

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

Small Scale Plan Amendment 21S.07 (21PZ00032)
Township 20G, Range 34, Section 21

Property Information

Owner / Applicant: Bruce Fernandez

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

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

Acreage: 3.48 acres

Tax Account #: 2005100

Site Location: East side of Springfield Avenue, approximately two thousand two hundred twenty-two feet (2,222') south of Aurantia Road

Commission District: 1

Current Zoning: Rural Residential Mobile Home (RRMH-2.5)

Requested Zoning: Rural Residential Mobile Home (RRMH-1) (21Z00019)

Background & Purpose

The applicant is requesting to amend the Future Land Use (FLU) designation from Residential 1:2.5 (RES 1:2.5) to Residential 1 (RES 1) on a 3.48 acre parcel located on the east side of Springfield Avenue, approximately two thousand two hundred twenty-two feet (2,222') south of Aurantia Road. The subject property is currently developed with one (1) single-family manufactured home.

The subject property has retained the FLU designation of RES 1:2.5 since the 2008 adoption of comprehensive plan amendments implemented from recommendations of the Mims Small Area Study. Amendment 2008-A.4 resulted in the designation of over 2,107 acres within the study area as RES 1: 2.5. The subject parcel originally retained a future land use designation of RES 1 at the adoption of the FLU map in 1988.

A companion rezoning application (21Z00019) was submitted accompanying this FLU amendment request to change the Zoning classification of the subject property from Rural Residential Mobile Home (RRMH-2.5) to Rural Residential Mobile Home (RRMH-1).

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	One (1) Single-Family manufactured home	RRMH-2.5	RES 1:2.5
South	Undeveloped grazing land	AU	RES 1:2.5
East	One (1) Single-Family manufactured home	RRMH-2.5	RES 1:2.5
West	Undeveloped grazing land	RRMH-1	RES 1

To the north of the subject property is one (1) single-family manufactured home with a Future Land Use designation of RES 1:2.5. To the south is undeveloped land with Future Land Use designation of RES 1:2.5. To the east is one (1) single-family manufactured home with a Future Land Use designation of RES 1:2.5. To the west is undeveloped land with a Future Land Use designation of RES 1.

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.

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:

- 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 general area is suburban and rural residential in character with a mix of undeveloped land, site-built single-family homes and mobile homes on two and half (2.5) acre lots or larger. Suburban can be classified as 1 to 2.5 acre lots and rural as greater than 5 acres.

The subject property is located within the study area boundaries of the 2007 Mims Small Area Study. Recommendations resulting from the Study proposed reducing residential Future Land Use (FLU) densities in much of the study area. In 2008, a Comprehensive Plan Amendment was adopted to reduce FLU densities in Mims and included the designation of 2,107 acres within the study area as RES 1:2.5 (Amendment 2008-A.4). The adoption of Amendment 2008-A.4 changed the subject parcel's FLU designation to RES 1:2.5. Prior to the 2008, the subject parcel had originally retained a future land use designation of RES 1 at the adoption of the FLU map in 1988.

A FLU of RES 1 lies to the west across the county-maintained right-of-way (Springfield Avenue) and a second RES 1 FLU is located approximately 212 feet to the north of this lot. This request could be considered an expansion of the RES 1 area. The proposed single-family residential use is compatible with the single-family dwelling units in the surrounding area.

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

There has not been any new development adjacent to the subject property in the preceding three (3) years.

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

There have not been any development approvals for parcels adjacent to the subject property within the past three (3) years.

Residential 1 (maximum of 1 dwelling unit per acre)

Policy 1.9

The Residential 1 land use designation permits lower 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 parcel is adjacent to existing Residential 1 land use designation to the west. This request can be considered an expansion into the RES 1.

- 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 parcel does not serve as a transition between existing land use designations.

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

The subject parcel 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 inter-connectivity with surrounding uses. This density bonus shall not be utilized by properties within the CHHA.

A Planned Unit Development is not proposed with this request.

Concurrency

The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in the transportation adopted level of service. The parcel is not serviced by public water or sanitary sewer. The closest available Brevard County potable water line is approximately 3 miles southeast of the subject property on Lionel Road at Old Dixie Highway (approximately 300 feet east of Highway US-1). The closest Brevard County sanitary sewer line is approximately 5.5 miles southeast of the subject property on Highway US-1 at Stanley Street. No school concurrency information has been provided as the development potential is considered de minimis and is below the minimum number of new residential lots that would require a formal review.

Environmental Resources

Preliminary review of mapped resources indicates four (4) noteworthy land use issues:

- Hydric Soils/Wetlands
- Floodplain
- Protected and Specimen Trees
- Protected Species

Please refer to the attached comments provided by the Natural Resources Management Department.

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 the request is consistent and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Future Land Use (FLU) Review & Summary
Item # 21PZ00032**

Applicant: Fernandez

FLU Request: RES 1:2.5 to RES 1

Note: Applicant wants to split the lot for 2 single-family homes.

P&Z Hearing Date: 01/10/22; **BCC Hearing Date:** 02/03/22

Tax ID No: 2005100

- 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/Wetlands
- Floodplain
- Protected and Specimen Trees
- Protected Species

The subject parcel contains mapped hydric soils, an indicator that wetlands may be present on the property. Per Section 62-3694(c)(2), 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 would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. Application of the one unit per five acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property as defined in Section 65-694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. A wetland determination/delineation will be required prior to any site plan design, land clearing activities, or building permit submittal. The applicant is encouraged to contact NRM at 321-633-2016.

Land Use Comments:

Hydric Soils/Wetlands

The subject parcel contains mapped hydric soils (Myakka sand depressional), an indicator that wetlands may be present on the property. Per Section 62-3694(c)(2), 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 would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. Application of the one-unit-per-five-acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property as defined in Section 65-694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including

avoidance of impacts, and will require mitigation in accordance with Section 62-3696. A wetland determination/delineation will be required prior to any site plan design, land clearing activities, or building permit submittal.

Floodplain

The entire parcel is mapped as being within an isolated floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the isolated floodplain greater than one third (1/3) acre in size.

Additional impervious area increases stormwater runoff that can adversely impact nearby properties unless addressed on-site. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Protected and Specimen Trees

The parcel contains a mapped polygon of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) code 4340 – Upland Mixed Coniferous/Hardwood trees. Aerials indicate that Protected (greater than or equal to 14 inches in diameter for pines) and Specimen Trees (greater than or equal to 24 inches in diameter) may reside on subject property. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Protected and Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, 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 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. 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.