

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

Small Scale Plan Amendment 25S.12 (23SS00006)
Township 30, Range 38, Section 14

Property Information

Owner / Applicant: **Cobblestone II RVG LLC/ Scott Baker**

Adopted Future Land Use Map Designation: Residential 1 (RES 1), Residential 2 (RES 2), Community Commercial (CC) and Neighborhood Commercial (NC)

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

Acreage: 31.82 acres

Tax Account # 3006458, 3010260

Site Location: West side of Highway US-1, approximately 368 feet south of Garretts Road (District 3)

Commission District: 3

Current Zoning: RU-1-9 (Single-Family Residential)and TR-3 (Mobile Home Park)

Requested Zoning: All TR-3 with a BDP (23Z00038)

Background & Purpose

The applicant requests a Small-Scale Comprehensive Plan Amendment (SSCPA) to change the Future Land Use Map (FLUM) from Residential 1 (RES 1), Residential 2 (RES 2), Neighborhood Commercial (NC) and Community Commercial (CC) to all Residential 6 (RES 6) on a 31.82 acre parcel to achieve consistency between the zoning classification and the Future Land Use designation. Approval of this request will alter the Future Land Use designation to reflect the existing development pattern and ensure compliance between the established residential density and Brevard County Code. The subject property contains two parcels. The larger parcel is bifurcated by the FEC Railway and Highway 1. The first parcel is 0.52 acres with NC FLU designation will be used as an accessory use (residential office and pool) to the mobile home park. The second larger parcel is bifurcated by the FEC Railway and Highway 1. A smaller portion of the subject property is undeveloped with NC FLU designation, located on the east side of Highway 1, is not included in this request. Staff analysis has determined that the current site has a development density of 6 units per acre.

The applicant has a companion rezoning application, **23Z00038**, requesting a change from RU-1-9 (Single Family Residential), BU-1 (General Retail Commercial) and TR-3 (Mobile Home Park) to all TR-3 with a BDP.

The subject parcel is currently developed as River Grove Mobile Home Park and is located on the west side of N. Highway 1 approximately 2,200 feet south of Micco Rd.

The subject property retains four original FLU designations established in 1988 by the Brevard County Comprehensive Plan: RES 1, RES 2, CC, and NC.

At this time, there are no active code enforcement cases associated with the subject property.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Single-family residential	RU-1-7, BU-1	RES 2, CC
South	Condominium, multiple living units	RU-2-10(7), BU-1	RES 2, CC
East	Mobile home sales office, Highway 1, and Undeveloped	BU-1, TR-3	CC, NC
West	Single-family residential, vacant land	RRMH-1, GU	RES 1

North of the subject property is 7 parcels ranging in size from approximately 0.4 acres to 0.9 acres all developed with single-family residences with RU-1-7 zoning classification and RES 2 FLU designation. The last and eighth parcel is a 0.93-acre parcel with BU-1 zoning and developed as single-family residential, according to Brevard County Property Appraiser, with CC FLU designation.

South of the subject property is two parcels: One is a condominium, developed with approximately 288 units, with RU 2-10 capped at 7 units to the acre with RES 2 FLU designation. The RU-10(7) was approved under zoning action **Z-4363** on November 17, 1977. A second parcel is 0.96 acres, developed as a duplex with BU-1 zoning classification and CC FLU designation.

East of the subject property, across US Hwy 1, there is a parcel with TR-3 zoning, containing approximately 0.53-acres of the 31.19-acre parcel to the west, which remains undeveloped.

West of the subject property is two parcels: The first parcel is 6.66-acres developed with a single-family mobile home that has RRMH-1 zoning classification and RES 1 FLU designation. The second parcel is 104.03 acres, vacant land with GU zoning classification and RES 1 FLU designation.

RES 1 FLU 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.

RES 2 FLU 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 the Future Land Use Element.

Community Commercial (CC) development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses.

Neighborhood Commercial (NC) development activities are intended to be low-impact in nature and serve the needs of the immediate residential area. Intrusion of these land uses into surrounding residential areas shall be limited.

The proposed RES 6 FLU 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 Future Land Use Element.

Future Land Use

The subject property is currently designated as Neighborhood Commercial (NC), Community Commercial (CC), and Residential 1 (RES 1) Future Land Use (FLU). The existing RU-1-9 and TR-3 can be considered consistent with the existing NC FLU designation under Section 62-1255. The BU-1 can be considered consistent with the existing CC FLU designation under Section 62-1255. The TR-3 zoning portion with RES 1 FLU designation cannot be considered consistent under Section 62-1255.

The proposed TR-3 zoning classification can be considered consistent with the proposed RES 6 FLU designation under Section 62-1255.

Comprehensive Plan Policies/Comprehensive Plan Analysis

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

<p>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.</p>

Residential Land Use Designations

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:

- 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.

The subject property is serviced by a private wastewater treatment facility. Potable water is provided by River Grove Utilities, Inc. River Grove is a privately owned and is managed by the mobile home park. The potable water line is connected to Barefoot Bay Utilities.

- 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.

The subject property is serviced by a private wastewater treatment facility that is located on site.

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

The applicant's request can be considered an introduction to the area. Currently, there is no RES 6 within a half mile of the subject property. The request will rectify the Future Land Use designation to reflect the existing development pattern and ensure compliance with the allowable residential density established.

- 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

Staff analysis indicates the requested FLU designation will not serve as a transition between existing land uses or between greater and lower land use designations. RES 2 FLU designation is abutting to the north and south.

The Board may consider the request based on the “may” be considered for areas which serve as a transition between existing land uses or land use designations with density greater than four (4) units and areas with density of less than four (4) units per acre; or” to be satisfied because the approval of the request will rectify the Future Land Use designation to reflect the existing development pattern and ensure compliance with the allowable residential density established.

Glossary definition:

May – To have the permission to.

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

The subject property is not adjacent to any incorporated areas. The Board may consider the request based on the “may” be considered, to be satisfied via the rezoning request. The applicant is proposing a BDP under the companion zoning application to limit the mobile home units to 173, currently existing on-site.

- D. Up to a 25% density bonus to permit up to five (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 applicant is not proposing a Planned Unit Development (PUD) or any new development to be added to the property.

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 applicant is not proposing a change to the historical use of the subject property as a mobile home park. The use is not anticipated to affect the existing area's quality of life, hours of operation, lighting, odor, noise levels, or traffic in a negative manner.

Traffic from the proposed development will not have an impact on the surrounding area. There is no increase in the percentage of MAV utilization. The corridor is anticipated to continue to operate at 64.39% of capacity daily.

- 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 appraisal can determine if material reduction has or will occur due to the proposed use.

- 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;

Within the 0.5-mile radius of the subject property, there are four (4) FLU designations: RES 1, RES 2, CC and NC. RES 2 is the predominant FLU designation on the west side of Highway 1.

The existing pattern is a mixture of mobile home parks, predominant land use in the area, that also includes single-family residences, condos, marinas, restaurants, a bar lounge and strip mall plazas.

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

There are several zoning classifications within the 0.5-mile radius of the subject property, with the predominant zoning classification being TR-3.

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

There has been no permitted development within a one-half mile radius over the immediately preceding three years.

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

There is no development approved within the past three years that has not yet 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.

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, parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. The character of the surrounding neighborhoods and areas will not be materially or adversely affected by the proposed rezoning. The established mobile home park will not introduce any additional traffic, parking, or commercial or industrial activity. There is an existing pattern of commercial and residential zoning surrounding the subject parcel.**
- C. 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 area has well-established boundaries, roads, and open spaces. The subject property is an established residential neighborhood with roads and minimal open space.

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 request is not for commercial uses.

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 presumed to be primarily residential in nature. There are no commercial, industrial or other non-residential uses applied for and approved during the previous five (5) years.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Hwy 1 between Micco Rd and Indian River County Line, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 64.39% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.00%. The corridor is anticipated to operate at 64.39% of capacity daily. The proposal would not create a deficiency in LOS. This is only a preliminary review and is subject to change.

The subject property is serviced by a private wastewater treatment facility. Potable water is provided by River Grove Utilities, Inc. River Grove is a privately owned and is managed by the mobile home park. The potable water line is connected to Barefoot Bay Utilities.

No school concurrency information has been provided as this is an established mobile home park with no proposed development.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Floodplain Protection
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Overlay
- Surface Waters of the State
- Land Clearing and Landscape Requirements
- Protected Species

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

For Board Consideration

The Board should consider if the request is consistent and compatible with the surrounding area.

In its analysis of this Policy, the Board may consider whether Policy 1.6 may be satisfied through alternative means; specifically limiting the number of units to the existing 173 units under the companion zoning application.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review & Summary
Item # 23SS00006

Applicant: Scott Baker (Owner: Erik Hagen)

Zoning Request: RES-1, RES-2, CC and NC to RES-6

Note: to create consistent zoning

P&Z Hearing Date: 08/18/25; **BCC Hearing Date:** 09/04/25

Tax ID No: 3006458 and 3010260

- 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
- Floodplain Protection
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Overlay
- Surface Waters of the State
- Land Clearing and Landscape Requirements
- Protected Species

Land Use Comments:

Hydric Soils

The subject parcel contains a small area of hydric soils (Myakka sand, depressional) on the northwest corner of the property, as shown on the USDA Soil Conservation Service Soils Survey maps. This is an indicator that wetlands may exist adjacent to an existing pond. A wetland delineation will be required prior to any land clearing or alteration activities. The wetland delineation shall be verified at time of site plan submittal. For multi-family parcels greater than five acres in area, the limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis 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 no net loss 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.

Floodplain Protection

The northern portion of the parcel is mapped as being within Special Flood Hazard Area (SFHA) A as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. This area is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. 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

Aquifer Recharge Soils

This parcel contains mapped aquifer recharge soils (St. Lucie fine sand, 0 to 5 percent slopes, Pomello sand) as shown on the USDA Soil Conservation Service Soils Survey map. 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.

Indian River Lagoon Nitrogen Reduction Overlay

The very eastern edge of the parcel (including the strip directly on the Indian River Lagoon) is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. If applicable, and if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required.

Surface Waters of the State

The subject property is located on the Indian River Lagoon, designated as a Class II Water, Outstanding FL Water (OFW), and Aquatic Preserve in this location. A 50-foot Surface Water Protection Buffer is required. Primary structures shall be located outside the Buffer. Accessory structures are permissible within the Buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). The removal of native vegetation located within the Buffer shall be avoided. Temporary impacts to native vegetation require in-kind restoration. The Florida Department of Environmental Protection (FDEP) regulates mangrove trimming, and can be reached at (407) 897-4101. The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.

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, and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. A majority of the parcel is mapped as Florida Scrub Jay occupancy, and there is potential for existence of Gopher Tortoises on site. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.