

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 22S.01 (22PZ00001)  
Township 21, Range 34, Section 13*

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**Property Information**

**Owner / Applicant:** Heather Calligan Trust

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

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

**Acreage:** 8.25 acres

**Tax Account #:** 2112413

**Site Location:** Northeast corner of Turpentine Road and Wherry Road, on north and south sides of Hammock Trail

**Commission District:** 1

**Current Zoning:** Single-family Residential (RU-1-7)  
(21Z00030 - adopted 12/02/2021)

**Background & Purpose**

The applicant is requesting to amend the Future Land Use designation from Residential 1 (RES 1) to Residential 4 (RES 4) on 8.25 acres of undeveloped land within a larger parcel (79.16 acres) proposed for a single-family subdivision.

There is no companion rezoning application accompanying this request as the current Single-Family Residential (RU-1-7) zoning was recently adopted in January 2022, with an amended binding development plan (BDP) on the larger 79.16 acre parcel of which the 8.25 acre subject property is included (21Z00030). The RU-1-7 zoning with BDP limits the proposed project to be consistent with the Residential 4 FLU designations and includes a development limitation of 2.5 dwelling units per acre or 198 SFR units across the entire 79.16 acre parcel.

The 8.25-acre subject property has retained the FLU designation of RES 1 since 2008 when the comprehensive plan amendment implementing recommendations of the Mims Small Area Study was adopted (Amendment 2008-A.4) resulting in a reduction of residential density. The subject parcel originally retained a future land use designation of Residential with maximum density of 4 dwelling units per acre at the adoption of the FLU map in 1988.

## Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	One (1) Single-Family Residence and One (1) Manufactured Home	GU and RRMH-1	RES 1
<b>South</b>	One (1) Single-Family Residence	AU	RES 1
<b>East</b>	Vacant, Undeveloped Land	RU-1-7 (adopted 12/02/21)	RES 4
<b>West</b>	Seven (7) Single-Family Residences and Vacant, Undeveloped Land (across Turpentine Road)	AU and RU-1-11	RES 1

To the north of the subject property is one (1) single-family residence and one (1) manufactured home. South of the subject property is one (1) single-family residence. East of the subject property is vacant, undeveloped land. West of the subject property, across Turpentine Road, are seven (7) single-family homes and 2.43-acres of vacant, undeveloped 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 subject site is within Brevard County Utilities service area for potable water. The closest Brevard County centralized sewer line is located approximately 1,230 feet to the east of the subject site on Hammock Trail.**

#### **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 immediately adjacent to RES 4 land use designation to the east.**

- 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 is an existing pattern of residential land use along this segment of Turpentine Road from SR 46 to Wherry Road. Developed lots range from 0.18 acre to 2.13 acres and include a mix of manufactured housing and single-family residences.**

**The subject property is located within the boundaries of the 2007 Mims Small Area Study. Recommendations of the Study resulted in the reduction of residential densities, including the subject property (Amendment 2008-A.4). The subject parcel originally retained a future land use designation of Residential with maximum density of 4 dwelling units per acre at the adoption of the FLU map in 1988.**

**The Study also noted that 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 Mims area's agricultural landscapes when possible.**

**The proposed residential use appears to be consistent with the historical and existing pattern of residential development along Turpentine Road.**

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.**

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

**In January 2022, a binding development plan for a 198 unit single-family subdivision was approved on the 79.16-acre parent parcel which includes the 8.25 acre subject property.**

#### **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.

**There is an existing pattern of residential land use along this segment of Turpentine Road from SR 46 to Wherry Road.**

#### **Concurrency**

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

The subject site is within Brevard County Utilities service area for potable water. The closest Brevard County centralized sewer line is located approximately 1,230 feet to the east of the subject site on Hammock Trail.

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

#### **Environmental Resources**

Preliminary review of mapped resources indicates the following land use issues:

- Hydric Soils/Wetlands
- Aquifer Recharge Soils
- 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**

According to the Florida Master Site File (FMSF) from the Florida Division of Historic Resources, one (1) cultural resource (#8BR2084 - Irvine Holder Farm) is located on the subject property. Information provided by the FMSF describes the Irvine Holder Farm as “a canal and road constructed by Irvine Holder in the 1920s that provided drainage, irrigation, and access to his truck farm, and two pump houses he constructed in the late 1940s that were needed to run sprinklers used when freezing temperatures threatened to destroy his citrus groves.”

## **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 # 22PZ00001**

**Applicant:** Genoni for Calligan

**FLU Request:** RES 1 to RES 4

**Note:** Applicant wants a 198-unit subdivision

**P&Z Hearing Date:** 03/14/22; **BCC Hearing Date:** 04/07/22

**Tax ID No:** 2112413 (portion of)

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

The subject parcel contains mapped hydric soils, an indicator that wetlands may be present on the property. A wetland determination/delineation will be required prior to any site plan design, land clearing activities, 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 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 will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan design or permit submittal.

## **Land Use Comments:**

### **Hydric Soils/Wetlands**

The subject parcel contains mapped hydric soils (Anclote sand frequently ponded and Basinger sand) as shown on the USDA Soil Conservation Service Soils Survey map; an indicator that wetlands may be present on the property. A wetland determination/delineation will be required prior to any site plan design, land clearing activities, 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 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 will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan design or permit submittal.

### **Aquifer Recharge Soils**

Basinger sand may also function as an aquifer recharge soil. 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**

Aerials indicate that project site is forested. 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 encouraged to perform a tree survey prior to site plan design in order to incorporate valuable vegetative communities or robust trees into the 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. 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.