

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 24S.03 (24SS00003)  
Township 21, Range 35, Section 20*

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**Property Information**

*Owner / Applicant: Paul Turner & Jackie Allen*

*Adopted Future Land Use Map Designation: Residential 2 (RES 2)*

*Requested Future Land Use Map Designation: Neighborhood Commercial (NC)*

*Acreage: 6.92 acres*

*Tax Account #: 2104754*

*Site Location: East of N. Highway 1, approximately 1,120 feet south of Parrish Rd.*

*Commission District: 1*

*Current Zoning: RU-2-10(5)*

*Requested Zoning: RVP with a Binding Development Plan (BDP)*

**Background & Purpose**

The request is to amend the Future Land Use (FLU) designation from Residential 2 (RES 2) to Neighborhood Commercial (NC) on 6.92 acres. The applicant proposes to develop a Recreational Vehicle Park (RVP) with 69 lots.

The property was developed as an auto body and paint shop. The aerial map indicates that the property is not being used in that capacity. The subject property has access to N. Highway 1, which is maintained by Florida Department of Transportation.

The purpose of the requested NC is predicated on the locational standards of the requested RVP zoning, Sec. 62-1406(6)(c)(1), which requires access to interstate interchanges via arterial and principal collector transportation corridors. N. Highway 1 is classified as an arterial roadway.

In 1988, Brevard County Comprehensive Plan went into effect, applying the RES 2 Future Land Use to the subject property and the surrounding area to the east. According to BCPAO, the structures on the property may have been established in

1958, prior to FLU designation. The subject property retains the 1988 adopted Future Land use designation of Res 2.

In addition to the permitted residential development, NC also permits development activities which 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. Development activities which may be considered within Neighborhood Commercial (NC) Future Land Use designation, provided that listed criteria are met, include the following: a) Professional offices (no drive through lanes permitted); b) Personal Services (no drive through lanes permitted); c) Convenience stores (no drive through lanes permitted); d) Residential uses; e) Institutional uses; f) Recreational uses; g) Public facilities; and h) Transitional uses pursuant to Policy 2.12.

A companion application, **24Z00008**, if approved, would amend the zoning classification from RU-2-10 (Cap of 5 dwelling units per acre) (Medium Density Multi-Family Residential) to RVP (Recreational Vehicle Park) with a BDP (Cap of 10 units per acre). A BDP limiting the density to 10 units per acre is included with the rezoning request,

There are no active code enforcement cases associated with the subject property.

The subject parcel's RU-2-10(5) zoning classification (requires minimum lot sizes of 7,500 square feet) is not consistent with the RES 2 Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan.

### Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Vacant land	AU	RES 2
South	Vacant land	AU	NC
East	Single-family mobile home	TR-2	RES 2
West	Automotive repair shop	BU-1	CC

To the north is a vacant 6 acre parcel with AU zoning and a RES 2 FLU designation.

To the east is a 30.27 acre Brady Grove Park mobile home development, with approximately half-acre to 1 acre lots, designated with TR-2 zoning and RES 2 FLU designation.

To the south is a vacant 5.19 acre parcel with AU zoning and NC FLU designation.

To the west is a half-acre parcel; with an automotive repair shop with BU-1 zoning and CC FLU designation;

The County's Comprehensive Plan shall be the guidance for consideration when considering the appropriate zoning district to rezone a property to, moving towards consistency with the FLUM.

### **Comprehensive Plan Policies/Comprehensive Plan Analysis**

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

**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**

#### **Public Facilities and Services Requirements**

##### **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 roadway segment of US-1 from Dairy Rd. to SR 46 is maintained by Florida Department of Transportation (FDOT). Coordination with FDOT will be required during the site plan review stage.**

**The corridor is anticipated to operate at 42.70% of capacity daily. The proposal is not anticipated to create a deficiency in the transportation LOS.**

**The applicant has provided a potable water and sanitary sewer service capacity availability certificate from the City of Titusville.**

**Drainage and recreational facilities will be reviewed at the site plan review stage for compliance with County regulations.**

- B. Fire and police protection and emergency medical services to serve the needs of the 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.

**A fire department level of service analysis will be conducted at the site plan review stage.**

- 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 applicant has provided a potable water and sanitary sewer service capacity availability certificate from the City of Titusville. The closet Brevard County water node on the same side of the road is approximately .40 miles to the north. The closet sewer gravity main is City of Titusville approximately half-mile south of the subject property.**

**Sanitary Sewer Element Policy 3.17, Criteria 4B states, "Under no circumstances shall the development of a private treatment plant be used to increase the density of an area beyond the density permitted by the Future Land Use element or any other portion of the Comprehensive Plan".**

**Beginning on January 1, 2024, unless previously permitted, the installation of new onsite sewage treatment and disposal systems is prohibited within the Banana River Lagoon Basin Management Action Plan, Central Indian River Lagoon Basin Management Action Plan, North Indian River Lagoon Basin Management Action Plan, and Mosquito Lagoon Reasonable Assurance Plan areas where a publicly owned or investor-owned sewerage system is available as defined in s. 381.0065(2)(a). Where central sewerage is not available, only enhanced nutrient-reducing onsite sewage treatment and disposal systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction are authorized.**

**The subject property is located within the North Indian River Lagoon Basin Management Action Plan.**

- 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.

**Availability of potable water and sanitary sewer service capacity has been provided by The City of Titusville.**

- E. Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system.

**This FLU amendment request to NC will allow for a density of ten (10) units per acre under the RVP zoning classification if approved which will require centralized potable water connection.**

- F. The County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 2, Residential 1 and Residential 1:2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU's MSTU's and other means through which the recipients pay for the service or facility.

**The request is not for Residential, 2, Residential 1, or Residential 1:2.5 land use designations.**

### **Policy 2.6**

Locational and development criteria for neighborhood commercial land uses are as follows:

#### **Criteria:**

- A. Neighborhood commercial clusters should be located at collector/collector or collector/arterial intersections, except as otherwise provided for in this Comprehensive Plan.

**The subject property is located on an urban principal arterial. The closest collector/arterial intersection, N. Highway 1 and Parrish Road, is located approximately 1,120 feet north of the subject property. The site is not located at a collector/collector or collector/arterial intersection.**

- B. Due to the linear nature and lack of intersections along SR A1A south of Melbourne Beach, new neighborhood commercial uses may be considered along those roadways if there is sufficient infrastructure to support commercial development; if the area has an established commercial character; and if they are consistent with the other applicable policies of this Comprehensive Plan.

**The subject property does not meet this criteria because it is not located along SR A1A of Melbourne Beach.**

- C. New neighborhood commercial land use sites should incorporate no more than two acres maximum at each corner of an intersection, as set forth in Criterion A of this policy. Neighborhood commercial land uses at such intersections should not exceed eight (8) acres total.

**The subject property does not meet this criteria because not located at an intersection and is less than 8 acres.**

- D. Neighborhood commercial development clusters should be spaced at least 1/2 mile apart, except in the south beaches where neighborhood commercial clusters should be spaced at least three (3) miles apart.

**The subject property does not meet this criteria. Along N. Highway 1 corridor, there are varying clusters of NC FLU designations. Clusters include; 5.5 acres of undeveloped area abutting the south property line, 65 acre cluster less than one half mile to north. And two other clusters of NC FLU designations are located across N Highway 1 along the corridor.**

- E. The gross floor area of neighborhood commercial complexes should not exceed a Floor Area Ratio (FAR) of 0.75.

**A commercial site plan has not been submitted with this request.**

- F. Recreational vehicle parks shall be located in areas which serve the needs of tourists and seasonal visitors to Brevard County. The location of recreational vehicle parks shall have access to interstate interchanges via arterial and principal collector transportation corridors or the property shall be located on a major multi-county transportation corridor.

**The proposed recreational vehicle park has access to an interstate interchange via arterial and principal collector transportation corridor. N. Highway 1 and State Road 46 are both classified by SCTPO as an urban principal arterial roadway. The closest interstate interchange is located approximately 2.75 miles northwest of the subject property which can be accessed via N. Highway 1 and State Road 46.**

## **Residential Development in Neighborhood Commercial and Community Commercial Land Use Designations**

### **Policy 2.10**

Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map. Residential development is permissible in these commercial land use designations at density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street. Increases in density beyond this allowance may be considered through a public hearing. In the CHHA, however, residential development is strictly limited to the density of the closest residentially designated area on the FLUM that is on the same side of the street. Such residential development, as described above, shall be allowed to utilize the following characteristics:

**Based on staff analysis, the closest residential density on the same side of the street is Res 2. Based on this policy, Res 4 would be appropriate. Increases in density beyond this allowance may be considered through a public hearing. In this case, the Board may consider 10 units/ac to coincide with the allowances in the RVP zoning classification.**

**Criteria:**

- A. Residential uses within Neighborhood Commercial and Community Commercial designations shall be encouraged to utilize neo-traditional neighborhood development techniques, such as narrower road rights-of-way, mid-block pedestrian pass-throughs, alleys, smaller lot sizes, on-street parking, reduced lot line setbacks and public transit facilities.

**It is not anticipated that neo-traditional neighborhood development techniques will be used here.**

- B. Residential density bonuses as set forth in Policy 11.2 may be considered in addition to the bonus stated in the above policy within Neighborhood Commercial and Community Commercial designations as an incentive for redevelopment and reintegration if the proposed development will address serious incompatibility with existing land uses, is adequately buffered from other uses, is located along major transportation corridors, and meets the concurrency requirements of this Comprehensive Plan.

**Residential density bonuses are not being requested.**

**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;

**Hours of operation, lighting and placement of individual lots has not been established. Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan stage should the zoning and Future Land Use change be approved. RVP zoning permits recreational vehicles, tents, park trailers, and cabins.**

- 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 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;

**There are six (6) FLU designations (RES 6, RES 4, RES 2, CC, NC, and IND) within 0.5 miles of the subject property. Within the half mile of the subject property, commercial and industrial land uses are positioned along the east and west sides of the corridor. The land use then transitions to residential land uses. To the west, within approximately a half-mile of the subject property, across Highway 1, RES 4 encompasses approximately 166 acres. To the east, within a half-mile, RES 2 encompasses approximately 156 acres. NC, CC and IND are located mainly along the highway.**

**Approximately 1,500 feet to the north is Willow Lakes RVP Destination Resort with Neighborhood Commercial (NC) FLU and RVP zoning. Willow Lakes was developed at 4.94 units per acre.**

**Abutting to the east is Brady Grove Park – Second Addition containing 30.27 acres with RES 2 FLU and TR-2 zoning was developed at 1.45 units per acre.**

**Staff analysis finds the proposed use is consistent with the existing residential pattern uses. RVP use is considered residential in nature and there are other residential neighborhoods within the half mile radius which abuts the highway, however, with no direct ingress/egress on N. Highway 1.**

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

**There has been no development within Brevard County jurisdiction in the preceding three (3) years. Located southeast of the subject property is a Phase one new single family development within the City of Titusville currently under construction.**

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

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

- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.



**The request would not result in a material violation of relevant policies in any elements of the Comprehensive Plan.**

**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 proposed use will not directly adversely impact the established residential neighborhood to the east of the subject property. Traffic from the proposed would ingress/egress directly via N. Highway 1. The proposed change would allow commercial use in the future.**

**The proposed development increases the percentage of MAV utilization by 1.22%. The corridor is anticipated to operate at 42.70% of capacity daily. The proposed development is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review and coordinated through FDOT. This is only a preliminary review and is subject to change.**

- 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.

**There are established platted neighborhood immediately to the east of the subject property, as well as to the northwest and southwest across from US 1. However, subject property is not located in an established residential neighborhood.**

- 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 subject property is not requesting commercial uses at this time.**

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 have been no commercial, industrial, or other non-residential uses applied for and approved in the previous five (5) years.**

### **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 unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

**Natural Resources has noted the eastern edge of the subject parcel contains mapped hydric soils (Anclote sand, frequently ponded, 0 to 1 percent slopes); an indicator that wetlands may be present on the property. This property contains Orsino fine sand, classified as an aquifer recharge soil. Which indicates the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. Protected and specimen trees and protected species may also be present on the subject property.**

**The above environmental issues may limit development potential of the property.**

### **Concurrency**

The closest concurrency management segment to the subject parcel is US Hwy 1, from Dairy Rd. to SR 46, which has Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 41.49% capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 1.22%. The corridor is anticipated to operate at 42.70% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

The applicant has provided a potable water and sanitary sewer service capacity availability certificate from the City of Titusville. The closet Brevard County water node on the same side of the road is approximately .40 miles to the north. The closet sewer gravity main is City of Titusville approximately half-mile south of the subject property.

No school concurrency information is required. As defined within Sec. 62-1406 Recreational vehicle parks, no new recreational vehicles shall be considered to be a permanent residence, and occupancy shall be limited to nor more than 180 consecutive days, except in a Recreational vehicle park destination resort which requires 50 acres.

## **Environmental Resources**

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

- Hydric Soils
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

### **Historic Resources**

There are no recorded historic or archaeological sites on the project site according to the Master Site File from the Florida Division of Historic Resources.

### **For Board Consideration**

The Board may wish to consider if the request is consistent and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Land Use Review & Summary**  
**Item No. 24SS00003**

**Applicant:** Eddie Small (Owners: Paul Turner and Jackie Allen)

**Land Use Request:** RES 2 to RES 15

**Note:** to develop 104 lot RV Park

**LPA Hearing:** 06/10/2024; **BCC Hearing:** 07/11/2024

**Tax ID No.:** 2104754

- 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
- Protected and Specimen Trees
- Protected Species

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

**Land Use Comments:**

**Hydric Soils**

The eastern edge of the subject parcel contains mapped hydric soils (Anclote sand, frequently ponded, 0 to 1 percent slopes); an indicator 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. **For multi-family 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 65 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.**

### **Aquifer Recharge Soils**

This property contains Orsino fine sand, classified 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.**

### **Protected and Specimen Trees**

Protected ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  inches in diameter) trees likely exist on the parcel. 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. **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.