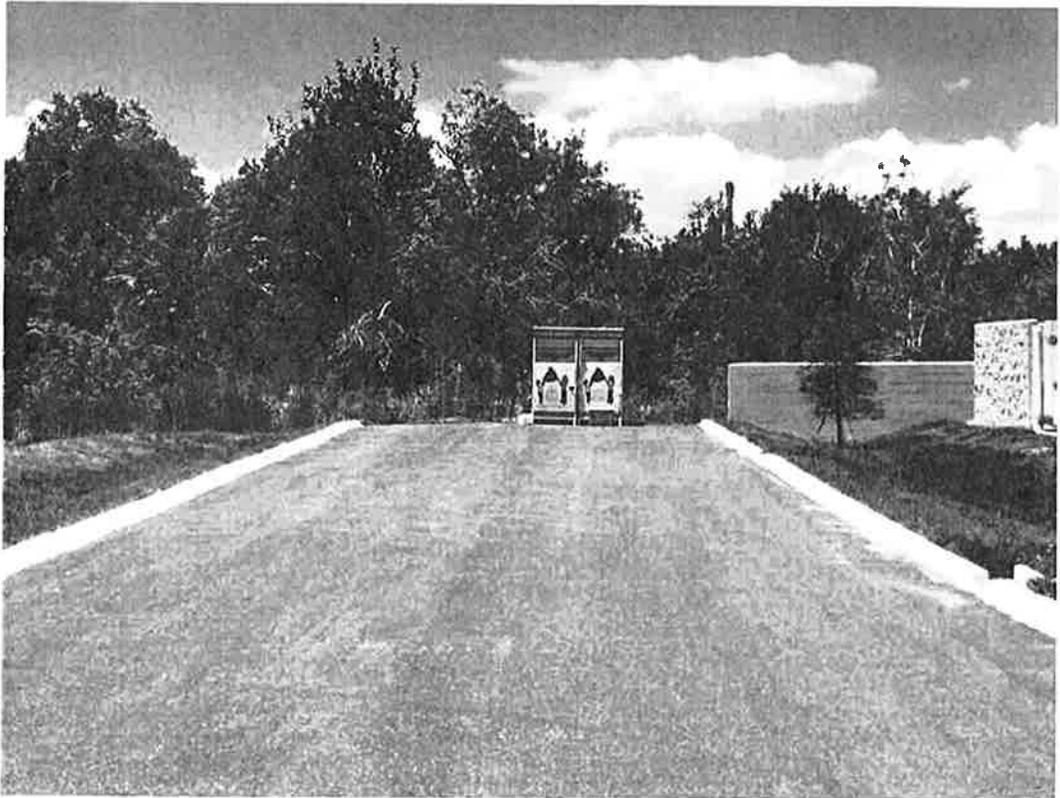
Signed,  
Rochelle W. Lawandales, FAICP  
May 7, 2018

A handwritten signature in black ink, appearing to be 'RW Lawandales', with the date '5/7/18' written below it.

Photos submitted  
05/07/18  
18PZ00017  
18PZ00032







**From:** Sterk, Erin  
**To:** [jeanette60015@aol.com](mailto:jeanette60015@aol.com)  
**Cc:** [Lewis, Sally A](#); [Jones, Jennifer](#)  
**Subject:** FW: Small Scale Comp Plan Amendment and Rezoning item in MI  
**Date:** Monday, May 14, 2018 9:06:48 AM

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Jeanette,

We will add your comments to the record for 18 PZ00017 and 18PZ00032, going to the BCC on May 24th.

Thank you,  
Erin

**From:** [jeanette60015@aol.com](mailto:jeanette60015@aol.com) [mailto:[jeanette60015@aol.com](mailto:jeanette60015@aol.com)]  
**Sent:** Thursday, May 10, 2018 3:54 PM  
**To:** Sterk, Erin  
**Subject:** Small Scale Comp Plan Amendment and Rezoning item in MI

**Hello Erin,**

**Below is a letter we would like to be part of the permanent record.**

**Is there anyone else I should be sending this to?**

**Could you kindly confirm you received this email?**

**Thanks so much!**

**Jeanette**

ID # 18PZ00017  
ID # 18PZ00032

Dear Planning and Development Boards,

I would like to thank you for giving us an opportunity to voice our concerns.

The post card many residents received, left many of our owners confused as to what exactly is being proposed . We did not understand what a Small Scale Plan Amendment and a change in classification would mean to our neighborhood.

As President of Sunset Bay Condo Board I wanted to let the owners of our 192 Condos know the results of the research on the topic mentioned in the postcard. I

wrote a detailed letter and received many replies via email, phone and text.

I have included some of the email comments at the end of this letter.

A large majority of owners are very concerned and are not in favor of and changes of classification at this time. We feel that the applicant has not committed to a binding plan.

Many feel by approving his request could open the door for many more types of bushiness's.

This could open the door and result in a huge traffic problem, increased accidents , and many unknown issues,

We would not be in favor of access from South Tropical Trail. This road has seen a large increase in traffic. The Church (not that we are opposed to the church helping the homeless population in Merritt Island) especially on Mondays, makes this area extremely congested . Bike and Vehicle traffic around the curves on S Tropical worry many of us already, with many near miss accidents etc.

Currently in the exact area proposed for this mini warehouse facility , is home to many of the homeless people in Merritt Island. The Church has attracted many of the homeless to live close to church.

We have had many incidents of homeless people jumping fences etc ,onto our property. Mainly they came to our property to wash in our pool, sleep, or use restrooms.

We have increased security, added locks, and added cameras to solve many of those issues on our property.

If any of the Board is unaware of this issue, it would be good to stop by the church area any Monday morning. (Hundreds of people there)

For any future use of that property, could the trees and foliage along S Tropical be left alone? Cutting down all the trees along the road would make the area very unappealing, and possibly harm property values of Sunset Bey and Bello Rlo ( 255 S Tropical Trail) including the homes in the area.

If so, we are asking that you would please make that a consideration, in any decision made.

In summary we feel the proposed use "mini warehouses" is not something the immediate neighborhood needs or wants. We have quite a few of that type of facility in Merritt Island.

We are not against growth, but we would prefer something that would enhance our neighborhood, and have a clear plan of exactly what would be built on that property.

Please see below for some of the comments I received.

Thank you,

Jeanette Schultz  
Sunset Bay Condominium Association  
President

The concerning statement is, "He intends, but has not committed to any binding plan to build a mini warehouse facility". I am strongly apposed to a zoning change in this circumstance because the "real" use is unknown. We cannot assess the impact to our community if we do not know what will ultimately be built there. There is already a traffic problem in the area due to the church ministry (which I do not object to), but I would not want to see an increase.

Debbie

[d.a.curtis@aol.com](mailto:d.a.curtis@aol.com)

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**From:** kim nixon <[nixonk1955@gmail.com](mailto:nixonk1955@gmail.com)>

**Date:** May 1, 2018 at 12:46:47 AM EDT

**To:** Recdif Office <[office@recdif.com](mailto:office@recdif.com)>

**Subject: Re: Attn Owners-: Small Scale Comp Plan Amendment and Rezoning item in MI**

I do not recall receiving the post card. What legal power do we have as owners to mitigate the rezoning activity?

Kim Nixon  
316-258-8858

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**From:** Scott Griffith <[scottcgriffith@gmail.com](mailto:scottcgriffith@gmail.com)>

**Date:** April 30, 2018 at 10:47:55 PM EDT

**To:** Recdif Office <[office@recdif.com](mailto:office@recdif.com)>

**Subject: Re: FW: Attn Owners-: Small Scale Comp Plan Amendment and Rezoning item in MI**

This area is currently a campground for homeless.

**From:** Joelle Lebrument <[joelle.lebrument@hotmail.co.uk](mailto:joelle.lebrument@hotmail.co.uk)>

**Date:** April 30, 2018 at 3:06:48 PM EDT

**To:** Recdif Office <[office@recdif.com](mailto:office@recdif.com)>

**Subject: RE: FW: Attn Owners-: Small Scale Comp Plan Amendment and Rezoning item in MI**

Hi Jeannette

Thank you for below notification and indeed it is a concern.

Tropical Trail is a pleasant residential road but a very narrow road and the existing traffic already substantial.

The implement of commercial facilities would make it unsustainable ..

I dont know if you can add my comments to the possible list or

should it be personally voiced?

Kind Regards

Joelle (#804)

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**From:** Nina Corbellini [<mailto:corbellister@gmail.com>]

**Sent:** Tuesday, May 1, 2018 3:10 PM

**To:** Recdif Office <[office@recdif.com](mailto:office@recdif.com)>

**Subject:** Re: FW: Attn Owners-: Small Scale Comp Plan  
Amendment and Rezoning item in MI

Not only is traffic a concern, but the potential building of low income housing is more of a concern. We all know drugs are a big issue here, and any building can potentially put our community at risk for crime.

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To:you]

Hi Jeanette

Thank you for the letter.  
I just received the card from county commissioner.

I believe this proposed amendment will have a negative impact to the residential area and sunset Bay, there is no doubt about that. How can we stop that? A petition from all area residents to include the neighbors of sunset Bay?

**"He intends, but has not committed"**

*The intent only worries me. A mixed residential and commercial results in the decline of neighborhood/community, increase in traffic. We are in a nice area by the river. County must stick to the original zoning plan and the only way county can do that is with our help, i.e. challenging them. Next thing they may want to widen the road for the traffic.*

*In the first place, County should check if there is a demand for warehouse in Cocoa and M.E.*

*An ill-defined zoning plan leads to overcapacity and eventually run down buildings.*

*Btw, is that section of tropical trail designated as a scenic drive? If not we should figure out a way to make it a scenic drive.*

*Please let me know how I can be of help.  
Thank you for your effort.*

Mariam Mohsenin

Unit 914

321-424-2273

PS. Could not change the italic font on the phone!