

FUTURE LAND USE MAP SERIES PLAN AMENDMENT

STAFF COMMENTS

Small Scale Plan Amendment 19S.12 (19PZ00126)
Township 20, Range 35, Section 31

Property Information

Owner / Applicant: **Rebecca Reaves**

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: 2.0 acres Tax Account #: 2000310

Site Location: South side of Richy Road approximately 630 feet west of Highway U.S.1

Current Zoning: Agricultural Residential (AU)

Requested Zoning: Rural Residential (RR-1)

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Single-Family Residence	AU	RES 1:2.5
South	Single-Family Residence	AU	RES 1:2.5
East	Single-Family Residence	AU	RES 1:2.5
West	Single-Family Residence	AU	RES 1:2.5

Background & Purpose

The applicant is seeking to amend the Future Land Use designation from Residential 1:2.5 (RES 1:2.5) to Residential 1 (RES 1) on a two (2) acre parcel of land. The subject property is surrounded on all four (4) sides by a single-family residence with a Future Land Use designation of RES 1:2.5 to the north, south, east and west.

The subject property is currently vacant and has a Future Land Use designation of RES 1:2.5. Prior to a Large Scale Comprehensive Plan Amendment to the Future Land Use Map on August 28, 2008, the subject parcel had a Future Land Use designation of RES 1 which allowed one dwelling unit per acre. The Board of County Commissioners directed staff to create a Small Area Study for Mims in October of 2006. The Mims Small Area Study was then adopted in April of 2007. As a result of this study, several recommendations were made. The first recommendation was to reduce the residential densities by one

designation in the northern and western areas of Mims. The subject parcel is within the western area of Mims. A County initiated Future Land Use Amendment was adopted on August 28, 2008, that reduced the density by one designation on the subject parcel together with an additional 23.61 acres to the east, south and west of this parcel.

A companion rezoning application was submitted accompanying this request for a Future Land Use designation change, to change the zoning classification from Agricultural Residential (AU) which allows one single-family residence on two and a half acres of land to Rural Residential (RR-1) which allows one single-family dwelling on one acre of land.

Environmental Resources

Please refer to comments provided by the Natural Resource 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. At the time of site plan review the applicant is required to submit a description of the ground disturbing activities to the Compliance and Review Division of the Florida Department of State Division of Historical Resources.

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.

Residential Land Use Designations

Policy 1.1

The residential land use designations adopted as part of the Future Land Use Map represent maximum density thresholds. Approved densities may be lower than the maximum allowed by a residential land use designation as a result of one or more of the following:

Criteria:

- A. Environmental constraints identified in applicable objectives and policies of the Conservation Element which impose more stringent density guidelines;
- B. Land use compatibility pursuant to Administrative Policy 3;
- C. Unavailability or inadequacy of public facilities and services, including educational facilities, to accommodate adopted density allowances, as set forth in Policy 1.2 and the policies found in the 'Service Delivery, Concurrency and Growth' section of this Element as well as related objectives and policies in the Capital Improvements Element;
- D. Character of the general area, pursuant to Administrative Policy 4;
- E. Hurricane evacuation capabilities; and
- F. Policies established in specialized plans as may be adopted by the Board of County Commissioners.

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:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foresee ably be affected by the proposed use;

The proposed use would not have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in the existing neighborhoods.

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

Staff does not anticipate a reduction in the value of existing abutting lands however, a Property Appraiser would be required to make that determination.

- 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;
 2. actual development over the immediately preceding three years; and
 3. development approved within the past three years but not yet constructed.

The proposed use is not consistent with an emerging or existing pattern of surrounding development as determined through the analysis of historical land use patterns, actual development over the past three (3) years and development approvals over the past three (3) years.

Historically, the area has been developed as single-family homes on 2.5 acre lots as early as 1973. There are several lots from the original subdivision that are less than 2.5 acres to the west of the subject site. In 2007, the Board directed staff to reduce the residential density by one designation within this area as a result of the adopted Mims Small Area Study.

Within the past three (3) years, there has been one single-family house built in 2018 on a 2.5 acre parcel of land along Richy Road within this neighborhood.

- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Staff does not believe the proposed use would result in a material violation of relevant policies in any of the elements of the Comprehensive Plan.

Residential 1 (maximum of 1 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 Residential 1 land use designation; or

The subject parcel is not adjacent to a Residential 1 (RES 1) Future Land Use designated property. The subject parcel is adjacent to Residential 1:2.5 on all four (4) sides.

- 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 land uses with a density greater than one (1) unit per acre and areas with lesser density.

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

The subject parcel is not located 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 interconnectivity with surrounding uses. This density bonus shall not be utilized by properties within the CHHA.

The subject parcel is two (2) acres and does not meet the minimum requirement of ten (10) acres of land to create a Planned Unit Development (PUD).

For Board Consideration

The applicant is seeking a change in Future Land Use (FLU) designation from RES 1:2.5 to RES 1 on a 2 acre parcel of land. The subject parcel is adjacent to RES 1:2.5 on all four sides. This area of Unincorporated Brevard County is comprised of approximately 1,965 acres of land with a Future Land Use designation of RES 1:2.5 with 2.5 acres being the minimum lot size for a single-family residence.

As a result of the Mims Small Area Study adopted in April of 2007, the Board directed staff to reduce the residential density by one designation within the northern and western areas of Mims. The total area in Mims that had a Future Land Use density reduction from Residential 1 (RES 1) to Residential 1:2.5 (RES 1:2.5) was approximately 1,965 acres.

The subject two (2) acre parcel is located within the western area of Mims consisting of approximately one hundred twenty-six (126) acres of RES 1:2.5 that was part of the density reduction by Ordinance 08-30 on August 28, 2008 that the Board directed staff to initiate based upon the land use analysis that was a part of the Mims Small Area Study.

The Board may wish to consider preserving the larger lots in this residential neighborhood since the reduction in density occurred as the result of a Small Area Study where an analysis of the area concluded that there are very few neighborhoods within Mims that retain the lower density RES 1:2.5 Future Land Use designation.

This request is accompanied by a companion proposal for a change of Zoning classification from Agricultural Residential (AU) to Rural Residential (RR-1).

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Future Land Use Review & Summary
Item # 19PZ00126**

Applicant: Rebecca Reaves

Future Land Use Change Request: RES 1:2.5 to RES 1

Note: Applicant wants to legitimize lot to build single family home

P&Z Hearing Date: 01/13/20; **BCC Hearing date:** 02/06/20

Tax ID No: 2000310

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management (NRM) Department 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.**
- If the owner/applicant has questions regarding any potential limitations, s/he is encouraged to contact NRM at 321-633-2016 prior to design of any plans.

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Floodplain
- Protected Species

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:

Hydric Soils

The subject parcel contains hydric soils (Basinger sand-depressional) as shown on the USDA SCSSs soils map; an indicator that hydric soils and 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. The preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts as described in Sec. 65-3694(c)(1)a above. 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 Sec. 65-694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Floodplain

The subject parcel is located within a mapped floodplain (potentially isolated) as identified by FEMA, and as shown on the FEMA Flood Map. The floodplain area is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. If within an isolated floodplain, then per Section 62-3724(1), development within isolated floodplain areas shall not increase the rate and volume of floodwater discharged from the predevelopment 100-year, 25-year, 10-year or annual mean riverine floodplain. 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. 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 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.

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. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.