

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

Small Scale Plan Amendment 20S.05 (20Z00018)
Township 23, Range 36, Section 27

Property Information

Owner / Applicant: **St. Lukes Episcopal Church of Courtenay Fla, Inc.**

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: 1.50 acres

Tax Account #: 2317060

Site Location: East side of North Tropical Trail, approximately two hundred fifty-seven feet (257') south of Church Road

Current Zoning: Institutional Use – Low intensity (IN(L))

Requested Zoning: Rural Residential (RR-1) (20Z00019)

Background & Purpose

The applicant requests to amend the Future Land Use (FLU) designation from Residential 1:2.5 (RES 1:2.5) to Residential 1 (RES 1) on a 1.50 acre parcel located east of North Tropical Trail, approximately two hundred fifty-seven feet (257') south of Church Road. The subject property is currently developed with one (1) single-family residence that was built in 1967 and served as an on-site residence for the abutting property to the west. The subject parcel is a smaller portion of the overall 7.06 acre parcel which is located on both sides of North Tropical Trail.

The subject property has retained the FLU designation of RES 1:2.5 since the 2009 adoption of a Comprehensive Plan Amendment implemented from the recommendations of the North-North Tropical Trail Small Area Study. Amendment 2009-1.9 resulted in the designation of over five hundred five (505) acres within the study area as RES 1: 2.5. The subject parcel originally retained a FLU designation of RES 2 at the adoption of the Comprehensive Plan in 1988.

A companion rezoning application (20Z00019) was submitted accompanying this FLU amendment requesting to change the Zoning classification of the 1.50 acre subject parcel from Institutional Use – Low intensity (IN(L)) to Rural Residential (RR-1). The

applicant wants to make the subject parcel conforming, so it can be sold as a stand-alone single-family lot.

The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in the transportation adopted level of service. Potable water service to the subject parcel is currently provided by the City of Cocoa Utilities. Sanitary sewer is not currently available for the subject parcel; however, a Brevard County sanitary sewer line exists approximately eight hundred sixty-five feet (865') east of the property. No school concurrency information has been provided as the development potential is considered de minimis and is below the minimum number of new residential lots that would require a formal review.

Surrounding Land Use Analysis

| | Existing Land Use | Zoning | Future Land Use |
|--------------|--------------------------------------|---------------|------------------------|
| North | One (1) Single-Family residence | GU | RES 1:2.5 |
| South | Vacant | GML(H) | RES 1:2.5 |
| East | One (1) Single-Family residence | SR | RES 2 |
| West | Across North Tropical Trail - Church | IN(L) | RES 1:2.5 |

To the north of the subject property is one (1) single-family residence with a Future Land Use designation of RES 1:2.5. To the south is undeveloped land with a FLU designation of RES 1:2.5. To the east is one (1) single-family residence with a FLU designation of RES 2. To the west (across North Tropical Trail) is a church and cemetery with a FLU designation of RES 1:2.5.

Environmental Resources

Preliminary review of mapped resources indicates five (5) noteworthy land use issues:

- Aquifer Recharge Soils
- Floodplain
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- 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 1.50 acre property associated with this application according to the Master Site File (MSF) from the Florida Division of Historic Resources; however, one (1) standing structure (church) and a cemetery located on the western portion of the 7.06 acre overall parcel (across North Tropical Trail) are listed on the MSF.

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.

Future Land Use Element – Policies/Analysis:

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;

Portions of the subject property are mapped as being within the floodplain as identified by the Federal Emergency Management Agency (FEMA) as shown on the FEMA Flood Zones Map. Please refer to attached comments provided by the Natural Resources Management Department.

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

Analysis of historical future land use indicates that the subject parcel has retained a FLU designation of RES 1:2.5 since 2009. The subject parcel originally retained a future land use designation of RES 2 at the adoption of the FLU map in 1988. The proposed land use of RES 1 is compatible with the existing land uses surrounding the subject property.

- 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 sanitary sewer; however, Brevard County Utilities provides sanitary sewer approximately 865 feet east of the property. Potable water is provided to the subject parcel by the City of Cocoa Utilities.

Residential 1 (maximum of 1 dwelling unit per acre)

Policy 1.9

The Residential 1 land use designation permits lower 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:

- 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 serves as a transition between land uses with a density greater than one (1) units per acre and areas with lesser density. The subject parcel is currently adjacent to a RES 2 land use designation to the east and a RES 1:2.5 land use designation to the north, south and west (across North Tropical Trail).

For Board Consideration

The Board may wish to consider that the proposed RES 1 FLU designation would be consistent with FLU Policy 1.9 which states that Residential 1 land use designation may be considered for lands and serves as a transition between higher and lower land use densities. In addition, if the request is consistent and compatible with the surrounding RES 1, RES 2, and RES 1:2.5 FLU designations.

The Board may also consider the recommendations of the 2009 North-North Tropical Trail Small Area Study that resulted in the FLU designation of RES 1: 2.5 on the subject property.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Future Land Use Review & Summary
Item # 20Z00018

Applicant: St. Lukes Episcopal Church

Future Land Use Request: RES 1:25 to RES 1

Note: Applicant wants to make the lot on east side of N Tropical Trail conforming, so it can be sold as SFR.

NMI Hearing Date: 10/08/2020; **LPA Hearing Date:** 10/19/20; **BCC Hearing Date:** 11/05/20

Tax ID No: 2317060 – the portion on east side of N. Tropical Trail

- 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:

- Aquifer Recharge Soils
- Floodplain
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- Protected Species

Land Use Comments:

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (Tavares fine sand) as shown on the USDA Soil Conservation Service Soils Survey map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Floodplain

Portions of the property located are mapped as being within the floodplain 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."

Indian River Lagoon Nitrogen Reduction Overlay

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If applicable, the use of alternative septic systems designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required. Per Section 62-3666 (14), all onsite sewage treatment and disposal systems (OSTDS) shall be set back at least 100 feet from the buffer establishment line, the safe upland line, mean high water line or ordinary high-water line.

Protected and Specimen Trees

Aerials indicate that Protected (greater than or equal to 10 inches in diameter) and Specimen (greater than or equal to 24 inches in diameter) trees 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 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.