

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

Small Scale Plan Amendment 20S.02 (20PZ00024)
Township 21, Range 35, Section 21

Property Information

Owner / Applicant: **Theodore Goodenow**

Adopted Future Land Use Map Designation: Planned Industrial (PI)

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

Acreage: 4.85 acres Tax Account #: 2105262

Site Location: East side of Hammock Road, approximately 650 feet south of Parrish Road

Current Zoning: Agricultural Residential (AU)

Requested Zoning: Single-Family Residential (RU-1-9) (19PZ00158)

Background & Purpose

The applicant is seeking to amend the Future Land Use (FLU) designation from Planned Industrial (PI) to Residential 2 (RES 2) on a 4.85 acre parcel located east of Hammock Road, approximately 650 feet south of Parrish Road. The subject property is currently vacant with an existing Future Land Use designation of PI that was adopted with the Comprehensive Plan in September of 1988. The subject parcel is a smaller portion of the overall 31.43 acre parcel which is located on both sides of Hammock Road. The western portion of the overall parcel retains a Future Land Use designation of RES 2.

A companion rezoning application (19PZ00158) was submitted accompanying this FLU amendment request to change the Zoning classification of the 31.43 acre overall parcel from Agricultural Residential (AU) to Single-Family Residential (RU-1-9) with a Binding Development Plan (BDP) limiting the density to two (2) dwelling units per acre. The current AU zoning allows one single-family residence on two and a half (2.5) acres of land, and the proposed RU-1-9 zoning with a BDP will limit the density to two (2) dwelling units per acre for a total of sixty-two (62) single-family units.

The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in the transportation adopted level of service. The subject parcel is not currently serviced by County or municipal potable water or sanitary sewer;

however, the City of Titusville Utilities provides potable water and sanitary sewer approximately 900 feet and 2,800 feet south of the property, respectively. The applicant's BDP states that the project will use City of Titusville water and sewer. The School Impact Analysis indicates that there is projected capacity for the total of projected and potential students from the proposed development.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	One (1) Single-Family manufactured home and One (1) Single-Family modular home	TR-2	PI
South	Vacant	IU	PI
East	Vacant	PIP	PI
West	Across Hammock Road - Vacant	AU	RES 2

To the north of the subject property are single-family residences with a Future Land Use designation of PI. To the east and south is undeveloped land with Future Land Use designation of PI. To the west (across Hammock Road) is agricultural land with a Future Land Use designation of RES 2.

According to Policy 3.5 of the Future Land Use Element of the Brevard County Comprehensive Plan, Planned Industrial (PI) land use designation is intended to accommodate the clustering of light industrial and business uses in settings which provide special attention to the integration of infrastructure, such as circulation, parking, and utilities, while placing emphasis upon aesthetics of the project and compatibility with abutting properties and properties within the industrial park. These parks shall be designed to limit intrusion into residential areas. Appropriate uses are those that operate within enclosed buildings such as manufacturing, assembling, fabricating, warehousing and retailing activities. Hotel and motel accommodations that serve the travel needs of employees or clients associated with firms within the planned industrial or business parks are also appropriate. Marinas may also be considered within this land use designation.

Environmental Resources

Preliminary review of mapped resources indicates four (4) noteworthy land use issues:

- *Wetlands/Hydric soils*
- *Indian River Lagoon Septic Overlay*
- *Floodplain*
- *Protected Species*

Please refer to the attached comments provided by the Natural Resources 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.

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;

Wetlands/Hydric soils are mapped on the subject site. Please refer to attached comments provided by the Natural Resources Management Department.

- B. Land use compatibility pursuant to Administrative Policy 3;

Administrative Policy 3 states that 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.

Analysis of historical future land use indicates that the subject parcel and adjacent parcels have retained a FLU designation of PI since the adoption of the FLU map in 1988. PI land use designation was originally adopted on these parcels due to their proximity to the Florida East Coast Railroad, which would provide easy access for future industrial uses and its

imports/exports. The proposed amendment to the Future Land Use Map will place RES 2 into an area of Planned Industrial.

- 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; Character of the general area, pursuant to Administrative Policy 4;

The subject parcel is not currently serviced by County or municipal potable water or sanitary sewer; however, the City of Titusville Utilities provides potable water and sanitary sewer approximately 900 feet and 2,800 feet south of the property, respectively.

Policy 1.2.E of the Future Land Use Element states that where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system.

Policy 1.2.F of the Future Land Use Element states that the County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 2, Residential 1 and Residential 1:2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU's, MSTU's and other means through which the recipients pay for the service or facility.

Residential 2 (maximum of 2 dwelling units per acre) Policy 1.8

The Residential 2 land use designation permits lower density residential development with a maximum density of up to two (2) units per acre, except as otherwise may be provided for within this element. The Residential 2 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 2 land use designation; or

The subject parcel is surrounded on three sides by PI land use while Res 2 is on the west side, separated by Hammock Road which serves as a dividing line, separating the industrial land use from the residential land use. The proposed amendment to the Future Land Use Map will result in residential encroachment into a designated industrial area.

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than two (2) units per acre and areas with density of less than two (2) units per acre; or

The subject parcel does not serve as a transition between land uses with a density greater than two (2) units per acre and areas with lesser density. The subject parcel is surrounded by PI land use.

Immediately north of the subject parcel is TR-3 zoning with modular and mobile home residences on approximately one-half (1/2) acre and one (1) acre lots, respectively. TR-3 zoning was established in 1987 prior to the adoption of the Future Land Use Map in 1988.

- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 2.

The subject parcel is not located adjacent to an incorporated area that would be considered a logical transition for RES 2. The City of Titusville boundary is located approximately 200 feet to the south of the subject property where a developed parcel with Heavy Industrial Zoning and Industrial Future Land Use currently exists.

The western portion of the 31.43 acre overall parcel (not part of this request) is located across Hammock Road and is adjacent to a 71.76 acre incorporated area within the City of Titusville with a Residential Two (RES 2) Future Land Use designation and Planned Development (PD) zoning allowing a minimum lot size of 6,000 square feet.

For Board Consideration

The Board may wish to consider whether the proposed RES 2 Future Land Use is consistent with the surrounding area which primarily retains a Future Land Use designation of PI that was adopted with the Comprehensive Plan in September of 1988.

The Board should note that the applicant has provided a binding development plan proposing to connect to City of Titusville potable water and sanitary sewer for consideration with the companion rezoning request.

The Board may also wish to consider the comments provided by the Natural Resources Management Department which indicate four (4) noteworthy land use issues associated with the subject parcel:

- Wetlands/Hydric soils
- Indian River Lagoon Septic Overlay
- Floodplain
- Protected Species

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Future Land Use Review & Summary
Item # 20PZ00024

Applicant: Theodore Goodenow, Chad Genoni

Future Land Use Request: PI to Res 2

P&Z Hearing Date: 04/06/20; **BCC Hearing date:** 05/07/20

Tax ID No: 2105262

- 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:

- Wetlands/Hydric soils
- Indian River Lagoon Septic Overlay
- Floodplain
- Protected Species

The parcel contains 100% hydric soils and SJRWMD wetlands, indicators that wetlands may be present on the property. A ground-truthed wetland determination and delineation will be required prior to any site plan submittal.

Portions of the property are mapped within the Indian River Lagoon Septic Overlay. If sewer is not available, the project will require septic systems that provide at least 65% total nitrogen reduction through multi-stage treatment processes per Chapter 46, Article II, Division IV-Nitrogen Reduction Overlay.

Land Use Comments:

Wetlands/Hydric Soils

The subject parcel contains 100% hydric soils (Copeland-Bradenton-Wabasso complex, and Riviera sand), and a small area of mapped SJRWMD wetlands as shown on the USDA SCSSs soils, and SJRWMD FLUCCS Wetlands maps, respectively; indicators 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 Section 62-3694(e) including avoidance of impacts, and Section 62-3696.

Indian River Lagoon Septic Overlay

Portions of the property are mapped within the Indian River Lagoon Septic Overlay. If sewer is not available, the project will require septic systems that provide at least 65% total nitrogen reduction through multi-stage treatment processes per Chapter 46, Article II, Division IV-Nitrogen Reduction Overlay.

Floodplain

A majority of the property is mapped as being within AE and X floodplains as identified by the Federal Emergency Management Agency as shown on the FEMA Flood Zones Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Additional impervious area 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."

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.