

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

Small Scale Plan Amendment 24S.20 (24SS00020)
Township 20G, Range 34, Section 23

Property Information

Owner / Applicant: **Lila Songer Trust & Thomas David Songer**

Adopted Future Land Use Map Designation: Agricultural (AGRIC)

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

Acreage: 1.13

Tax Account #: 3037863 and a portion of 2002415.

Site Location: North side of Harrison Road, 2,396 feet west of Hog Valley Road (5150 Harrison Rd.)

Commission District: 1

Current Zoning: Agricultural Residential (AU) and Rural Residential (RRMH-1)

Requested Zoning: All Rural Residential (RRMH-1)

Background & Purpose

The applicant requests a Small-Scale Comprehensive Plan Amendment (SSCPA) to change the Future Land Use designation from Agricultural (AGRIC) to Residential 1 (RES 1) on a proposed 1.13 acre flag lot. The applicant has a companion rezoning application, **24Z00070**, requesting a change from AU and RRMH-1 to all RRMH-1. The proposed parcel is currently undeveloped.

The subject property was subdivided from the parent parcel, without the flag stem, on October 24, 2024, per Official Records Book (ORB) 10184, Page 2030.

The subject property retains the original Agricultural (AGRIC) FLU designation established in 1988 by the Brevard County Comprehensive Plan. The AGRIC land use designation establishes the lowest density of all the residential future land use designations, which permits a maximum density of up to one (1) unit per 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 on the north side of Harrison Road, approximately 2,396 feet (0.45 miles) west of Hog Valley Road.

There are no current code enforcement complaints on the property.

Surrounding Land Use Analysis

	Existing Use	Zoning	Future Land Use
North	Single-family residential	AU	AGRIC
South	Single-family residential	RRMH-1	AGRIC
East	Single-family residential	AU	AGRIC
West	Vacant	GU	AGRIC

To the north and east is a 7.54 acre parcel developed as a single-family residence with AU zoning and AGRIC FLU designation.

To the south, across Harrison Road are three (3) lots with RRMH-1 zoning with AGRIC designation. The parcel range in size from a 1.2 acre flag lot to 6.1 acres

To the west is a 4.82 acre vacant parcel with GU zoning and AGRIC designation.

Future Land Use

The current AU and RRMH-1 zoning classifications are not consistent with the existing AGRIC 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 RRMH-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, the closest parcel with RES 1 FLU in the immediate area is located on the south side of Harrison Road approximately 1,048 feet (0.19 miles) to the west of the subject property. On May 26, 2016, this 1.23 acre parcel's FLU was change from AGRIC to RES 1, per zoning action 16PZ00028 and was rezoned from Rural Residential (RR-1) to RRMH-1 on November 05, 2020, per zoning action 20Z00020.

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 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 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 request is not anticipated to diminish the enjoyment of safety or quality of life in existing neighborhoods within the area.

- 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;

While the general area has retained Agricultural land use designation since the 1988 adoption of the Future Land Use Map, there is a pattern of residential land use in portions of this area as many single-family platted parcels were created prior to 1988 Comprehensive Plan.

This area was originally platted in 1914 as 10-acre tracts that have been further divided to mostly 1.2-acre or larger parcels prior to 1988. A number of these non-conforming lots of record in the area have been developed as residential.

This request represents a two-step increase in density if approved along with the companion FLU amendment application. The closest parcel with RES 1 FLU in the immediate area is located on the south side of Harrison Road approximately 1,048 feet (0.19 miles) to the west of the proposed parcel. On May 26, 2016, this 1.23 acre parcel's FLU was change from AGRIC to RES 1, per zoning action 16PZ00028 and was rezoned from Rural Residential (RR-1) to RRMH-1 on November 05, 2020, per zoning action 20Z00020.

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

There has not been any actual development within this area in the preceding three (3) 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 one recent zoning action:

- **23Z00052: 3,280 feet northwest of the subject property located on the east side D Johnson Ave., on 09/07/2023, approved rezoning from GU to RRMH-1 and the FLU was changed from AGRIC to RES 1 per Ordinance No. 23-23.**

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 character of the surrounding area is agricultural with single-family homes and residential on large lots approximately one acre or greater in size. There are existing RRMH-1 zoning to the east, west and south of the subject parcel (across Harrison Road) that were was split out prior to the adoption of the Comprehensive Plan.

A preliminary concurrency analysis does not indicate that the proposed request would materially or adversely impact the surrounding 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.

The property is located in an existing residential area. There are clearly established roads and residential lot boundaries. The parcel is a portion of Track 5, Block 4, Indian River Park, Plat Book 2, Page 33.

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 use 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 single-family residential with 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.

The applicant has provided a survey of the proposed flag lot parcel, which locates a wetland area on the westerly portion of the proposed parcel.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway US-1, from Burkholm Road to the Volusia County, which has a Maximum Acceptable Volume (MAV) of 40,300 trips per day, a Level of Service (LOS) of C, and currently operates at 09.27% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.03%. The corridor is anticipated to operate at 09.30% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

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

The parcel is not within any public potable water or available sewer lines. The proposed mobile home will be serviced by well for potable water and on septic.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

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

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 24Z00070

Applicant: Thomas Songer (Owner: Lila Songer Trust)

Zoning Request: AU and RRMH-1 to all RRMH-1

Note: to put mobile home on property on 1.13 ac (flag lot Z4965)

Zoning Hearing: 03/17/2025; **BCC Hearing:** 04/03/2025

Tax ID No.(s): 3037863 (1 ac) and 2002415 (0.13 ac portion of 7.54 ac for flag stem access)

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

Land Use Comments:

Wetlands and Hydric Soils

The subject parcel contains mapped St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (EauGallie sand; and Samsula muck, frequently ponded, 0 to 1 percent slopes); indicators that wetlands may be present on the property. A wetland delineation was depicted on a survey. The applicant proposes no wetland impact. **Note that a current 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. The 1-acre parcel (tax account #3037863) was established after September 1988. Therefore, 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). Additionally, the creation of the “flag stem parcel” will modify the configuration of tax account #2002415, resulting in the same application of 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.**

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 floodplain appears to be Isolated, however, it is possible it is Riverine. The survey provided by the applicant depicts the proposed development outside of the floodplain. Should the applicant be unable to avoid fill in the floodplain, 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 (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) tree preservation. Land clearing is not permitted without prior authorization by NRM. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**