

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 25S.14 (25SS00008)*  
**Township 20G, Range 34, Section 03**

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**Property Information**

Owner / Applicant: **Jacob Foune**

Adopted Future Land Use Map Designation: Residential 1 (RES 1)

Requested Future Land Use Map Designation: Residential 2 (RES 2)

Acreage: 0.54 +/- acres

Tax Account #: 2000804

Site Location: North side of Golden Shores Blvd., approx. 1,167 ft. east of International Ave.

Commission District: 1

Current Zoning: SR (Suburban Residential) with BDP (Binding Development Plan)

Requested Zoning: SR with removal of BDP and addition of a new BDP

**Background & Purpose**

The applicant is requesting to amend the Future Land Use Map (FLUM) designation from Residential 1 (RES 1) to Residential 2 (RES 2) on 0.54 acres to build a single-family home and provide consistency with the proposed rezoning request from SR with a BDP to SR with removal of a BDP and additional of a new BDP (companion application **25Z00037**). The subject parcel has a single-family residence under construction (**24BC21408**), which currently has a stop work order pending application approval(s). The proposed FLU designation can be considered an intensification of density and an introduction of a FLU designation to the area.

Staff would like to add the following disclaimer: Approval of this small-scale comprehensive plan amendment shall not be interpreted or construed as establishing a precedent for future land use amendments, zoning actions, or development approvals. Each application is reviewed on its own merits, based on the specific facts, circumstances, and applicable policies and regulations in effect at the time of review. Nothing in this action shall be deemed to create vested rights or to obligate the County to

approve any future requests of a similar nature. In this particular case, the applicant is subject to Code Enforcement due to the actions of a predecessor in interest who improperly split the property into a substandard lot violating Section 62-2102, Brevard County Code.

The subject property retains the original FLU designation established in 1988 by the Brevard County Comprehensive Plan.

The BDP was approved under zoning action **19PZ00098** and recorded in ORB 8662, Page 2523. Specifically, this action approved a rezoning from GU (General Use) to the SR classification on 1.34 acres. At the time, the subject property complied with the RES 1 FLU designation. However, RES 1 was, and is not, consistent with the SR zoning classification. The original BDP stipulated the developer/owner shall limit development to one single-family residence and may be further restricted by any changes to the Comprehensive Plan or Land Development Regulations. The original BDP further stipulated that the developer/owner shall limit density to one unit per acre and may be further restricted by any changes to the Comprehensive Plan or Land Development Regulations.

One (1) single-family residence (SFR) permit, **20BC20801**, was issued for construction by Scott Minnick Construction Inc. on the 1.34 acres owned by Thomas & Barbara Tofte, on January 6, 2021. Subsequently, the property was sold to Joseph & Chelsea Minnick and split into two (2) lots of 0.54 acres and 0.89 acres on April 27, 2020, as recorded in ORB 8729, PG 2604 – 2605.

During staff review of the SFR permit, **20BC20801**, on October 15, 2020, it was noted by Zoning staff that the documents submitted did not appear to match the approved lot configuration of **19PZ00098**. After the submittal of the warranty deed and revised plot plan, Zoning staff was able to review and approve the permit on November 9, 2020.

The 0.89-acre property was sold on October 22, 2021, by Joseph & Chelsea Minnick as recorded in ORB 9302, PG 346 – 347. The 0.54-acre subject property was sold to the applicant, Jacob Founé, by Joseph & Chelsea Minnick on June 4, 2024, as recorded in ORB 10079, PG 2366 – 2367.

**These actions violated the conditions of the BDP and Section 62-2102, Brevard County Code of Ordinances, “Alteration of lot,” which states that “no person shall sever any lot in such a manner that a violation of any of the provisions of this chapter would be created on any new or altered lot, including their uses or structures.”**

Subsequent to this unlawful split, a permit for a single-family resident was issued in error (24BC21408). This permit should not have been issued because the lot is a substandard lot as a result of that split. Upon discovering the error, a Stop Work Order was issued by the Brevard County Building Official.

The subject parcel is located on the north side of Golden Shores Blvd., a County maintained road, approximately 1,167 ft. east of International Ave.

There are no current code enforcement complaints on the property.

#### **Surrounding Area**

|              | <b>Existing Use</b>                                 | <b>Zoning</b> | <b>Future Land Use</b> |
|--------------|-----------------------------------------------------|---------------|------------------------|
| <b>North</b> | Single-family residence                             | RR-1          | RES 1                  |
| <b>South</b> | Single-family mobile home across Golden Shores Blvd | RRMH-1        | RES 1                  |
| <b>East</b>  | Single-family residence                             | SR w/ BDP     | RES 1                  |
| <b>West</b>  | Single-family residence                             | RR-1          | RES 1                  |

North of the subject property is a 1.07-acre parcel zoned RR-1 with a RES1 FLU designation. It has been improved with a single-family residence.

South of the subject property, across Golden Shores Blvd., is a 1.43-acre parcel zoned RRMH-1 with a RES1 FLU designation. It has been improved with a single-family mobile home.

East of the subject property is a 0.89-acre parcel zoned SR with a BDP with a RES1 FLU designation. It has been improved with a single-family residence. This eastern property was previously connected to the subject property but was split out illegally in violation of Section 62-2102, Brevard County Code, and created two (2) substandard lots, the subject property and the eastern property.

West of the subject property is a 1.72-acre parcel zoned RR-1 with a RES1 FLU designation. It has been improved with a single-family residence.

The Residential 1 land use designation permits low density residential development with a maximum density of up to one (1) unit per acre, except as otherwise may be provided for within this element.

#### **Future Land Use**

The subject property's SR zoning classification with a BDP can be considered consistent with the RES 1 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 SR zoning classification with the removal of the BDP can be considered consistent with the proposed RES 2 FLU 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.

### FLUE Residential 2 (maximum of 2 units per acre) Policy 1.8

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. The Residential 2 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 2 land use designation; or  
**The subject property is not adjacent to another RES 2 land use designation.**
- B. 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; or  
**The subject property does not serve as a transition between areas of greater density and lesser density.**
- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 2.  
**The subject property is not adjacent to an incorporated area.**
- D. Up to a 25% density bonus to permit up to 1.25 dwelling units per acre may be considered with a Planned Unit Development were 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 interconnectivity with surrounding uses. This density bonus shall not be utilized by properties within the CHHA.

**The companion rezoning application does not request PUD zoning.**

**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 BDP removal and FLU designation amendment would allow the development of one single-family home similar to the existing developed lots in the surrounding area. The request is not anticipated to diminish the enjoyment of safety or quality of life in existing residential area. Development must meet concurrency and performance standards.**

- 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).**

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 in the surrounding area can be categorized as vacant land, agricultural pursuits, or single-family residences situated on larger parcels ranging from 0.22 to 18.14 acres.**

**Residential 1 (RES 1) is the only FLU designation within the 0.5-mile search radius.**

**There have been no FLUM amendments within one-half mile of the subject property in the past three years.**

**There are multiple zoning classifications within a 0.5-mile radius of the subject parcel. The prominent zoning classification in the area is General Use (GU) followed by RRMH-1. Additional zonings include Rural Residential (RR-1), Single-Family Residential (RU-1-9), Suburban Residential (SR),**

**Single-Family Mobile Home (TR-1), and Agricultural Residential (AU) zoning classifications.**

**There is one other SR zoned property, immediately abutting on the east side of the subject property.**

2. actual development over the immediately preceding three years; and  
**Zoning actions within one half mile within the past three years:**

**•24Z00053: Approximately 600 ft. west of the subject property, approved on 03/13/2025, a rezoning from GU to AU and currently has a pending building permit for an addition to the existing single-family residence.**

**•23Z00064: Within 0.5 miles south of the subject property, on April Ln., approved on 11/2/2023, a rezoning from GU to RR-1 and has been improved with a single-family residence.**

**•22Z00043: Within 0.5 miles northwest of the subject property, on Peoples St., approved on 11/03/2022, a rezoning from RRMH-1 to AU. No pending development currently.**

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

**There has not been any development approved but not yet constructed within this area in the preceding three (3) years.**

- 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.

**This request is not anticipated to have a measurable impact on the area in terms of trip generation, or parking. No commercial or industrial activity is proposed.**

- 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.

**Staff analysis has determined that while it is not an established residential neighborhood, there are clearly established roads and residential lot boundaries.**

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.

**The proposed is not a commercial use.**

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 a sparse residential area with vacant lands and no commercial zoning nearby.**

#### **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.

#### **Environmental Constraints**

**Natural Resources Management Department has identified that the subject property is located within a mapped FEMA Special Flood Hazard Area (SFHA) A. Also, the subject property may have federally protected species and/or state**

**protected species may be present on the property. The property is mapped within a large area of Florida Scrub Jay habitat / occupancy.**

**Please refer to all comments provided by the Natural Resource Management Department at the end of this report.**

## **Environmental Constraints**

### **Summary of Mapped Resources and Noteworthy Land Use Issues:**

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

See the full NRM comments at the end of this report.

## **Preliminary Concurrency**

The closest concurrency management segment to the subject property is US Highway 1, between Burkholm Road and Volusia County, which has a Maximum Acceptable Volume (MAV) of 21,800 trips per day, a Level of Service (LOS) of C, and currently operates at 21.8% of capacity daily. The maximum development potential from the proposed rezoning does not increase the proposed trip generation. The corridor is anticipated to continue to operate at 21.8% of capacity daily (LOS C). The proposal is not anticipated to create a deficiency in LOS Applicable Land Use Policies.

The subject property is not served by potable water or sewer and the provision of such would need to be provided by well and septic or a private sewer system.

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.

## **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 with the Comprehensive Plan and compatible with the surrounding area. In addition, the Board should consider the request based on the facts and circumstances surrounding the actions of a predecessor in interest, which resulted in the subject property being turned into a substandard lot

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Land Use Review & Summary**  
**Item No. 25SS00008**

**Applicant:** Jacob Foune (Owner: Jacob Foune)

**Land Use Request:** Amend FLUM from RES 1 to RES 2

**Note:** to legitimize property to continue building home

**LPA Hearing:** 11/17/2025; **BCC Hearing:** 12/11/2025

**Tax ID No.:** 2000804

- 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:**

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

**Land Use Comments:**

**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. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

**Land Clearing and Landscape Requirements**

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

Federally and/or state protected species may be present on the property. Specifically, the property lies within a large area of mapped Florida Scrub Jay occupancy. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the U.S. Fish and Wildlife Service (904-731-3121 or email [FW4FLESRegs@fws.gov](mailto:FW4FLESRegs@fws.gov)), as applicable.