

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 22S.17 (22SS00014)  
Township 20G, Range 34, Section 22*

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**Property Information**

Owner / Applicant: **Norman L. Sherman Jr; Karen D. Turowski**

Adopted Future Land Use Map Designation: Agricultural (AGRIC)

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

Acreage: 4.4 acres

Tax Account #: 2002090 and 2002089

Site Location: Southeast Corner of Pine Needle Street and Hog Valley Road,

Commission District: 1

Current Zoning: Rural Residential mobile home (RRMH-1)

Requested Zoning: N/A

**Background & Purpose**

The applicant is requesting to amend the Future Land Use designation from Agricultural (AGRIC) to Residential 1 (RES 1) on 1 acre and RES 1:2.5 on the remaining 3.4 acres.

In 1988, Brevard County Comprehensive Plan went into effect applying the AGRIC Future Land Use to the subject property and the surrounding area. Included in the minimum criteria governing activities in this land use designation calls for residential densities not to exceed one dwelling unit per five (5) acres. The subject property has retained the Future Land Use (FLU) designation of AGRIC since the adoption of the FLU map in 1988.

Underlying this area is a 1914 plat initially recording 10-acre tract/lot sizes.

According to Official Records Book 2342/ Page 2164 dated December 17, 1981, the subject property was recorded as Lot 4, Block 2, approximately 9.22 acres. Based on Warranty Deed recorded in Book 4912/Page 0798 dated May 14, 2003, the subject property had been split less the South 330 feet (as measured along the tract lines) to

4.4 acres. Another lot split of the subject property was recorded in Official Records Book 9701/Page 600 and 604 on January 23, 2023 creating a 1 acre and 3.4 acre lot. Lot splits are done entirely via the Brevard County Property Appraiser Office and therefore, the Planning & Development Department does not review the lot splits.

October 1973, a request by the previous owner to change the General Use (GU) zoning classification to Rural Residential Mobile Coach (RRMC-1) was approved.

### **Tax Account 2002089 (3.4 acres AGRIC to RES 1:2.5)**

The Residential 1:2.5 land use designation, which establishes the lowest density of all the residential future land use designations, permits a maximum density of up to one (1) unit per 2.5 acres, except as otherwise may be provided for within the Future Land Use element. However, the subject parcel's existing RRMH-1 zoning cannot be considered consistent with the RES 1:2.5 FLU designation.

The subject parcel's RRMH-1 zoning classification is not consistent with the AGRIC Future Land Use designation provided on the FLU map series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan.

A companion application **23Z00016**, if approved, would amend the zoning classification from Rural Residential Mobile Home 1 (RRMH-1) to Agricultural Residential (AU). This request is to establish consistency between the zoning and the proposed RES1:2.5 Future Land Use designations. There are no other applicable land use actions on file for the subject parcel. The site has frontage on Pine Needle Street and meets access requirements as provided in Section 62-102.

### **Tax Account 2002090 (1-acre AGRIC to RES 1)**

The Residential 1 land use designation, which establishes the low density residential development with a maximum density of up to one (1) unit per 1 acre, except as otherwise may be provided for within the Future Land Use element. The subject parcel's existing RRMH-1 zoning can be considered consistent with the RES 1 FLU designation.

The subject parcel's RRMH-1 zoning classification is not consistent with the AGRIC Future Land Use designation provided on the FLU map series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan.

This request is to establish consistency between the zoning and Future Land Use designations. There are no other applicable land use actions on file for the subject parcel. The site has frontage on Pine Needle Street and meets access requirements as provided in Section 62-102.

At this time, there are no active code enforcement cases associated with the subject parcels.

## Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	Single-Family Residence	GU/RRMH-1	AGRIC
<b>South</b>	Single-Family Residence	RRMH-1	AGRIC
<b>East</b>	Vacant Residential	RRMH-1	AGRIC
<b>West</b>	Single-Family Residence	RRMH-1	AGRIC

The subject property is located within the Mims Small Area Study, which was adopted by the Board in 2007 and largely implemented via Comprehensive Plan Future Land Use Map (FLUM) amendments in 2008. The SAS recommended that the Agricultural Future Land Use designation (one unit per 5 acres) be retained for the approximately 25 square mile area west of Meadow Green Road.

Future Land Use (FLU) designations, the county's comprehensive plan, indicates the intended use and development density for a particular area, while zoning classification specifically defines allowable uses and contains the design and development guidelines for those intended uses. 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.

The surrounding Land Use in this area is predominately Agricultural Land Uses (AGRIC). The Agricultural Land Use designation is intended to protect agricultural lands, and provide for the continuing viability of the agricultural industry in the County's economy. Activities include but are not limited to, row, vegetable and fruit crop production; dairy, poultry and livestock production; aquaculture, silviculture, horticulture, and apiariculture. Large lot residential development which does not impede the use of lands for agricultural purposes shall be permitted in this land use designation. Residential densities shall not exceed one dwelling unit per five (5) acres. The County shall not extend public utilities and services outside of the service areas to Agricultural areas for new development.

The Future Land Use Element allows for various zoning districts within a given Future Land Use designation. General Use (GU) zoning classification, which requires a minimum of 5 acres, is one of the classifications that is consistent with AGRIC land use. However, many of the parcels in the surrounding area have been split into smaller 1+ acre lots creating inconsistent FLU and zoning designations.

## 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 subject property has retained the Future Land Use (FLU) designation of AGRIC since the adoption of the FLU map in 1988. The predominate Future Land Use designation in the area is AGRIC. Most recent FLU change occurred in 2009 from AGRIC to RES 1, NE of the subject property. The request could be considered further introduction of RES 1 and introduction of RES 1:2.5 into an area that is predominately AGRIC.***

***A previous comprehensive plan amendment (Z11461) from AGRIC to RES 1 was approved in February 2009 for a property directly northeast fronting on the northside of Pine Needle Street.***

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

***No development was constructed adjacent to the subject site in the preceding three (3) years.***

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

***There have not been any development approvals that are pending construction within the past 3 years.***

#### **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.

**This area is characterized by mixture of undeveloped, mobile home and site-built homes with 2.5 acres being the average lot sizes. Zoning classifications in the area includes GU, AU, RR-1, RRMH-1 and RRMH-5.**

#### **Residential 1 (maximum of 1 dwelling unit per acre)**

##### **Policy 1.9**

The Residential 1 land use designation permits low 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 AGRIC land use designation; or

***NE of the subject property is an existing parcel of land with RES 1 Future Land Use due to a change of land use in 2009.***

- 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; or

**The subject parcel does not serve as a transition between greater or lesser densities.**

- 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.**

#### **Concurrency**

The closest concurrency management segment to the subject property is US Hwy 1, from Burkholm Rd to the Volusia County Line, which has a Maximum Acceptable Volume (MAV) of 40,300 trips per day, a Level of Service (LOS) of C, and currently operates at 10.10% of capacity daily. The maximum development potential from the proposed Future Land Use change increases the percentage of MAV utilization by 0.07%. The corridor is anticipated to operate at 10.17% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

The parcel is not serviced by public sewer or within the Brevard County service area for potable water. The closest available Brevard County potable water line or sewer connection to the subject property is approximately two and half (2.5) miles southeast across I-95 HWY at the north end of Sanctuary Drive.

No school concurrency information has been provided as the development potential is considered below the minimum number of new residential lots that would require a formal review.

### **Environmental Resources**

Mapped resources include Protected and Specimen Trees, Protected Species, Floodplain and Wetlands.

Protected and Specimen Trees may exist on the subject property.

Natural Resource Management indicates that federally and/or state protected species may be present on the property.

Floodplain has been mapped on the subject property as SFHA A, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map.

Wetlands have been mapped on the subject property.

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 recognizing existing development trends.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Future Land Use (FLU) Review & Summary**  
**Item #22SS00014**

**Applicant:** Norman Leigh Sherman, Jr. and Karen Denise Turowski

**FLU Request:** AGRIC to RES1 and RES1:2.5

**Note:** Applicant request a FLUM amendment of RES1 and RES1:2.5 for Zoning consistency.

**P&Z Hearing Date:** 04/17/23; **BCC Hearing Date:** 05/04/23

**Tax ID No:** 2002089

- 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:**

- Floodplain
- Wetlands
- Protected and Specimen Trees

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:**

**Floodplain**

The northwest corner of the property is within an area mapped as SFHA A, 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. Additional impervious area, often associated with increased density, 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."

**Wetlands**

Aerial images indicate a potential of wetlands in the property. A wetland assessment may be required at permitting for development.

**Protected and Specimen Trees**

Protected and Specimen Trees may exist on the parcel. Per 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 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 (FWC), and/or U.S. Fish and Wildlife Service, as applicable.