

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

Small Scale Plan Amendment 24S.18 (24SS00018)
Township 24, Range 35, Section 2

Property Information

Owner / Applicant: **Cameron and Courtney Parker**

Adopted Future Land Use Map Designation: Residential 1:2.5 (RES 1:2.5)

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

Acreage: 1.0

Tax Account #: 2401173

Site Location: 4385 Shawnee PL, Cocoa, FL 32926

Commission District: 1

Current Zoning: General Use (GU)

Requested Zoning: Rural Residential (RR-1)

Background & Purpose

The applicant requests a Small-Scale Comprehensive Plan Amendment (SSCPA) to change the Future Land Use Map from Residential 1:2.5 (RES 1:2.5) on a one (1) acre lot. The applicant has a companion rezoning application, **24Z00068**, requesting a change from GU to RR-1. Approval of the request will provide consistency with the requested zoning classification.

The subject property's current configuration was recorded in the Canaveral Groves Subdivision Survey Book 2, Page 59 dated October 1961.

The subject property retains the original FLU designation established in 1988 by the Brevard County Comprehensive Plan. The Residential 1:2.5 land use designation, establishes the lowest density of all the residential future land use designations, permits a maximum density of up to one (1) unit per 2.5 acres. The requested Residential 1 land use designation permits low density residential development with a maximum density of up to one (1) unit per acre. Since the inception noted above, the subject property has been substandard to the lot size of the FLU.

The subject parcel is located north of Erie St. on the east side of Shawnee PL, approximately one-half mile south of Canaveral Groves Blvd.

There are no current code enforcement complaints on the property.

Surrounding Land Use Analysis

	Existing Use	Zoning	Future Land Use
North	Single-family residential	GU	RES 1:2.5
South	Vacant Land	AU and GU	RES 1:2.5
East	Single-family residential	GU	RES 1:2.5
West	Single-family residential	GU	RES 1:2.5

To the north is a 1.02 acre parcel developed as a single-family residence with GU zoning and RES 1:2.5 FLU designation.

To the south are three, one (1) acre lots with AU or GU zoning with RES 1:2.5 designation. Two lots are vacant (one with AU and the other with GU zoning) and one has a single-family residence with GU zoning.

To the east is a single-family residence on 1.01 acres with GU zoning and RES 1:2.5 designation.

To the west is a single-family residence on 1.01 acre with GU zoning and RES 1:2.5 designation.

Future Land Use

The GU zoning classification is considered consistent with the existing RES 1:2.5 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 RR-1 zoning classification may be considered consistent with the requested Residential 1 (RES 1) Future Land Use 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 Policy 1.9 –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. The Residential 1 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 1 land use designation; or

The subject property is not located adjacent to any existing Residential 1 land use designation. However, a RES 1 FLU designation is located north of the subject within 500 feet.

B. Areas which serve as a transition between existing land uses or land use designations with density greater than one (1) unit per acre and areas with lesser density; or

The subject property does not serve as a transition between existing land use designations and land use designations of greater than one (1) unit per acre. Residential densities greater than one (1) unit per acre have not been established in this area.

C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 1.

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 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 interconnectivity with surrounding uses. This density bonus shall not be utilized by properties within the CHHA.

This application is not for a PUD.

The applicant's request can be considered consistent with the existing Future Land Use. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.

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 requested RR-1 zoning would allow for one single-family residence due to lot size. It is compatible with the established residential character of this part of Canaveral Groves. 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 per cent or more) in the value of existing abutting lands or approved development.

Only a certified MAI (Member Appraisal 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 pattern of the surrounding development is characterized as single-family residential on platted one (1) acre lots that are not consistent with adopted RES 1:2.5 density limit.

There are two (2) FLU designations: RES 1:2.5 and RES 1 within a 0.5 mile radius of the subject property. RES 1:2.5 is the prominent FLU in the surrounding area.

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

There has been no new development within 0.5 miles of the subject property within the last three years.

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

There has not been any approved development within this area in the preceding three (3) years that has yet to be constructed. However, there has been a recent zoning action:

- **22Z00019: Within a half mile, northeast of the subject property on Alan Shepard, on 08/14/2022, approved rezoning from AU to RR-1 and is developed with a single-family residence.**

- 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 of the Comprehensive Plan has been identified.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

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 developed character of the surrounding area which is south of Canaveral Groves Blvd., west of Grissom Pkwy., north of the City of Cocoa, and east of Interstate 95 is exclusively single-family residential on lots of one (1) acre or more.

There are multiple zoning classifications within a 0.5 mile radius of the subject property: GU, AU, AU(L), and RR-1 zoning classifications.

The request would recognize existing development trends. Furthermore, the GU zoning classification is a holding classification that allows single-family residential on lots 5 acres or larger.

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.

The subject property is in a platted residential neighborhood bounded by Canaveral Groves Blvd. to the north, Grissom Pkwy. to the east, the City of Cocoa to the south and Interstate 95 to the west.

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 are no neighborhood commercial uses established in this area.

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.

This area is not transitional.

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 hydric soils (Holopaw sand, 0 to 2 percent slopes; and Valkaria sand); 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. **Per Section 62-3694(e), any wetland impact, authorized under this division, for residential use shall be limited to the structural building area requirements for the primary use as defined by the zoning code, on-site disposal system requirements, and the 100-year flood elevation requirement for first floor elevations, and necessary ingress and egress.** 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 Canaveral Groves Blvd. between Lee St. and Grissom Pkwy., which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 48.49% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.09%. The corridor is anticipated to operate at 48.58% 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.

Potable water and/or sanitary sewer service to the subject property is not available from any provider.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Aquifer Recharge Soils
- Floodplain Protection
- Land Clearing and Landscape Requirements
- Protected and Specimen Trees
- Protected Species

Historic Resources

There are no recorded historical 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.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary
Item No. 24SS000018

Applicant: Cameron Parker (Owner: Cameron Parker)

Land Use Request: RES 1:2.5 TO RES 1

Note: to build SFR (24BC20372)

LPA Hearing: 02/17/2025; **BCC Hearing:** 03/13/2025

Tax ID No.: 2401173

- 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:

- Hydric Soils
- Aquifer Recharge Soils
- Floodplain Protection
- Land Clearing and Landscape Requirements
- Protected and Specimen Trees
- Protected Species

Land Use Comments:

Hydric Soils

A majority of the subject parcel contains mapped hydric soils (Holopaw sand, 0 to 2 percent slopes; and Valkaria sand); 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. **Per Section 62-3694(e), any wetland impact, authorized under this division, for residential use shall be limited to the structural building area requirements for the primary use as defined by the zoning code, on-site disposal system requirements, and the 100-year flood elevation requirement for first floor elevations, and necessary ingress and egress.** 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 Valkaria sand, which may also function as an aquifer recharge soil. 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.

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."

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen Trees (≥ 24 inches in diameter) likely exist on the parcel. 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.

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. The entire parcel is within a large area of mapped Florida Scrub Jay habitat / occupancy. Additionally, there is potential for existence of Gopher Tortoises on site in areas of aquifer recharge soils. 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.