

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

Small Scale Plan Amendment 25S.01 (25SS00001)
Township 25, Range 35, Section 35

Property Information

Owner / Applicant: **Ryan and Sarah Lawhon**

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: 1.43 +/- acres

Tax Account #: 2314528 & 2322697

Site Location: West side of Mildred Court, approximately 400 feet north of Peroutka Lane.

Commission District: 1

Current Zoning: GU (General Use) & SR (Suburban Residential)

Requested Zoning: All RR-1 (Rural Residential)

Background & Purpose

The applicant is requesting to amend the Future Land Use Map (FLUM) designation from Residential 1:2.5 (RES 1:2.5) to Residential 1 (RES 1) on 1.43 acres. The subject property has 1.25 acres zoned GU and 0.18 acres zoned SR with RES 1:2.5 on all 1.43 acres. The change will provide access to Mildred Court so that the property can be used to construct a single-family home.

The portion of the subject property, represented by tax account number 2314528, retains the original FLU designation established in 1988 by the Brevard County Comprehensive Plan and GU zoning classification established in 1958.

A companion application **25Z00001**, if approved, would amend the zoning classification from GU (General Use) and SR (Suburban Residential) to RR-1 (Rural Residential).

The subject parcel is located on the westside of Mildred Ct., a County maintained road approximately 400 feet north of Peroutka Dr.

There are no current code enforcement complaints on the property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	vacant Single-family residence	AU SR	RES 1:2.5
South	vacant Single-family residence	SR	RES 1:2.5
East	Single-family residence	SR	RES 1:2.5
West	vacant	SR	RES 1:2.5

To the north is a 1.07 acre parcel developed as a single-family residence with SR zoning and RES 1:2.5 FLU designation. There is also an 8.61 acre parcel developed as a single-family residence with AU zoning and RES 1:2.5 density.

Abutting the subject property to the South is a vacant lot zoned SR with RES 1:2.5 density and can be developed as a single-family residence.

South of the subject property at the northwest corner of Peroutka Ln. and Mildred Ct. is a single-family residence which is zoned SR and has RES 1:2.5 density.

To the East of the subject property, eastside of Mildred Ct., are two (1) acre parcels with single-family residences. They are zoned SR and have RES 1:2.5 density.

Abutting the subject property to the West, is a lot 104 acres, with SR zoning classification and RES 1:2.5 density, owned by Brevard County.

Comprehensive Plan Policies/Comprehensive Plan Analysis

Comprehensive Plan Policies are shown in plain text; Staff Findings of Fact are shown in **bold**.

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.

FLUE 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 property is not adjacent to another RES 1 land use designation.

- 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;

The subject property does not serve as a transition between areas of greater density and lesser density.

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

The subject property is not 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 were 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 companion rezoning application does not request PUD zoning.

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 foreseeably be affected by the proposed use;

The requested RR-1 zoning would allow for one single-family residence due to lot size. It is compatible with the established residential character of this part of Canaveral Groves. This request is not anticipated to significantly diminish the enjoyment, safety, or quality of life.

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

Only a certified MAI (Master Appraiser Institute) appraisal can determine if material reduction has or will occur due to the proposed use(s).

- 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 historical land use pattern of the surrounding development is characterized as single-family residential on platted one (1) acre lots that are consistent with the adopted RES 1:2.5 density limit due to the BDP connected with the zoning.

There are two (2) FLU designations within 500 feet of the subject site: RES 1:2.5, and PUB-CONS. Within one-half mile of the subject property the predominant FLU designation is RES 1:2.5.

There are developed RES 4 subdivisions east of Grissom Parkway, approximately one-third mile to the east of the subject property.

Other than development activity occurring on the subject property, there are no emerging patterns of development.

There have been no FLUM amendments within one-half mile of the subject property in the past three years.

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

New development within 0.5 miles of the subject property within the last three years has been limited to a small number of single-family homes and manufactured houses.

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

There has not been any development approved but not yet constructed within this area in the preceding three (3) years.

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

No material violation of relevant policies has been identified.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

The developed character of the surrounding area, which is south of Canaveral Groves Blvd., west of Grissom Pkwy., north of the City of Cocoa, and east of Interstate 95, is exclusively single-family residential on lots of one (1) acre or more.

There are multiple zoning classifications within a 0.5 mile radius of the subject property: GU, AU, AU(L), and RR-1 zoning classifications.

The request would recognize existing development trends. Furthermore, the GU zoning classification is a holding classification that allows single-family residential on lots 5 acres or larger.

This request is not anticipated to have a measurable impact on the area in terms of trip generation or parking. No commercial or industrial activity is proposed.

- B. In determining whether an established residential neighborhood exists, the following factors must be present:

1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

The subject property is in a platted subdivision, Veronica Estates, with established roads. This area is in an established residential neighborhood with clearly established boundaries, open spaces, or similar features.

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

The proposed is not a commercial use.

3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

The area is primarily single-family residential. The closest commercial zoning is approximately 1,416 ft. (0.25 miles) northeast of the subject property.

Analysis of Administrative Policy #7

Proposed use(s) shall not cause or substantially aggravate any (a) Substantial drainage problem on surrounding properties; or (b) significant, adverse and unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

A majority of the subject parcel contains mapped hydric soils that indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

Please refer to the full NRM comments at the end of this report.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Grissom Pkwy. between Canaveral Groves Blvd. and Camp Rd., which has a Maximum Acceptable Volume (MAV) of 17,700 trips per day, a Level of Service (LOS) of D, and currently operates at 46.37% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.09%. The corridor is anticipated to operate at 46.46% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

The subject property is not within any public water or available sewer lines. The proposed home will be serviced by well for potable water and septic for sewer.

Environmental Constraints

Wetlands and Hydric Soils

The wetland delineation shall be confirmed prior to any land clearing activities, site plan design, or building permit submittal. 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. This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 62-3694(c)(6). The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

See the full NRM comments 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 is consistent with the Comprehensive Plan and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary
Item No. 25SS00001

Applicant: Steve Lawhon (Owners: Ryan and Sarah Lawhon)

Land Use: RES 1:2.5 to RES 1

Note: to develop one SFR lot

LPA Zoning Hearing: 04/14/2025; **BCC Hearing:** 05/01/2025

Tax ID No.: 2322697 & 2314528

- 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:

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

Land Use Comments:

Wetlands and Hydric Soils

The subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Anclothe sand); indicators that wetlands may be present on the property. An Environmental Report for Wetlands and Protected Species, dated December 7, 2024, prepared by EcoSpatial Analysts, Inc., depicts an approximately 0.753-acre wetland on the western portion of the site. The applicant proposes all development within the uplands (approximately 0.687 acres) on the site. **The wetland delineation shall be confirmed prior to any land clearing activities, site plan design, or building permit submittal.**

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. **This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential**

acreage as set forth in Section 62-3694(c)(6). Therefore, should the applicant combine the two properties, development shall be permitted with wetland impacts not exceeding 1.8% of the total property acreage.

Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. Any wetland impact, authorized under this division, for residential use shall be limited to the structural building area requirements for the primary use as defined by the zoning code, on-site disposal system requirements, and the 100-year flood elevation requirement for first floor elevations, and necessary ingress and egress. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Aquifer Recharge Soils

This property contains Basinger sand which may also function as aquifer recharge soils. Additionally, the mapped topographic elevations show that the property falls within a Type 3 Aquifer Recharge area, which is subject to impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Floodplain Protection

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The floodplain in this location is classified as either riverine or isolated and is therefore subject to the development criteria outlined in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage. 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 and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen Trees (≥ 24 inches in diameter) likely exist on the parcel. Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), encourages 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. **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. There is mapped Florida Scrub Jay habitat / occupancy on the property. Additionally, there is potential for existence of Gopher Tortoises on site as Gopher Tortoises can be found in areas of aquifer recharge soils. 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 (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.