

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

Small Scale Plan Amendment 24S.11 (24SS00009)
Township 24, Range 36, Section 08

Property Information

Owner / Applicant: **City Pointe Landfall LLC/ MBV Engineering, Inc.**

Adopted Future Land Use Map Designation: Residential 1 (RES 1), Residential 2 (RES 2), Residential 4 (RES 4) and Neighborhood Commercial (NC)

Requested Future Land Use Map Designation: Community Commercial (CC) and Residential 4 (RES 4)

Acreage: 14.06 acres

Tax Account # 2411252

Site Location: 3477 N Indian River Dr, Cocoa, FL 32926

Commission District: 1

Current Zoning: EU (Estate Use) and Residential Professional (RP)

Requested Zoning: PUD (Planned Unit Development) (24PUD00003)

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), Residential 4 (RES 4) and Neighborhood Commercial (NC) to Community Commercial (CC) and Residential 4 (RES 4) on a 12.86 acre parcel for the purpose of developing 11 single-family residential homes, 8 single-family attached townhomes with a portion for commercial RV storage. The applicant has a companion rezoning application, **24PUD00003**, requesting a change from Estate Use (EU) and Residential Professional (RP) to Planned Unit Development (PUD). The subject parcel is currently undeveloped and is located on the east side of N. Highway 1 and west side of N. Indian River Drive approximately 200 feet south of Roundtree drive.

The subject property's current configuration was recorded on November 5, 2021.

The subject property retains three original FLU designations established in 1988 by the Brevard County Comprehensive Plan: RES 1, RES 2, RES 4, and NC. The RES 1 FLU

designation was established after April 13, 2004 Board Directive, under Comprehensive Plan Amendment **2004A.5** which is found in the March 2005 Small Area Study Examining Policy 1.12 Protection of Riverside Residential Lands. With the amendment being approved, it changed the FLU from RES 4 to RES 1.

The RES 1 FLU designation permits low density residential development with a maximum density of up to one (1) unit per acre, RES 2 FLU designation permits a maximum density of up two (2) units per acre, and RES 4 FLU designation permits a maximum density of up to four (4) units per acre.

The requested RES 4 designation would allow up to 43 residential units. The applicant has proposed a project consisting of 19 single-family residential units with an overall gross density of approximately 1.75 dwelling units per acre on 10.84 acres that are proposed for residential development. The Board may consider limiting the density with the PUD zoning under a separate application.

A portion of the property totaling 1.91 acres is proposed for commercial development with a potential for a FAR of 1. NC is the current FLU designation on this portion of the subject property. The NC FLU embodies activities that are intended to be low impact in nature and serve the needs of the immediate residential area. The requested CC FLU designation embodies activities which are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses.

There are no current code enforcement complaints on the property.

Surrounding Land Use Analysis

| | Existing Land Use | Zoning | Future Land Use |
|--------------|---|---------------------|-------------------------|
| North | Subdivision, single-family residential detached home w/ nursery, single-family residential detached | RU-1-11, EU, AU | RES 1, RES 2, RES 4 |
| South | Undeveloped, cemetery, single-family residence | IN(L), EU, AU, BU-1 | RES 1, RES 2, RES 4, CC |
| East | Indian River | N/A | N/A |
| West | Office building, Highway 1 | RP | NC |

To the north is a subdivision, recorded as Parkchester in Plat Book 18, Page 114, with approximately 63 single-family detached homes on approximately 0.2 to 0.25 acre lots with RU-1-11 zoning designation and RES 2 FLU. Additionally, there is one parcel, 8.06 acres, developed with a single family residence with EU zoning designation and RES 4 FLU. This parcel also includes a nursery which has AU zoning and RES 1 FLU. There is another parcel which is 0.56 acres, developed with a single-family residence, EU zoning and RES 2 FLU. The final parcel is 0.49 acres, developed with a single-family residence with EU zoning and includes RES 2 FLU.

To the south is a 0.17 acre parcel, cemetery land, with zoning designation IN(L) with RES 1 FLU. A second parcel is 1.67 acres, developed with a single family residence, EU zoning designation and RES 4 FLU. A third parcel totals 1.53 acres, undeveloped with AU zoning designation and RES 1 FLU.

To the east of the subject property is the Indian River.

To the west is a 1.32 acre parcel, developed with an office building with RP zoning and NC FLU designation. Additionally, to the west of the subject parcel is Highway 1.

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.

RES 4 FLU designation affords an additional step down in density from more highly urbanized areas and serves as a transition between areas of higher and lower density. This land use designation permits a maximum density of up to four (4) 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.

Future Land Use

The EU zoning classification is not consistent with the RES 1 and RES 2 Future Land Use designations provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County’s Comprehensive Plan. However, EU zoning classification is consistent with the RES 4 portion of the property. The subject property’s RP zoning classification is consistent with the current NC FLU designation. The proposed PUD zoning classification may be considered consistent with the requested CC and Residential 4 (RES 4) 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.

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 Natural Resources Management Department identified the following environmental constraints: Wetlands, Aquifer Recharge Soils, Coastal High Hazard Area, Floodplain Protection, Indian River Lagoon Nitrogen Reduction Septic Overlay, Surface Waters of the State, Protected and Specimen Trees and Protected Species.

National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils are not mapped on the subject property. However, the applicant's submittal indicates the presence of wetlands on the property. Per Section 62 3694(c)(1), residential parcels greater than five acres in area, the preceding 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 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. This parcel was established after September 9, 1988, and the proposed residential (non-commercial) portion of the parcel measures 10.85 acres. Therefore, the maximum allowable area of wetland impacts is 0.195 acres. This may limit development potential of the property.

Mapped topographic elevations indicate the soils may consist of Type 2 and/or Type 3 Aquifer Recharge soils that have impervious area restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

The eastern portion of this property is located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The parcel may be susceptible to nuisance flooding.

Inland approximately 220 feet west of the subject property's boundary abutting the Indian River Lagoon is mapped within the Indian River Lagoon Nitrogen Reduction Overlay area. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, 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.

The subject property is located on the Indian River Lagoon, designated as a Class II Water in this location. A 50-foot Surface Water Protection Buffer is required. Primary structures shall be located outside the Buffer.

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

The RES 4 land use can be considered consistent with the existing larger lot patterns of surrounding development. The RES 4 designation would allow up to 43 residential units. Additionally, the requested companion PUD zoning could result in a density bonuses, should Policy 1.2 be met, that would allow 54 residential units with a density of 5 units to the acre on 10.84 acres. Approval of RES 4 on this size lot would permit the creation of similar lot sizes consistent with the abutting subdivision.

- 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;

Centralized potable water and sanitary sewer service is currently available to the subject property. The applicant has represented that these services will be provided by the City of Cocoa and they have the capacity available.

The Brevard County School Board staff projects there will be sufficient school capacity at the elementary and Jr./ Sr. high school levels to accommodate the projected demand in the school concurrency area.

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

The Parkchester subdivision (FLU of RES 2 and RU-1-11 zoning) platted in 1964, abuts north of the subject property and is one of two established residential subdivisions in the general area. The other subdivision was platted in 1963 as Indian River Estates. It currently has RU-1-13 zoning designation with RES 2 FLU. Other properties developed with single family residences surrounding the subject property are developed as larger single-family lots and vacant lots.

- E. Hurricane evacuation capabilities; and;

The subject property is not located on a barrier island. The subject property abuts Highway 1 which is an evacuation route and is approximately a half mile north of S.R. 528 which is another evacuation route.

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

In 2004, the middle portion of the subject property had AU classification with RES 4 FLU. Comprehensive Plan Amendment 2004A.5 which is found in the March 2005 Small Area Study Examining Policy 1.12 Protection of Riverside Residential Lands. The amendment changed the FLUM designation from RES 4 to RES 1 FLUM designation on properties zoned AU. Additionally, the amendment also ensured properties FLUM designation matched actual densities developed in the area.

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 corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The proposal would not create a deficiency in Adopted Level of Service (LOS). Specific concurrency issues will be addressed during site plan review. This is only a preliminary review and is subject to change.

The applicant has submitted acknowledgement letters from the City of Cocoa showing they have availability for water and sewer services to serve the proposed development.

Drainage plans will be reviewed at the site plan review stage.

Based on the PDP, it appears there is an adequate amount of space dedicated for recreational facilities to serve the needs of the associated development. However, the applicant has not provided specific details for what those recreational facilities will be.

- 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.

Brevard County Fire Rescue reviewed the Preliminary Development Plan (PDP) and approved the proposed development with no issues noted.

- 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 is currently available to the subject property.

- 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 currently available, and the applicant is requesting a density of 4 units per acre.

**Residential 4 (maximum of 4 dwelling units per acre)
FLUE Policy 1.7**

The Residential 4 land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre, except as otherwise may be provided for within this element. The Residential 4 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 4 land use designation; or

The subject property is adjacent to existing Residential 4 or higher land use designations. A RES 4 FLU designation abuts only a small portion of the subject property to the north and south.

- 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

The subject property does not serve as a transition between existing land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre. NC, RES 1, RES 2 and RES 4 abuts to the north. To the south FLU designations include CC, RES 1, RES 2 and RES 4. Only a small portion of the easterly half of the subject property's abuts RES 4 FLU to the north and south. The applicant is requesting to amend the subject property's NC FLU designation, located east of Hwy US 1, to CC. The Board may consider limiting the density with the PUD zoning under a separate application.

- 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.

- 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 subject property has requested PUD zoning classification under application (24PUD00003). The eastern portion of the subject property is within the CHHA. The RES 4 designation would allow up to 43 residential units. Additionally, the requested companion PUD zoning could result in a density bonuses, should Policy 1.2 be met, that would allow 54 residential units with a density of 5 units to the acre on 10.94 acres. The PDP does not illustrate enhancement of blending with adjacent areas with the development to promote inter-connectivity with the proposed commercial use. The Board may consider whether the proposed is consistent.

FLUE 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;

Traffic from the proposed development will impact the surrounding area, however, the corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The maximum development potential from the proposed FLUM amendment increases the percentage of MAV utilization by 0.62%. The corridor is anticipated to operate at 65.00% of capacity daily. A traffic concurrency has not been provided by state which maintains this segment of roadway. Specific concurrency issues will be addressed during site plan review.

Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 and will be reviewed at the site plan review stage.

- 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;

The area within half-mile including the subject property land use patterns includes RES 1, RES 2, RES 4, Industrial (IND), CC and NC. Please note, the area only includes unincorporated Brevard County. Lots in this area range from approximately 0.20 acres to 14.06 acres. The character of the area is smaller developed lots platted in 1964 as Parkchester Subdivision in Plat Book 18 and Page 114 and platted in 1963 as Indian River Estates in Plat Book 17 and Page 73. The area does include agricultural residential zoned properties that are vacant or developed with a single-family residence with agricultural pursuits such as a plant nursery.

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

Within Brevard County jurisdiction in the area of the subject property, there has been a storage facility and a packaged ice house constructed within the preceding three (3) years.

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

There has not been any development approved but not yet constructed or land use amendments adjacent to the site 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.

Only a certified MAI appraisal can determine if material reduction has or will occur due to the proposed request.

FLUE 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 maximum development potential from the proposed FLUM amendment increases the percentage of MAV utilization by 0.62%. The corridor is anticipated to operate at 65.00% of capacity daily. The proposal would not 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. The RV storage use is not anticipated to materially or adversely impact the area.

- 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 Parkchester subdivision is the established residential neighborhood abutting the subject property to the north. Platted in 1964, with a FLU of RES 2 and RU-1-11 zoning. This subdivision was approved for 63 single-family lots on 19 acres. Another subdivision north of the subject property approximately 0.3 miles was platted in 1963 as Indian River Estates and has RU-1-13 zoning designation with RES 2 FLU. This subdivision has approximately 40 single-family lots.

- 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 east side corridor of Highway 1 has existing commercial FLU designations. The request includes a commercial component of RV storage facility to service the area and help reduce clutter as indicated in the applicants PDP comment response letter.

- 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 has not been commercial, industrial, or other non-residential uses approved in this area during the previous five (5) years within the County's jurisdiction.

FLUE 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.

Natural Resources has noted the subject parcel contains mapped wetlands, hydric soils, and within the Indian River Lagoon Nitrogen Reduction Septic Overlay. Protected and specimen trees; and protected species may also be present on the subject property.

The applicant's submittal indicates the presence of wetlands on the property. For residential parcels greater than five acres in area, the preceding limitation of one dwelling unit per five 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 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. This parcel was established after September 9, 1988, and the proposed residential (non-commercial) portion of the parcel measures 10.85 acres. Therefore, the maximum allowable area of wetland impacts is 0.195 acres.

Mapped topographic elevations indicate the soils may consist of Type 2 and/or 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.

The eastern portion of this property is located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The parcel may be susceptible to nuisance flooding.

The subject property is located on the Indian River Lagoon, designated as a Class II Water 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 development potential maybe limited by these constraints.

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

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway 1 between S.R. 528 and Canaveral Groves Blvd., which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 64.38% of capacity daily. The maximum development potential from the proposed FLUM amendment increases the percentage of MAV utilization by 0.62%. The corridor is anticipated to operate at 65.00% of capacity daily. The proposal would not 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.

The subject property is not located within the Brevard County Utility Services Department service area for potable water and sanitary sewer. The applicant has submitted acknowledgement letters from the City of Cocoa which state they have sewer and potable water capacity to serve the proposed development.

A non-binding, school capacity determination letter indicates there is sufficient capacity at Fairglen Elementary School and Cocoa Junior/Senior High School for the total of projected and potential students from this development.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands
- Aquifer Recharge Soils
- Coastal High Hazard Area
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Surface Waters
- Protected and Specimen Trees
- Protected Species

The applicant's submittal indicates the presence of wetlands on the property. A state-approved wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.

For residential parcels greater than five acres in area, the preceding limitation of one dwelling unit per five 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 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. This parcel was established after September 9, 1988, and the proposed residential (non-commercial) portion of the parcel measures 10.85 acres. Therefore, the maximum allowable area of wetland impacts is 0.195 acres.

Mapped topographic elevations indicate the soils may consist of Type 2 and/or 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.

The eastern portion of this property is located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The parcel may be susceptible to nuisance flooding.

The subject property is located on the Indian River Lagoon, designated as a Class II Water 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).

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

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
Land Use Review & Summary
Item No. 24SS00009

Applicant: David Bassford MBV Engineering (Owner: City Pointe Landfall LLC)

Zoning Request: RES 1, RES 2, RES 4 and NC to RES 4 and CC

Note: Proposed PUD development of 11 SFR & 8 TH on 10.848 ac. and commercial on 1.919 ac.

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

Tax ID Nos: 2411252

- 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
- Aquifer Recharge Soils
- Coastal High Hazard Area
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Surface Waters of the State
- Protected and Specimen Trees
- Protected Species

The applicant's submittal indicates the presence of wetlands on the property. **A state-approved 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 acres, as unbuildable. **For residential parcels greater than five acres in area, the preceding limitation of one dwelling unit per five 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 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.

This parcel was established after September 9, 1988, and the proposed residential (non-commercial) portion of the parcel measures 10.85 acres. **Therefore, the maximum allowable area of wetland impacts is 0.195 acres. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Land Use Comments:

Wetlands

National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils are not mapped on the subject property. However, the applicant's submittal indicates the presence of wetlands 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. **For residential parcels greater than five acres in area, the preceding 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 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.

This parcel was established after September 9, 1988, and the proposed residential (non-commercial) portion of the parcel measures 10.85 acres. **Therefore, the maximum allowable area of wetland impacts is 0.195 acres. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Aquifer Recharge Soils

This property contains Candler fine sand; Paola fine sand, 0 to 8 percent slopes; and Paola fine sand, 5 to 12 percent slopes classified as aquifer recharge soils. Mapped topographic elevations indicate the soils may consist of Type 2 and/or 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.

Coastal High Hazard Area

The eastern portion of this property is located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The Coastal Management Element of the Comprehensive Plan, Policy 6.1, designates Coastal High Hazard Areas to be those areas below the elevation of the Category 1 storm surge elevation as defined in Chapter 163, Florida Statute. The parcel may be susceptible to nuisance flooding.

Floodplain Protection

The eastern portion of this property is mapped within estuarine floodplain as identified by FEMA and as shown on the FEMA SFHA Map. The property 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."

Indian River Lagoon Nitrogen Reduction Septic Overlay

The eastern portion of this property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, 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. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Surface Waters of the State

The subject property is located on the Indian River Lagoon, designated as a Class II Water 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 is prohibited unless approved through an active development order. 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.

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. 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 and buffer requirements. **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, Gopher Tortoises can be found 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.