

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 20S.07 (20PZ00080)*  
**Township 20G, Range 34, Section 15**

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**Property Information**

Owner / Applicant: **Clarence Coomer**

Adopted Future Land Use Map Designation: Agricultural (AGRIC)

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

Acreage: 3.56 acres

Tax Account #: 2001250 and 2001246

Site Location: South side of Lloyd Street, approximately two thousand two hundred feet (2,200') west of Meadow Green Road

District: One (1)

Current Zoning: General Use (GU)

Requested Zoning: Rural Residential Mobile Home (RRMH-2.5) (20Z00024)

**Background & Purpose**

The applicant is requesting to amend the Future Land Use (FLU) designation from Agricultural (AGRIC) to Residential 1:2.5 (RES 1:2.5) on two (2) parcels totaling 3.56 acres located on the south side of Lloyd Street, approximately two thousand two hundred feet (2,200') west of Meadow Green Road. The subject property is currently undeveloped and has retained the FLU designation of AGRIC since the adoption of the FLU map in 1988. The applicant intends to combine the two (2) subject parcels (1.23 acres and 2.33 acres) so that a mobile home may be placed on the property. The subject property has direct access to Lloyd Street.

Agricultural Land Use (AGRIC) requires residential densities not to exceed one dwelling unit per five (5) acres.

A companion rezoning application (20Z00024) was submitted accompanying this FLU amendment request to change the Zoning classification of the 3.56 acre subject property from General Use (GU) to Rural Residential Mobile Home (RRMH-2.5).

The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in the transportation adopted level of service. The parcel is not serviced by public water or sewer. The closest available Brevard County potable water line is approximately three (3) miles southeast of the subject 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**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Across Lloyd Street - Vacant Land and One (1) Single-Family Residence	GU, RRMH-1	AGRIC
<b>South</b>	Vacant Land	GU	AGRIC
<b>East</b>	One (1) Single-Family Residence	RR-1	AGRIC
<b>West</b>	Vacant Land	GU	AGRIC

To the north of the subject property (across Lloyd Street) is vacant land and one (1) single-family residence; to the south is vacant land; to the east is one (1) single-family residence; and to the west is vacant land.

The subject property and surrounding properties are within an approximately 25 square mile area mostly designated as Agricultural (AGRIC) Future Land Use. The closest residential Future Land Use designation is Residential 1 (RES 1) located approximately 1,650 feet to the south of the subject property on a 1.17 acre parcel on Pine Needle Street (adopted in 2008 as FLUM amendment 08S.18). Additional RES 1 Future Land Use is located approximately 2,224 feet east of the subject property on Meadow Green Road.

### **Environmental Resources**

*Preliminary review of mapped resources indicates seven (7) noteworthy land use issues:*

- NWI Wetlands
- SJRWMD Wetlands
- Hydric Soils
- Aquifer Recharge Soils
- Floodplain
- 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 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.

## Future Land Use Element – Policies/Analysis:

### 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;

*This area is characterized by large lot GU zoned properties with scattered nodes of mobile home development zoned RRMH-1 and RRMH-5. Underlying this area is a 1914 plat initially recording 10-acre tract/lot sizes that have been further divided to mostly 1.25-acre lots. Upon adoption of the Comprehensive Plan in September 1988, these lots became legally non-conforming but remain developable, provided they are not further subdivided. Platted lots that had been subdivided prior to the adoption of the Comprehensive Plan in 1988 were also considered legally nonconforming. Such is the case with the 1+ acre RRMH-1 zoned properties lying to the north of the subject property, across Lloyd Street.*

*The property that is the subject of this Comprehensive Plan amendment does not have a legal nonconforming status in that it was created subsequent to the adoption of the Comprehensive Plan in 1988. Therefore, a Future Land Use Map amendment from Agricultural to Residential 1:2.5 (along with a rezoning to RRMH-2.5) is required for development of this*

*property. Granting this request would introduce RES 1:2.5 into the area, as the closest RES 1:2.5 is approximately one (1) mile away, east of I-95.*

## **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 containing National Wetlands Inventory (NWI) wetlands, SJRWMD wetlands, and hydric soils. Please refer to attached comments provided by the Natural Resources Management Department.*

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

*While the area has retained Agricultural land use designation since the adoption of the Future Land Use Map in 1988, there is a pattern of residential land use in portions of this area as many single family platted parcels were created prior to 1988. A number of non-conforming lots of record in the area have been developed as residential.*

- 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 parcel is not serviced by public water or sewer. The closest available Brevard County potable water line is approximately three (3) miles southeast of the subject property. 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.*

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

*The developed character of the surrounding area is a mix of undeveloped land, single family detached dwellings and mobile homes on lots of 1+ acres zoned GU, AU, RRMH-5, RR-1 and RRMH-1. The subject parcel and the surrounding area have a Future Land Use (FLU) designation of Agriculture. The developed neighboring lots zoned RR-1, RRMH-1 and AU were all rezoned prior to the 1988 Comprehensive Plan and are considered non-conforming to the Comprehensive Plan.*

- F. Policies established in specialized plans as may be adopted by the Board of County Commissioners.

*The subject parcel is located within the study area boundaries of the 2007 Mims Small Area Study. Recommendations resulting from the Study suggested preserving the area's "minimal development heritage" in the large Agricultural FLU property in the northwest part of the study area (Recommendation 5.1).*

*Residential 1:2.5 (RES 1:2.5) establishes the lowest density of all the residential future land use designations and is required to allow development of these lots. (along with a rezoning to RRMH-2.5).*

## **Residential 1:2.5 (maximum of 1 unit per 2.5 acres)**

### **Policy 1.10**

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 this element. Development in the Residential 1:2.5 land use designation should seek to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. The Residential 1:2.5 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 1:2.5 units per acre and areas with lesser density or lower intensity uses; or

*The subject property is surrounded by approximately 25 square miles of Agricultural Future Land Use comprised of a mix of undeveloped land, single family detached dwellings and mobile homes on lots of 1+ acres. The developed neighboring lots were all rezoned prior to the 1988 Comprehensive Plan and are considered non-conforming to the Comprehensive Plan.*

*This request can be considered a bridge between the existing Agriculture FLUM and smaller substandard lots which are not determined to be non-conforming lots of record. The proposed RES 1:2.5 Future Land Use designation is required for development with the proposed RRMH-2.5 zoning (20Z00024).*

### **For Board Consideration**

The Board may wish to consider Policy 1.1 and whether the request is consistent and compatible with the surrounding neighborhood given the fact of the surrounding future land use, the introduction of a new future land use, and whether the request meets the goal of the recommendations of the 2007 Mims Small Area Study to preserve the “minimal development heritage” of this area.

The Board may also wish to consider the environmental constraints such as hydric soils and the presence of wetlands and floodplains on the subject parcel.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Future Land Use (FLU) Review & Summary  
Item # 20PZ00080**

**Applicant:** Clarence Coomer

**FLU:** AU to RES 1:2.5

**Note:** Applicant wants a mobile home.

**P&Z Hearing Date:** 11/09/20; **BCC Hearing Date:** 12/03/20

**Tax ID Nos:** 2001250 & 2001246

- 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:**

- NWI Wetlands
- SJRWMD Wetlands
- Hydric Soils
- Aquifer Recharge Soils
- Floodplain
- Protected and Specimen Trees
- Protected Species

The subject parcel contains a large mapped area of National Wetlands Inventory (NWI) wetlands, SJRWMD wetlands, and hydric soils. Information available to NRM indicates that impacts to wetlands may have occurred between 2018 and 2019 when a portion of the site was cleared. A wetland determination/delineation will be required prior to any site plan design, land clearing activities, or building permit submittal. The discovery of unpermitted wetland impacts may result in enforcement action. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

**Land Use Comments:**

**Wetlands**

The subject parcel contains mapped NWI (Freshwater forested shrub wetlands), SJRWMD (Wetland Mixed Forest), and hydric soils (Samsula muck-frequently ponded and St. Johns sand) as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes, and USDA Soil Conservation Service Soils Survey maps, respectively. All are indicators that 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 Section 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 Section 65-694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696. A wetland delineation will be required prior to any land clearing activities.

### **Aquifer Recharge Soils**

St. Johns sand also functions as aquifer recharge soils. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

### **Floodplain**

The entire property is mapped as being within an isolated floodplain as identified by FEMA and as shown on the FEMA Flood Zones Map. The portion of the property located within the floodplain is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of one third (1/3) acre in size, that would provide an upland buildable area within an isolated floodplain. Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

### **Protected and Specimen Trees**

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