

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 21S.10 (22PZ00003)*  
**Township 30G, Range 38, Section 01**

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**Property Information**

**Owner / Applicant:** Rushing Wind, LLC

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

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

**Acreage:** 24 acres

**Tax Account #:** 3008616

**Site Location:** Approximately .37 miles west of the intersection of Dottie Drive and Micco Road

**Commission District:** 3

**Current Zoning:** Rural Residential 1 (RR-1)

**Requested Zoning:** Single-family Residential (RU-1-11)

**Background & Purpose**

The applicant is seeking to amend the Future Land Use designation on 24 acres of land from Residential 1 (RES 1) to Residential 4 (RES 4) to build up to ninety-six (96) unit single-family subdivision.

To the north is grazing land with a Future Land Use designation of Residential 6 (RES 6) which received a Future Land Use designation change from RES 1 to RES 6 on September 4, 2008 with a companion Zoning change from Agricultural Residential (AU) and Rural Residential (RR-1) to Institutional Use-Low Intensity IN(L). Access to Micco Road will be required through the property to the north.

A companion rezoning application was submitted accompanying this request for a zoning change from RR-1 (Rural Residential), IN(L) (Institutional Use, Low Intensity) to RU-1-11 (Single-Family Residential).

## Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	Grazing Land	IN(L)	RES 6
<b>South</b>	State Owned Land	AU	PUB-CONS
<b>East</b>	Residential Common Area and Single-Family Residences	GU	RES 1
<b>West</b>	City of Palm Bay Grazing Land	City of Palm Bay Rural Residential	City of Palm Bay Micco Park Village (MPVD)

To the north of the subject property is grazing land, to the east is the Lakes at St. Sebastian Common Area and The Lakes at St. Sebastian Preserve Phase 1 Single-Family Residences, to the south is State Owned Land being use by St. John's River Water Management District and to the west is grazing land within the City of Palm Bay.

## 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 connection is directly to the east of the subject site servicing The Lakes at St. Sebastian Preserve. Presently, there are no wastewater treatment connections to this property.**

#### **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, it is located adjacent to RES 6 immediately to the north which is a higher density than what is being proposed on the subject site.**

**The closest RES 4 land use designation is approximately .4 miles to the east on the north side of Micco Road at Barefoot Bay.**

- 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 adjacent to the incorporated area of Palm Bay along the west side.**

- 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 Micco Road.**

**Approximately .4 miles east of the subject site is the Barefoot Bay manufactured home community with a RES 4 Future Land Use designation with development beginning in the 1970's and continuing up to the present.**

**Directly adjacent to the east of the subject site is The Lakes at St. Sebastian Preserve, a single-family development with houses constructed in 2019 through the present.**

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.

**There have not been any development approvals immediately adjacent to the subject parcel within the past three (3) years that have not been constructed.**

### **Concurrency**

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

The nearest potential potable water connection is directly to the east of the subject site servicing The Lakes at St. Sebastian Preserve. Presently, there are no wastewater treatment connections to this 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 include Hydric Soils/Wetlands, Indian River Lagoon Nitrogen Reduction Overlay and Protected Species.

Approximately 1/3 of the entire parcel, and 1/3 of the area of the parcel requesting the FLU change 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. The parcel is connected to the Indian River Lagoon by way of drainage ditches/canals that encompass three sides of the parcel.

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

### **Historic Resources**

The Florida Master Site File Department cannot find a record of this site.

### **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 # 22PZ00003**

**Applicant:** Rushing Wind

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

**Note:** Applicant wants to increase density for a subdivision

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

**Tax ID No:** 3008616

- 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
- Indian River Lagoon Nitrogen Reduction Overlay
- Land Clearing and Landscape Requirements
- Protected Species

Approximately 1/3 of the entire parcel, and 1/3 of the area of the parcel requesting the FLU change 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. The parcel is connected to the Indian River Lagoon by way of drainage ditches/canals that encompass three sides of the parcel.

**Land Use Comments:**

**Hydric Soils/Wetlands**

The entire parcel contains mapped hydric soils (Eau Gallie sand, Riviera sand, and Pineda sand) as shown on the USDA Soil Conservation Service Soils Survey map; an indicator that wetlands may be present on the property. 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. At time of site plan review, a wetland determination/delineation will be required.

### **Indian River Lagoon Nitrogen Reduction Overlay**

Approximately 1/3 of the entire parcel, and 1/3 of the area of the parcel requesting the FLU change 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. The parcel is connected to the Indian River Lagoon by way of drainage ditches/canals that encompass three sides of the parcel. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

### **Land Clearing and Landscape Requirements**

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. Land clearing is not permitted without prior authorization by NRM. Septic systems may limit tree planting locations.

### **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.