

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Small Scale Plan Amendment 24S.012 (24SS00012)
Township 23, Range 35, Section 14*

Property Information

Owner / Applicant: **RHR Construction & Development LLC (Robert Robinson, owner)**

Adopted Future Land Use Map Designation: PI (Planned Industrial)

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

Acreage: 1.1

Tax Account #: 2320049

Site Location: North side of Curtis Boulevard, 880 feet East of Belfast Avenue

Commission District: 1

Current Zoning: General Use (GU) and RU-1-11 (Single-Family Residential)

Requested Zoning: RU-1-11 (Single-Family Residential)

Background & Purpose

The applicant is requesting a Small-Scale Comprehensive Plan Amendment (SSCPA) to change the Future Land Use Map from PI to RES 4 on a 1.1 acre parcel. The applicant has a companion rezoning application, **24Z00042**, requesting a change from General Use (GU) to RU-1-11. The current adopted FLUM is not consistent with the requested zoning or the current zoning.

The subject parcel is located on the North side of Curtis Boulevard and East of Belfast Avenue. Curtis Boulevard is a county-maintained roadway.

A majority of the subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Tomoka muck, undrained). The subject property is bifurcated by a 40 foot drainage easement as recorded in O.R. 3327, Page 4501. The open ditch traversing the property is classified as a riverine wetland. These are indicators that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.

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. This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 62-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. This parcel measures 1.1 acres and was subdivided after September 9, 1988. **Therefore, the maximum allowable area of wetland impacts is 0.02 acres (870 square feet).** Development of the subject property under the current PI FLU designation, would need to meet Sec. 62-3694 and need Board approval.

The applicant intent is to split the parcel into two separate lots to construct 2 single family residences. The RU-1-11 requires a minimum 1,100 square feet of living area.

Zoning actions applicable to the GU portion of the subject property includes zoning action **Z-414** which changed zoning classification from GU (General Use) to RU-1 (Single Family Residential) October 6, 1960. Administrative Action **AZ-77** in July 1975 changed the zoning classification back to GU zoning.

Zoning action applicable to the RU-1-11 portion of the subject property includes zoning action **Z-414** which changed zoning classification from GU (General Use) to RU-1 (Single Family Residential) on October 6, 1960. Administrative zoning action **Z-2980** changed the zoning from RU-1 to RU-1-9 (Single Family Residential), June 1972. Administrative Action **AZ-77**, July 1975 changed the zoning classification back to GU zoning. And zoning action **Z-9188** changed the zoning from GU and RU-1-9 to RU-1-11 (Single Family Residential), August 23, 1993.

The applicant has a companion rezoning application, **24Z00042**, requesting a change from GU (General Use and RU-1-11 (Residential single-family) to all RU-1-11.

Surrounding Land Use Analysis

| | Existing Land Use | Zoning | Future Land Use |
|--------------|-------------------------|---------|-----------------|
| North | Vacant | PIP | PI |
| South | Vacant | RU-1-11 | RES 4 |
| East | Vacant | PIP | PI |
| West | Single-family residence | RU-1-11 | RES 4 |

To the north and east is a 48.25 acre vacant parcel owned by FPL. The parcel has a PI (Planned Industrial) Land Use designation and a zoning classification of PIP (Planned Industrial Park).

To the south is Curtis Blvd., a county maintained road, and across the street is a 0.24 acre vacant parcel. The property has RU-1-9 (Single-family Residential) zoning, and a RES 4 FLU designation.

Immediately adjacent to the west of the subject parcel is a .28-acre developed residential lot. The property is zoned RU-1-11 11 (Single-family Residential) with a RES 4 FLU designation.

Future Land Use

The subject property's GU and RU-1-11 zoning classification is not consistent with the PI Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. The proposed RU-1-11 is zoning classification is not consistent under the current FLUM designation. ;;

Comprehensive Plan Policies/Comprehensive Plan Analysis

Comprehensive Plan Policies are shown in plain text; Staff Findings of Fact are shown in **bold**.

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.

Residential Land Use Designations

FLUE Policy 1.1

The residential land use designations adopted as part of the Future Land Use Map represent maximum density thresholds. Approved densities may be lower than the maximum allowed by a residential land use designation as a result of one or more of the following:

Criteria:

- A. Environmental constraints identified in applicable objectives and policies of the Conservation Element which impose more stringent density guidelines site;

The Natural Resources Management Department identified the subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Tomoka muck, undrained). The open ditch traversing the property is classified as a riverine wetland. These are indicators that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.

Conservation Element Policy 5.2, E: The following land use and density restrictions within wetlands are established as a maximum density or most intense land use that

may be considered only if the other criteria established in Conservation Element Policy 5.2 are met:

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. This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 62-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696.

This parcel measures 1.1 acres and was subdivided after September 9, 1988. Therefore, the maximum allowable area of wetland impacts is 0.02 acres (870 square feet).

This may limit development potential of the property.

- B. Land use compatibility pursuant to Administrative Policy 3;

The RES 4 land use can be considered consistent with the existing lot development patterns of west of the subject property. The RES 4 designation would allow up to 4 residential units.

- C. Unavailability or inadequacy of public facilities and services, including educational facilities, to accommodate adopted density allowances, as set forth in Policy 1.2 and the policies found in the 'Service Delivery, Concurrency and Growth' section of this Element as well as related objectives and policies in the Capital Improvements Element;

The property has access to central potable water and sanitary sewer service.

- D. Character of the general area, pursuant to Administrative Policy 4;

The character of the general area is a mix of residential, commercial and industrial uses. West, north, and south are single-family residential lots. Lots sizes are generally approximately a quarter of an acre. The Commercial/ industrial uses are farther east.

- E. Hurricane evacuation capabilities; and;

The subject property is not located on a barrier island. The closet evacuation route is west of the subject property via Highway US 1.

- F. Policies established in specialized plans as may be adopted by the Board of County Commissioners.

Two Port St. John Small Area studies were completed in 1991 and 2020. The Board

approved four dwelling units per acre without administrative rezonings in the area of the subject property. The 2020 study final recommendations, the Board recognized the recommendations, but were not adopted by the Board.

FLUE Policy 1.7

The Residential 4 land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre, except as otherwise may be provided for within this element. The Residential 4 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- A. Areas adjacent to existing Residential 4 land use designation; or

The subject parcel is adjacent to RES 4 FLU designated lands to the west and south.

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre; or

The subject parcel lies between established residential area and the commercial/industrial area with an FPL easement of approximately 250 feet in width running north and south providing a buffer between the uses.

- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 4.

The subject parcel is not adjacent to an incorporated area.

- D. Up to a 25% density bonus to permit up to five (5) units per acre may be considered with a Planned Unit Development 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 CHHA.

Not applicable

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

Administrative Policy 3 - Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered.

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

The applicant intends to construct a 2 single-family residences on this vacant property. This request is not anticipated to significantly diminish the enjoyment, safety or quality of life.

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.

Only a certified MAI (Master Appraiser Institute) appraisal can determine if material reduction has or will occur due to the proposed request.

- 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;

The historical land use patterns of the surrounding development can be characterized as single-family residences built on properties between one-quarter acre and one-half acre in size to the west and south.

There are six (6) FLU designations (RES 4, PI, PUB, IND, CC and RES8_DIR) within a 0.5 mile radius of the subject property. RES 4 is the prominent FLU to the west and south of the subject property; and Industrial and Commercial are the prominent designations to the east. The RES8_DIR is located to the east across the FEC railway.

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

There has been no actual development within a half-mile radius in the last three (3) years.

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

There has been no approved development within the last three (3) years that is yet to be constructed. However, approximately quarter-mile south of the subject property, one zoning action under

24Z00010 was approved for a self-storage warehouse on October 3, 2024.

Administrative Policy 4 - Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

There are multiple zoning classifications within a 0.5 mile radius of the subject property. They include residential zones of GU, AU, RR-1, RRMH-1, EU-2, RU-1-7, RU-1-9, RU-1-11; government managed land (GML); PIP industrial zoning; and BU-2 commercial zoning classification.

The request would recognize existing development trends. The GU zoning classification is a holding classification that allows single-family residential on lots 5 acres or larger. The requested RU-1-11 zoning is already established to the west. The intent to construct 2 single family residences is not anticipated to impact the surrounding established residential area materially or adversely.

- B. In determining whether an established residential neighborhood exists, the following factors must be present:

- 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

The property is located in a residential area. The subject property is the last property before it transitions to industrial to the east.

- 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

Not applicable

3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

The area is primarily single-family residential to west and south with commercial and industrial zoning is located exclusively to the east and north of the subject property.

Analysis of Administrative Policy #7

Proposed use(s) shall not cause or substantially aggravate any (a) Substantial drainage problem on surrounding properties; or (b) significant, adverse and unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

A majority of the subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Tomoka muck, undrained). The open ditch traversing the property is classified as a riverine wetland. These are indicators that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.

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. This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 62-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696.

This parcel measures 1.1 acres and was subdivided after September 9, 1988. Therefore, the maximum allowable area of wetland impacts is 0.02 acres (870 square feet).

Information available to NRM also indicates that federally and/or state protected species may be present on the property. There is a large area of mapped Florida Scrub Jay habitat / occupancy approximately 540 feet to the north of this property.

The provided Environmental Assessment, dated November 2023, indicates the site contains approximately 0.8 acres of upland, 0.2 acres of canal, and 0.1 acres of wetlands (along the banks of the canal). The subject parcel measures 1.1 acres and was subdivided after September 9, 1988; therefore, the maximum allowable area of wetland impacts is 0.02 acres (870 square feet) per Section 62 3694(c)(1).

The report also indicates the site is not suitable habitat for federally listed species, and no state-listed gopher tortoises were observed during the October 2023 site visit. However, the report does indicate suitable gopher tortoise habitat exists on the

eastern portion of the site, and a gopher tortoise survey is recommended prior to any clearing activities.

The development potential of the subject property may be limited due to the environmental impacts.

Preliminary Concurrency

The closest concurrency management segment to the property is Fay Blvd. located between Carole Ave. and US Highway 1, which has a Maximum Acceptable Volume (MAV) of 33,800 trips per day, a Level of Service (LOS) of D, and currently operates at 48.11% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.06%. The corridor is anticipated to operate at 48.17% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

The subject parcel has access to City of Cocoa potable water and Brevard County sewer.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Floodplain Protection
- Land Clearing and Landscape Requirements
- Protected Species

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.

The Board may also consider if RES 4 is consistent with Administrative Policy #7.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary**

Item No. 24SS00012

Applicant: Robert Robinson (Owner: RHR Construction & Development LLC)

Land Use Request: RES 4 and PI to all RES 4

Note: to split lot and build 2 SFRs

LPA Hearing: 10/14/2024; **BCC Hearing:** 11/07/2024

Tax ID No.: 2320049

- 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 and Hydric Soils
- Floodplain Protection
- Land Clearing and Landscape Requirements
- Protected Species

Land Use Comments:

Wetlands and Hydric Soils

A majority of the subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Tomoka muck, undrained). The open ditch traversing the property is classified as a riverine wetland. These are indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

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This parcel measures 1.1 acres and was subdivided after September 9, 1988. **Therefore, the maximum allowable area of wetland impacts is 0.02 acres (870 square feet). The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Floodplain Protection

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. Additional research is required to determine if the property is in the St. Johns River riverine floodplain or isolated floodplain.

The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and Chapter 62, Article X, Division 5, entitled Floodplain Protection. **Per Section 62-3724(1) and (3), compensatory storage shall be required in either floodplain designation. The property may also be subject to the residential densities within riverine floodplains as established by Section 62-3724(1).** The Floodplain Protection ordinance also requires that development within floodplain areas shall not have adverse impacts upon adjoining properties. Chapter 62, Article X, Division 6, entitled Stormwater, states, "No site alteration shall adversely affect the existing surface water flow pattern."

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 (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) tree preservation. Land clearing is not permitted without prior authorization by NRM. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. There is a large area of mapped Florida Scrub Jay habitat / occupancy approximately 540 feet to the north of this 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 (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.