

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Small Scale Plan Amendment 21S.10 (21PZ00089)
Township 21, Range 34, Section 13*

Property Information

Owner / Applicant: Jackson Family Trust, C.B. Family Trust

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

Requested Future Land Use Map Designation: Residential 4 (RES 4)

Acreage: 49.72 acres

Tax Account #: 2100183

Site Location: On the north side of Highway 46 approximately 0.25 miles west of I-95

Commission District: 1

Current Zoning: Agricultural Residential (AU) and General Use (GU)

Requested Zoning: Single-family Residential (RU-1-7)
(application 21Z00043)

Background & Purpose

The applicant is requesting to amend the Future Land Use designation from Residential 2 (RES 2) to Residential 4 (RES 4) on 49.72 acres within a larger parcel (118.3 acres).

The 49.72-acre subject property meets the acreage requirement for consideration as a small-scale comprehensive plan amendment as a result of HB 487, signed into law by Governor DeSantis on June 29, 2021. HB 487 increased the maximum acreage of a small-scale comprehensive plan amendment from 10 acres to 50 acres.

The subject property is currently undeveloped and has a Future Land Use designation of RES 2 with a residential density of 2 dwelling units/acre that was adopted with the Comprehensive Plan in September of 1988. There was no change to the Future Land Use as a result of the 2007 Mims Small Area Study.

A companion rezoning application (21Z00043) was submitted accompanying this request for a Zoning change from Agricultural Residential (AU) and General Use (GU)

to Single-family Residential (RU-1-7) with BDP limiting to 199 SFR units on 73.59 acres (which includes the 49.72 acre subject property) within the larger 118.3 acre parcel.

The applicant has also submitted an additional application (21PZ00081) to amend the Future Land Use from Neighborhood Commercial (NC) to Community Commercial (CC) on 4.0 acres south of the subject site (also within the larger 118.3 acre parent parcel), along with a companion rezoning application (21Z00044) requesting to change the zoning from General Use (GU) to General Retail Commercial (BU-1). The 4.0 acre subject site.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Vacant, Undeveloped Land	GU	PUB-CONS
South	Vacant, Undeveloped Land	GU	NC
East	Vacant, Undeveloped Land	GU	RES 2 and NC
West	Single-Family Manufactured Housing and Undeveloped Land	TR-1 and GML	RES 2

To the north, south and east of the subject property is vacant, undeveloped land. West of the subject property, beyond a 75' wide strip of land owned by the St. Johns River Water Management District, are single-family manufactured homes and undeveloped, Brevard County-owned land.

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.

Policy 1.2

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

Criteria:

- C. In the Residential 30, 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.

Connection to centralized potable water and wastewater treatment is required. The nearest potential potable water and sanitary sewer connections are located approximately 800 feet to the south of the subject property south along State Road 46.

Residential 4 (maximum of 4 units per acre)

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 site is not immediately adjacent to RES 4 land use designation; however, in the general vicinity is a manufactured housing subdivision with one-quarter (1/4) acre lots platted prior to the adoption of the 1988 Comprehensive Plan.

The closest RES 4 is located approximately 290 feet to the west (within Cambridge Park Phase 2 manufactured housing subdivision).

- 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 site does not serve as a transition between densities greater than four (4) units per acre and areas with density of less than four (4) units per acre.

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

The subject site is not adjacent to an incorporated area.

- D. Up to a 25% density bonus to permit up to five (5) 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 for properties within the CHHA.

The applicant is not proposing a Planned Unit Development.

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;

There has been a historical pattern of residential development along State Road 46 to the west the subject site.

The subject property is located within the boundaries of the 2007 Mims Small Area Study. Recommendations of the Study note development in residential areas with density of two units per acre and higher should be encouraged to cluster development and to leave portions of each site open, with particular attention to reducing environmental impacts, to maintaining recreation space, and to preserving the area's agricultural landscapes when possible. There was no change to the Future Land Use of the subject property as a result of the 2007 Mims Small Area Study.

The proposed residential use appears consistent with the historical and existing pattern of surrounding development that transitions from more intense commercial uses near the I-95 interchange to residential uses west of the subject site.

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

There has not been any development immediately adjacent to the subject parcel in the preceding three (3) years. However, southeast of the subject property (along State Road 46), two

commercial parcels have been developed: a truck stop (Love's Travel Stops and Country Stores, Inc.) and a retail store (Dollar General).

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

There have not been any development approvals immediately adjacent to the subject parcel within the past three (3) years that have not been constructed. However, in January 2022, a binding development plan for a 198 unit single-family subdivision was approved on a 79.16-acre parcel southwest of the subject property (across State Road 46).

Concurrency

The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in the transportation adopted level of service.

The closest potable water and centralized sewer lines are located approximately 800 feet to the south of the subject site.

The school concurrency indicates there is enough capacity for the total of projected and potential students from the proposed development.

Environmental Resources

Mapped resources and noteworthy land use issues include Hydric Soils/Wetlands, Floodplain, Land Clearing and Landscape Requirements and Protected Species.

- Wetlands
- Aquifer Recharge Soils
- Floodplain
- Protected and Specimen Trees
- Protected Species

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

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
Future Land Use (FLU) Review & Summary
Item # 21PZ00089

Applicant: Rezanka for Jackson Family Trust

FLU Request: RES-2 to RES-4

Notes: Applicant wants subdivision with 180 single-family residential units.

P&Z Hearing Date: 02/14/22; **BCC Hearing Date:** 03/03/22

Tax ID No: 2100183

- 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
- Floodplain
- Protected and Specimen Trees
- Protected Species

The subject parcel contains mapped wetlands and hydric soils. A wetland delineation will be required prior to any land clearing activities or building permit application 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 subdivisions 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 Sections 62-3694(e) including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Historical aerials indicate that unpermitted land clearing activities may have occurred. The discovery of unpermitted wetland impacts or land clearing activities may result in code enforcement action.

The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

Land Use Comments:

Wetlands

The subject parcel contains mapped National Wetland Inventory (NWI), SJRWMD wetlands, and hydric soils (Samsula muck, Tomoka muck, Anclote sand, and Basinger sand), as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes, and USDA Soil Conservation Service Soils Survey maps, respectively; indicators that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities or building permit application submittal. 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 renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. 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 property. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e), including avoidance of impacts, and will require mitigation in accordance with 62-3696.

Historical aerials indicate that unpermitted land clearing and filling activities may have occurred. The discovery of unpermitted wetland impacts may result in code enforcement action.

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (Pomello sand, Paola fine sand and Basinger sand). The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Floodplain

Portions of the property are mapped as being within the floodplain, potentially isolated, as identified by FEMA, and as shown on the FEMA Flood Zones Map. The portion of the property located within the floodplain 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 an isolated floodplain greater than one third (1/3) acre in size. 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

A portion of the subject property is overlaid with mapped polygon SJRWMD FLUCCS code 4340-Upland Mixed Coniferous/Hardwood trees. Protected Trees (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches

in diameter) are included in this FLUCCS code and are likely found on the project area. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen trees. In addition, per Section 62-4341(18), 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. A tree survey will be required at time of site plan submittal, and is recommended prior to any site plan design. 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. 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 and/or U.S. Fish and Wildlife Service, as applicable.