

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

Small Scale Plan Amendment 24S.02 (24SS00002)
Township 20G, Range 34, Section 22

Property Information

Owner / Applicant: **Aaron Reninger / Lacey, Lyons & Rezanka**

Adopted Future Land Use Map Designation: Agriculture (AGRIC)

Requested Future Land Use Map Designation: Residential 6 (RES 6)

Acreage: 17.01 +/- acres

Tax Account #'s: 2002219, 2002228, 2002229, 2002230, 2002231 & 2002232

Site Location: South side of Gandy Road between Hog Valley Road and Interstate 95.

Commission District: 1

Current Zoning: RRMH-1 (Rural Residential Mobile Home-1)

Requested Zoning: TR-3 (Mobile Home Park) (24Z00005)

Background & Purpose

The applicant is requesting an amendment to the Future Land Use Map designation from AGRIC to RES 6 on a 17.01 acre parcel to allow the development of this vacant property as a tiny home development.

A companion rezoning application has been submitted accompanying this request to change the zoning classification from RRMH-1 (Rural Residential Mobile Home-1) to TR-3 (Mobile Home Park) on the 17.01 acre subject property (**24Z00005**). The applicant has submitted a Binding Development Plan (BDP) limiting the maximum density to two units per acre and the minimum lot size to one-quarter acre. In addition to mobile homes, the TR-3 zoning would allow construction of tiny homes and/or tiny homes on wheels.

October 2006, the Board of County Commissioners directed Planning and Zoning staff to prepare a **Small Area Study (SAS) for the Mims community** in northern Brevard County to assess the area's growth capabilities and develop tactics for managing growth. The concern was continued growth would likely exceed the County's ability to

supply potable water, due to aquifer limitations. The same aquifer supplies water to private well-users in Mims.

Analysis indicated that reducing FLUM densities in parts of Mims would also reduce potential buildout by 30%. The Mims Small Area Study was approved by the Board on April 10, 2007. As a result of the study, the SAS adopted a Future Land Use of AGRIC (Agricultural Future Land Use designation), which establishes one unit per 5 acres west of Meadow Green Road. Properties with approved RRMH-1, AU and AGR zoning classifications prior to the study were retained and adopted. The remaining lots were adopted with the GU zoning classification including the subject property.

Since this item was tabled at the June 10, 2024, LPA/P & Z meeting, complaints have been filed regarding unpermitted land clearing and alteration activities, including in wetlands. Code enforcement cases are pending on three of the six parcels covered by this application.

Surrounding Land Use Analysis

	Existing Use	Zoning	Future Land Use
North	Vacant on north side of Gandy Road	RRMH - 1	AGRIC
South	Mobile Homes	TR-2	RES 2
East	Vacant State-owned Land Single-Family Residence	GU/RRMH-1	AGRIC
West	Mobile Homes	RRMH-1	AGRIC

North of the subject property’s is vacant with AGRIC FLU and RRMH-1 zoning.

To the east and west of the subject property’s access strip are single-family, site-built homes, both with AGRIC FLUM designations and RRMH-1 zoning classifications.

To the south, the Hidden Lakes subdivision with one-half acre lots for mobile homes has a RES 2 FLUM designation. Several lots are owned by Brevard County and have a PUB-CONS FLUM designation due to the presence of wetlands. These lots have TR-2 zoning.

Agricultural (AGRIC)

Appropriate and adequate lands shall be designated Agricultural on the Future Land Use Map. Agricultural activities include, but are not limited to, row, vegetable and fruit crop production; dairy, poultry and livestock production; aquaculture, silviculture, horticulture, and apiculture. Large lot residential development which does not

impede the use of lands for agricultural purposes shall be permitted in this land use designation. Residential densities shall not exceed one dwelling unit per five (5) acres.

Residential 2 (RES 2)

The Residential 2 land use designation permits lower density residential development with a maximum density of up to two (2) units per acre, except as otherwise may be provided for within this element. Appropriate for areas adjacent to existing Residential 2 land use designation and areas which serve as a transition between existing land uses or land use designations with density greater than two (2) units per acre and areas with density of less than two (2) units per acre.

Residential 6 (RES 6)

The Residential 6 land use designation affords a transition in density between higher urbanized areas and lower intensity land uses. This land use designation permits a maximum density of up to six (6) units per acre, except as otherwise may be provided for within this element. The Residential 6 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan. These include: areas adjacent to existing RES 6 land use designations; areas that serve as a transition between higher density residential land use designations and lower density residential land use designations; and area that are adjacent to incorporated areas and may be considered a logical transition to RES 6.

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 subject property contains National Wetlands Inventory (NWI), St. Johns River Water Management District (SJRWMD) wetlands and hydric soils; indicating that wetlands may be present on the property. A wetlands delineation will be required prior to any land clearing, site plan design, or building permit submittal. Per Section 62-3694(c)(1) residential land uses within wetlands shall be limited to 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.

The property also contains aquifer recharge soils and may contain protected and specimen trees and protected species.

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

See the analysis of this request pursuant to FLUE Administrative Policy 3 below.

- 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;

A school concurrency determination letter indicates that this project with the BDP in place would generate 13 new students and that there is sufficient capacity at the elementary, middle school and high school level to accommodate the total projected and potential students from this project.

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

See the analysis of this request pursuant to FLUE Administrative Policy 4 below.

- E. Hurricane evacuation capabilities; and;

The subject property is not located on a barrier island.

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

This area is a part of the Mims Small Area Study adopted by the Board of County Commissioners in 2007. The prospective Future Land Use Map contained in the study identifies the subject property as Agricultural with a residential density of one (1) dwelling unit per five (5) acres.

Public Facilities and Services Requirements
FLUE 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:

- A. Adequate roadways, solid waste disposal, drainage and recreation facilities to serve the needs of associated development shall be available concurrent with development in all residential land use designations.

The applicant has requested that the subject property be limited to two (2) units per acre with one quarter acre minimum lot sizes and not more than 30 units in total by the Binding Development Plan submitted with the companion rezoning application.

- B. Fire and police protection and emergency medical services to serve the needs of associated development shall be available concurrent with development in all residential land use designations in accordance with policies set forth in the 'Service Delivery, Concurrency and Growth' section of this Future Land Use Element.

The preliminary concurrency evaluation system did not identify infrastructure services that would fall below acceptable levels of service as adopted in the Comprehensive Plan.

- C. In the Residential 30 Directive, 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.

Centralized potable water and sanitary sewer are not available to the subject property but are required for RES 6 Future Land Use designations. The Mims Small Area Study recommended that County waterlines should not be extended beyond current and programmed services that are west of Interstate 95.

The applicant proposes to limit residential density to two (2) units per acre and quarter-acre lots with a BDP and to serve the development with private wells and septic systems.

- 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.

Public water service is not available to this property. The applicant proposes to limit density to two (2) units per acre with a BDP and to serve the development with private wells and septic systems.

- E. Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system.

Centralized potable water and sanitary sewer are not available to the subject property. The overall density will be limited to two (2) units per acre by a Binding Development Plan.

- F. The County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 2, Residential 1 and Residential 1:2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU's, MSTU's and other means through which the recipients pay for the service or facility.

The Mims Small Area Study recommended that County waterlines not be extended beyond current or programmed service areas. In remaining areas not served by current or projected waterlines, the study recommended reductions in density.

Residential 6 (maximum of 6 dwelling units per acre)

FLUE Policy 1.6

The Residential 6 land use designation affords a transition in density between higher urbanized areas and lower intensity land uses. This land use designation permits a maximum density of up to six (6) units per acre, except as otherwise may be provided for within this element. The Residential 6 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 6 land use designation; or

Section 62-1255 of the zoning regulations establishes where the various zoning classifications can be considered based upon the geographic delineation of future land uses on the future land use map and locational criteria defined in the policies of the future land use element of the 1988 county comprehensive plan.

Where an application for a change of residential zoning classification is not consistent with the residential future land use map designation as depicted in 62-1255, the rezoning may be considered if the applicant limits the project to a density equal to or less than the maximum density threshold for the subject property.

The requested TR-3 Mobile Home Park zoning requires the Residential 6 land use designation. The subject property does not meet the criteria established by FLUE Policy 1.6 for the RES 6 designation and therefore

would be an introduction in the area. Section 62-1255 of the zoning regulations requires RES 6 Future Land Use to achieve consistency with the TR-3 mobile home park zoning classification. The applicant has offered a Binding Development Plan which will limit residential density to two (2) units per acre.

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than six (6) units per acre and areas with density of less than six (6) units per acre; or

The subject property does not serve as a transition between areas with land use designations greater than six (6) units per acre and the existing land use designations that are lower in density. The BDP limiting the residential density to two (2) units per acre can be considered an encroachment from the Hidden Lakes subdivision to the south into the lower density development surrounding the subject property.

- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 6.

The subject property is not adjacent to any incorporated areas.

- D. Up to a 25% density bonus to permit up to 7.5 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 CHHA.

The subject property has not requested PUD zoning and is not within the CHHA.

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 proposed use of the subject property remains residential in character with a mix of mobile homes and site-built homes on a minimum half-acre lot. The majority of lots are 1 acre or more.

- 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 use(s).

- 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 developed character of this portion of Mims is single-family mobile homes and single-family site-built homes on a minimum half-acre lot. The majority of lots are 1 acre or more.

The Hidden Lakes subdivision abuts the subject property to the south and has 67 lots with an average size of 0.9 acres for mobile homes and a FLUM designation of RES 2.

The proposed RES 6 FLUM designation would be an introduction in this area.

No FLUM amendments have been approved within the past three (3) years within one-half mile.

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

There have been two single-family, site-built residences constructed within the last three years. They are both adjacent to the subject property.

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

There has not been any development approved in the past three years that has not been constructed.

- D. Whether the proposed use(s) would result in a material violation of relevant policies, in any elements of the Comprehensive Plan.

No material violation of relevant policies has been identified.

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.

The proposed use, limited by the BDP to a residential density of two (2) units per acre with a minimum lot size of one quarter acres and thirty (30) units in total, should not materially or adversely impact the surrounding area by introducing any of the factors in Criteria A.

- 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 subject property and surrounding area are included in Indian River Park which was platted in May 1914. The boundaries are not clearly established but include large, extensive areas of open space designated as AGRIC land use with AGR zoning to the north and west, PUB-CONS with GU and AU zoning to the south and Interstate 95 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.

There is no commercial development in the vicinity.

- 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.

There have not been multiple commercial, industrial, or other non-residential uses approved in this area during the previous five (5) years. This area should not be considered transitional.

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 unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

The subject property contains mapped National Wetlands Inventory (NWI), St. Johns River Water Management District (SJRWMD) wetlands and hydric soils; 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 65-3694(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. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Preliminary Concurrency

The closest concurrency management segment to the subject property is SR46 from Interstate 95 to US 1, which has a Maximum Acceptable Volume (MAV) of 14,160 trips per day, an Acceptable Level of Service (ALOS) of D, and currently operates at 78% of capacity daily. The addition of thirty-three single-family dwelling units will have a minimal impact on level of service. Specific concurrency issues will be addressed at the time of building permit review. This is only a preliminary review and is subject to change.

A school concurrency determination letter indicates that this project with the BDP in place would generate 13 new students and that there is sufficient capacity at the elementary, middle school and high school level to accommodate the total projected and potential students from this project.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils

- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

The subject property contains mapped National Wetlands Inventory (NWI), St. Johns River Water Management District (SJRWMD) wetlands and hydric soils; 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 65-3694(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. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

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 consider if the request is an introduction of RES 6 into the area. The Board may also consider if the request is consistent with the Comprehensive Plan and compatible with the surrounding area.

Please note: The Board's action on this application is independent to the rezoning and acceptance of the BDP which limits the density.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary
Item No. 24SS00002

Applicant: Kimberly Rezanka (Owner: Aaron Reninger)

Zoning Request: AGRIC to RES 6

Note: to allow the use of mobile home and tiny home dwellings

LPA Hearing: 08/12/2024; **BCC Hearing:** 09/05/2024

Tax ID No.: 2002219, 2002232, 2002229, 2002231, 2002230, 2002228

- 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
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species
- Potential Code Enforcement

The subject property contains mapped National Wetlands Inventory (NWI), St. Johns River Water Management District (SJRWMD) wetlands and hydric soils; 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. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Since this item was tabled at the June 10, 2024, LPA/P & Z meeting, a complaint was filed regarding unpermitted land clearing and alteration activities, including in wetlands.

The active case numbers are 24CE-00943, 24CE-00944 and 24CE-00945. Code enforcement is pending.

Land Use Comments:

Wetlands and Hydric Soils

The subject property contains mapped NWI, SJRWMD wetlands and hydric soils (Samsula muck, frequently ponded, 0 to 1 percent slopes; and St. Johns sand, 0 to 2 percent slopes); 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. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Aquifer Recharge Soils

This property contains Orsino fine sand; Pomello sand; and Paola fine sand, 0 to 8 percent slopes, classified as aquifer recharge soils. St. Johns sand, 0 to 2 percent slopes may also function as aquifer recharge soils. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. **The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.**

Protected and Specimen Trees

Protected and Specimen Trees may exist on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), encourages the protection of Specimen Trees. 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.

Protected Species

Federally and/or state protected species may be present on properties with aquifer recharge soils and/or wetlands. Gopher tortoises have been observed in this area. If applicable, 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 prior to any plan, permit submittal, or development activity, including land clearing, as applicable.

Potential Code Enforcement

Since this item was tabled at the June 10, 2024, LPA/Zoning meeting, a complaint was filed regarding unpermitted land clearing and alteration activities, including in wetlands. Code enforcement is pending.