

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Small Scale Plan Amendment 21S.03 (21PZ00026)
Township 30G, Range 38, Section 20*

Property Information

Owner / Applicant: Diane and Tim Lystlund

Adopted Future Land Use Map Designation: Residential 1 (RES 1)

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

Acreage: 0.55 acres

Tax Account #: 3009665

**Site Location: On the east side of Hibiscus Avenue, approximately 240 feet south of
Jonquil Lane**

Commission District: 3

Current Zoning: Single-Family Residential (RU-1-7)

Requested Zoning: Suburban Residential (SR) (21Z00014)

Background & Purpose

The applicant is requesting to amend the Future Land Use designation on 0.55 acres of vacant, undeveloped land from Residential 1 (RES 1) to Residential 2 (RES 2). The subject property, which was originally created out of a larger parcel in 1996, has a Future Land Use designation of RES 1 that was adopted with the Comprehensive Plan in September of 1988.

Existing development of the surrounding area is generally described as single-family homes on lots that are undersized to meet the one dwelling unit per acre (1du/ac) density allowed by the RES 1 future land use. The applicant intends to build one, single-family home, and a FLU designation of RES 2 is necessary to legitimize the parcel to meet development requirements of RES 2.

A companion rezoning application (21Z00014) was submitted accompanying this request for a Zoning change from Single-Family Residential (RU-1-7) to Suburban Residential (SR).

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 0.7 miles northeast of the subject property. The closest available Brevard County sewer line is approximately 1.4 miles northwest of the subject property. No school concurrency information has been provided as the development potential is considered de minimis and falls 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	RU-1-7	RES 1
South	One (1) Single-Family residence	RU-1-7	RES 1
East	One (1) Single-Family residence	RU-1-7	RES 1
West	Across Hibiscus Avenue: Two (2) Single-Family residences	RU-1-7	RES 1

To the north and south of the subject property are single-family residences. West of the subject property (across Hibiscus Avenue) are single-family residences, and to the east (beyond a fifty foot (50') wide utility easement) is a single-family residence.

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 general area is residential in character with single-family homes on one-half acre lots or smaller along both the east and west sides of Hibiscus Avenue. Although all of the lots along Hibiscus Avenue have RES 1 Future Land Use and are undersized to meet requirements for development, all have been developed as single-family residential with the exception of the subject parcel.

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 Residential 1 to Residential 2 (along with a rezoning to SR) is required for development of this property.

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

There has not been any new development adjacent to the subject property in the preceding three (3) years.

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

There have not been any development approvals for parcels adjacent to the subject property within the past three (3) years.

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 not adjacent to existing Residential 2 land use designation. The closest Residential 2 land use designation is approximately 530 feet to the east, across Primrose Drive.

- 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 greater and lesser densities.

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

The subject parcel is not adjacent to an incorporated area.

Environmental Resources

No noteworthy land use issues were identified. Please refer to 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 to introduce RES 2 is consistent with the Comprehensive Plan and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Future Land Use (FLU) Request Review & Summary
Item # 21PZ00026**

Applicant: Timothy and Diane Lystlund

FLU Request: RES 1 to RES 2

Note: Applicant wants to legitimize lot to build a single-family residence.

P&Z Hearing Date: 07/12/21; **BCC Hearing Date:** 08/05/21

Tax ID No: 3009665

- 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:

- Protected and Specimen Trees
- 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:

Protected and Specimen Trees

Aerials show the parcel to be heavily wooded. Specimen Trees (greater than or equal to 24 inches in diameter) may exist on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), a purpose and intent of the ordinance is to encourage the protection of Specimen Trees. 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. Land clearing is not permissible without prior authorization from NRM. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

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.