



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.6.

2/3/2022

Subject:

Bruce Fernandez requests a Small Scale Comprehensive Plan Amendment (21S.07) to change the Future Land Use designation from RES 1:2.5 to RES 1. (21PZ00032) (Tax Account 2005100) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a Small Scale Comprehensive Plan Amendment (21S.07) to change the Future Land Use designation from RES 1:2.5 (Residential 1:2.5) to RES 1 (Residential 1).

Summary Explanation and Background:

The applicant is requesting to amend the Future Land Use (FLU) designation from Residential 1:2.5 (RES 1:2.5) to Residential 1 (RES 1) on a 3.48 acre parcel located on the eastside of Springfield Avenue, approximately 2,222 feet south of Aurantia Road. The subject property is currently developed with one single-family manufactured home.

The RES 1:2.5 was assigned to the property with the adoption of Amendment 2008-A.4 (ORD #08-30 dated 8/28/2008). This amendment was the result of the Mims Small Area Study and reduced the density on 3,783 acres in Mims area. Prior to the 2008, the subject parcel had originally retained a future land use designation of RES 1 at the adoption of the FLU map in 1988.

A companion rezoning application was submitted accompanying this FLU amendment request to change the zoning classification of the subject property from RRMH-2.5 (Rural Residential Mobile Home) to RRMH-1 (Rural Residential Mobile Home).

To the north of the subject property is one single-family manufactured home with a FLU designation of RES 1:2.5. To the south is undeveloped land with FLU designation of RES 1:2.5. To the east is one single-family manufactured home with a FLU designation of RES 1:2.5. To the west is undeveloped land with a FLU designation of RES 1.

The Board may wish to consider the request is consistent and compatible with the surrounding area.

On January 10, 2022, the Local Planning Agency heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

Upon filing with the State, please return a copy of the Ordinance to Planning and Development.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

February 16, 2022

Honorable Rachel M. Sadoff
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Deborah Thomas

Dear Ms. Sadoff:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your corrected electronic copy of Brevard County Ordinance No. 22-02, which was filed in this office on February 16, 2022.

Sincerely,

Anya Owens
Program Administrator

AO/lb



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

February 7, 2022

Honorable Rachel M. Sadoff
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Deborah Thomas

Dear Ms. Sadoff:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 22-02, which was filed in this office on February 7, 2022.

Sincerely,

Anya Owens
Program Administrator

AO/lb



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

February 4, 2022

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

RE: Item H.6., Small Scale Comprehensive Plan Amendment (21S.07)

The Board of County Commissioners, in regular session on February 3, 2022, conducted the public hearing and adopted Ordinance No. 22-02, setting forth Plan Amendment 21S.07 of the Small Scale Comprehensive Plan to change the future land use designation from RES 1:2.5 to RES 1 for Bruce Fernandez. Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

/sm

Encl. (1)

cc: Jennifer Jones, Zoning
County Attorney

ORDINANCE NO. 22- 02

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE FIRST SMALL SCALE PLAN AMENDMENT OF 2022, 21S.07, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.34 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2022 as Plan Amendment 21S.07; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 21S.07; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

OFFICIALLY FILED WITH THE SECRETARY OF STATE ON FEBRUARY 16, 2022

WHEREAS, on January 10, 2022, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 21S.07, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on February 3, 2022, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 21S.07; and

WHEREAS, Plan Amendment 21S.07 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 21S.07 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 21S.07 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 21S.07, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair,

invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Effective Date. The effective date of this small scale plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this 3 day of FEBRUARY, 2022.

ATTEST:


Rachel M. Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: 

CURT SMITH - VICE CHAIR

As approved by the Board on FEBRUARY 3, 2022

EXHIBIT A
21S.07 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

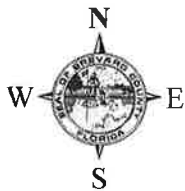
Contents

1. Proposed Future Land Use Map

PROPOSED FUTURE LAND USE MAP

FERNANDEZ, BRUCE

21PZ00032 SMALL SCALE AMENDMENT 21S.07



1:4,800 or 1 inch = 400 feet

Subject Property
Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 11/22/2021

EXHIBIT B

Contents

1. Legal Description

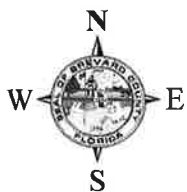
NOTICE is hereby given pursuant to Chapters 125 & 163, FLORIDA STATUTES, and Chapter 62, Article VI of the Brevard County Code, that the Brevard County Planning and Zoning Board (Local Planning Agency) and the Board of County Commissioners will consider the following requests on MONDAY, JANUARY 10, 2022, and THURSDAY, FEBRUARY 3, 2022. DISTRICT 1 (21P200074) KJ GROUP FL, LLC requests a CUP (Conditional Use Permit) for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a Private Club, in a BU-1 (General Retail Commercial) zoning classification, on property described as 686, 688, and 690 West Ave., Cocoa, as recorded in ORB 8567, Page 799 - 800, of the Public Records of Brevard County, Florida. Section 19, Township 23, Range 36. (2,400 sq. ft.) Located on the west side of West Ave., approx. 400 ft. north of Aron St. (686, 688, & 690 West Ave., Cocoa) (21Z00035) ROBERT GRIFFITH requests a change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to TR-1 (Single-Family Mobile Home), on property described as Tax Parcel 780, as recorded in ORB 9243, Pages 1891 - 1893, of the Public Records of Brevard County, Florida, Section 06, Township 21, Range 35. (1 acre) Located on the east side of Old Dixie Highway, approx. 100 ft. north of Roosevelt Rd. (3435 Old Dixie Hwy, Mims) (21Z00038) STEVEN H. LONG requests a change of zoning classification from GU (General Use) to AU (Agricultural Residential), on property described as Tax Parcel 3, as recorded in ORB 5718, Page 2729, of the Public Records of Brevard County, Florida. Section 02, Township 25, Range 35. (4.81 acres) Located on the south side of Providence Road, approx. 977 ft. west of Tucker Lane. (3323 Providence Rd., Cocoa) (21P200032) BRUCE FERNANDEZ requests a Small Scale Comprehensive Plan Amendment (215.06) to change the Future Land Use designation from RES 1:2.5 to RES 1, on property described as Lot 15.02, Block MK, Indian River Park Re-Subdivision, as recorded in ORB 3284, Pages 2389 - 2390, of the Public Records of Brevard County, Florida. Section 21, Township 20G, Range 34. (3.48 acres) Located on the east side of Springfield Ave., approx. 0.42 mile south of Aurantia Rd. (4705 Springfield Ave., Mims) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 215.07: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The Comprehensive Plan", amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XI, entitled Future Land Use Element and Future Land Use Map Series; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date. (21Z00019) BRUCE FERNANDEZ requests a change of zoning classification from RRMH-2.5 (Rural Residential Mobile Home) to RRMH-1 (Rural Residential Mobile Home), on property described as Lot 15.02, Block MK, Indian River Park Re-Subdivision, as recorded in ORB 3284, Pages 2389 - 2390, of the Public Records of Brevard County, Florida. Section 21, Township 20G, Range 34. (3.48 acres) Located on the east side of Springfield Ave., approx. 0.42 mile south of Aurantia Rd. (4705 Springfield Ave., Mims.) DISTRICT 5 (21Z00040) COBB 192, LLC (Bruce Moia & Adam Broadway) request a change of zoning classification from BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Wholesale Commercial) to all BU-2, on property described as Tax Parcel 257, as recorded in ORB 6332, Pages 2148 - 2150, of the Public Records of Brevard County, Florida. Section 01, Township 28, Range 36. (2.11 acres) Located on the north side of W. New Haven Ave., approx. 0.28 mile west of Katherine Blvd. (No assigned address, in the Melbourne area.) DISTRICT 1 (21Z00036) DAVID C. AND CYNTHIA R. RAMAGE, CO-TRUSTEES request a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential), on property described as Tax Parcels 262 and 292, as recorded in ORB 6045, Pages 1156 - 1157, of the Public Records of Brevard County, Florida. Section 24, Township 21, Range 34. (6.25 acres) Located on the east side of Turpentine Road, approx. 312 ft. north of Lion Lane. (2121 Turpentine Rd., Mims) (21Z00045) HOWARD L. GASMAN (Robert Gasman) requests a change of zoning classification from GU (General Use) to AU (Agricultural Residential), on property described as Lot 10, Block 3, Canaveral Groves Subdivision, as recorded in ORB 5362, Page 2395, of the Public Records of Brevard County, Florida. Section 08, Township 24, Range 35. (1.72 acres) Located on the north side of Cangro St., approx. 617 ft. west of Osprey Ave. (5540 Cangro St., Cocoa) DISTRICT 2 (21Z00042) - CARTER AND JESSICA HAYES - request a change of zoning classification from AU (Agricultural Residential) to RU-2-4 (Low Density Multi-Family Residential), on property described as Tax Parcels 761 and 762, as recorded in ORB 5421, Pages 276 - 277, of the Public Records of Brevard County, Florida. Section 34, Township 23, Range 36. (2.79 acres) Located on the west side of N. Courtenay Pkwy., approx. .38 mile north of Hall Road. (4645 N. Courtenay Pkwy., Merritt Island) DISTRICT 1 (21Z00039) JUSTIN M. FALSCROFT requests a change of zoning classification from RR-1 (Rural Residential) to AU (Agricultural Residential), on property described as Lot 6, Pine Lake Ranch Subdivision, as recorded in ORB 8705, Page 2660, of the Public Records of Brevard County, Florida. Section 11, Township 24, Range 35. (5.96 acres) Located at the north end of Friday Road, on the south side of S.R. 528. (3000 Friday Road, Cocoa) (21Z00041) EDIC AND ASHLEY MORENO request a change of zoning classification from GU (General Use) to RR-1 (Rural Residential), on property described as Tax Parcel 17, as recorded in ORB 9246, Pages 524 - 525, of the Public Records of Brevard County, Florida. Section 31, Township 24, Range 36. (1.11 acres) Located at the west end of Sue Dr., approx. 0.15 mile west of Clearlake Rd. (1640 Sue Dr., Cocoa) DISTRICT 2 (21P200082) SUNIL RAJAN, SUDHIR RAJAN, AND SURESH RAJAN (Kim Rezanka) request a Small Scale Comprehensive Plan Amendment (215.09) to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial), on property described as Tax Parcel 574, as recorded in ORB 2462, Page 1335, of the Public Records of Brevard County, Florida. Section 14, Township 24, Range 36. (0.92 acres) Located on the east side of N. Courtenay Pkwy., approx. 0.11 mile south of Skyline Blvd. (No assigned address, in the Merritt Island area.) The following ordinance will also be considered: in conjunction with the Small Scale Plan Amendment, 215.08: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The Comprehensive Plan", amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XI, entitled Future Land Use Element and Future Land Use Map Series; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

Public Hearing before the Planning and Zoning Board (Local Planning Agency) will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida on MONDAY, JANUARY 10, 2022, at 3:00 p.m. A Public Hearing will be held by the Board of County Commissioners at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Bldg. C, Viera, Florida, on THURSDAY, FEBRUARY 3, 2022, at 5:00 p.m. All interested parties can be heard at said time and place. If a person decides to appeal any decision of this Board with respect to any matter considered at these meetings or hearings, such a person will need a record of the proceedings and that, for such purposes, such person may need to ensure that a verbatim record of the proceedings is made, at his own expense, which record includes testimony and evidence upon which any such appeal is to be based. The Board may grant such other less intense zoning or land use classification as may be deemed appropriate. Final report of the above referenced agenda will be heard at this meeting. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this proceeding should contact the Planning & Development Department no later than 48 hours prior to the meeting at 633-2069 for assistance. Brevard County Planning & Development Department, per: Tad Calkins, Planning and Development Director. By: Jennifer Jones, Special Projects Coordinator.

LOCATION MAP

FERNANDEZ, BRUCE

21PZ00032 SMALL SCALE AMENDMENT 21S.07



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 11/22/2021

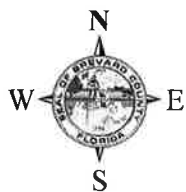
Buffer

Subject Property

ZONING MAP

FERNANDEZ, BRUCE

21PZ00032 SMALL SCALE AMENDMENT 21S.07



1:4,800 or 1 inch = 400 feet

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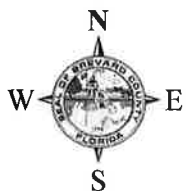
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- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

FERNANDEZ, BRUCE

21PZ00032 SMALL SCALE AMENDMENT 21S.07



1:4,800 or 1 inch = 400 feet

 Subject Property
 Parcels

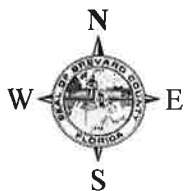
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PROPOSED FUTURE LAND USE MAP

FERNANDEZ, BRUCE

21PZ00032 SMALL SCALE AMENDMENT 21S.07



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 Subject Property
 Parcels

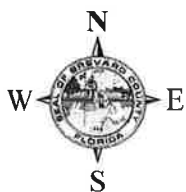
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AERIAL MAP

FERNANDEZ, BRUCE

21PZ00032 SMALL SCALE AMENDMENT 21S.07



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PHOTO YEAR: 2021

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 Subject Property

 Parcels

NWI WETLANDS MAP

FERNANDEZ, BRUCE

21PZ00032 SMALL SCALE AMENDMENT 21S.07



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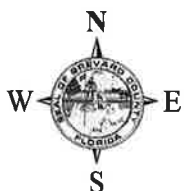
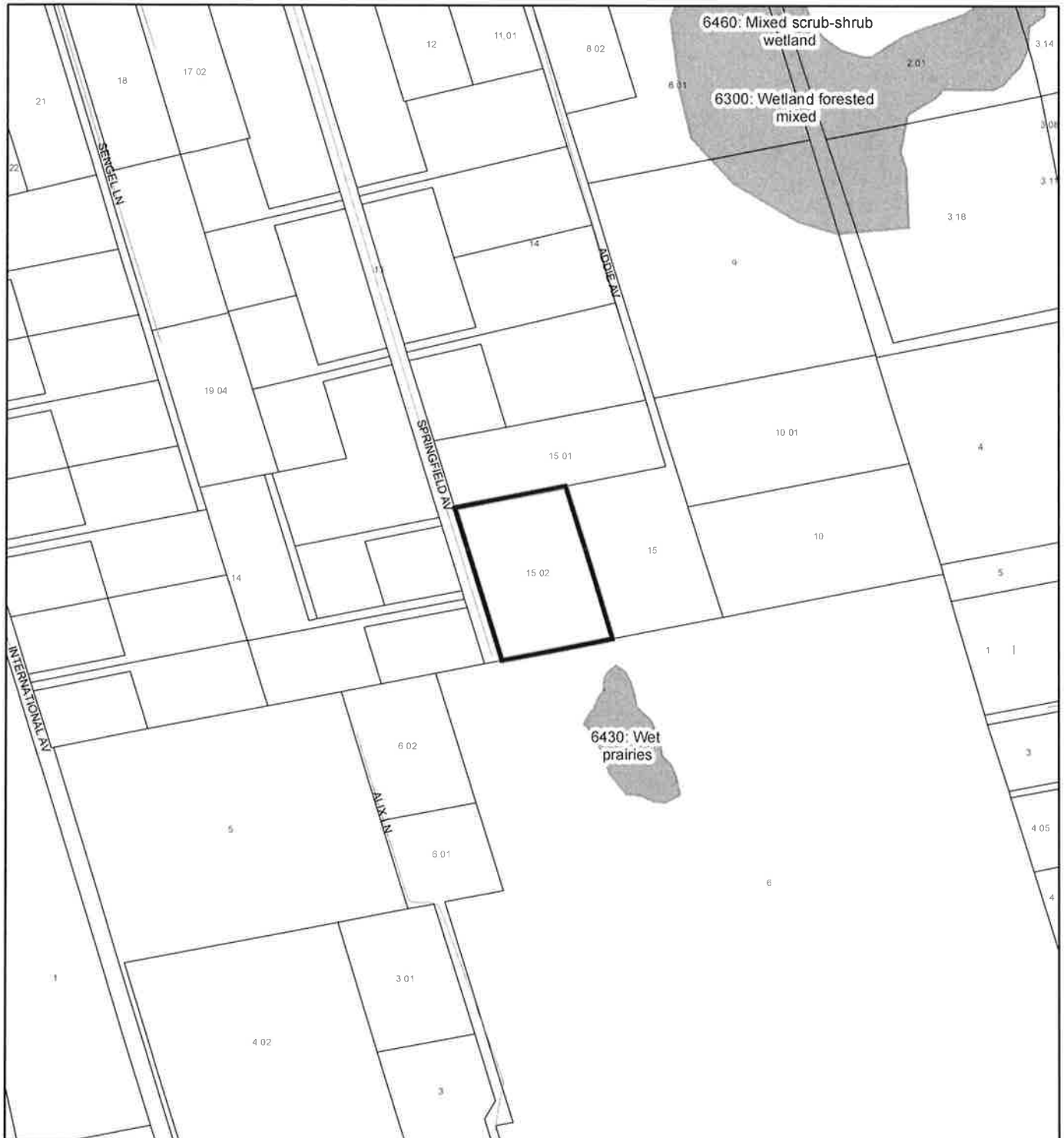
National Wetlands Inventory (NWI)

Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
Freshwater Emergent Wetland	Other
Freshwater Forested/Shrub Wetland	Riverine
Subject Property	
Parcels	

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

FERNANDEZ, BRUCE

21PZ00032 SMALL SCALE AMENDMENT 21S.07



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SJRWMD FLUCCS WETLANDS

-  Wetland Hardwood Forests - Series 6100
-  Wetland Coniferous Forest - Series 6200
-  Wetland Forested Mixed - Series 6300
-  Vegetated Non-Forested Wetlands - Series 6400
-  Non-Vegetated Wetland - Series 6500

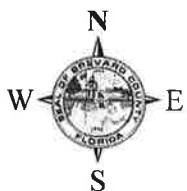
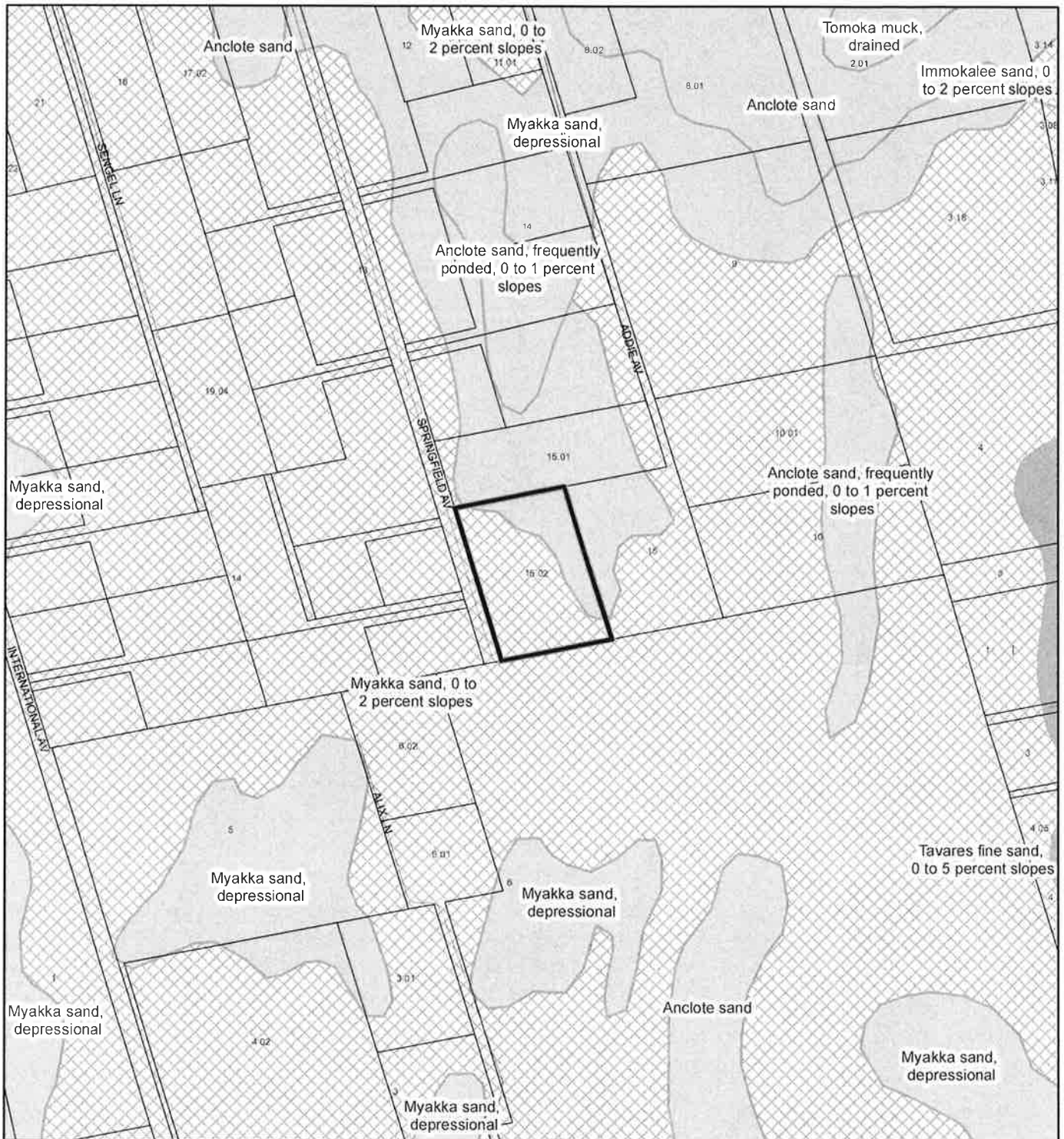
 Subject Property

 Parcels

USDA SCSSS SOILS MAP

FERNANDEZ, BRUCE

21PZ00032 SMALL SCALE AMENDMENT 21S.07

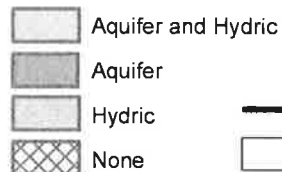


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USDA SCSSS Soils

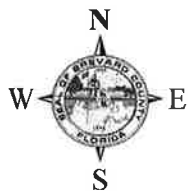


— Subject Property
 □ Parcels

FEMA FLOOD ZONES MAP

FERNANDEZ, BRUCE

21PZ00032 SMALL SCALE AMENDMENT 21S.07



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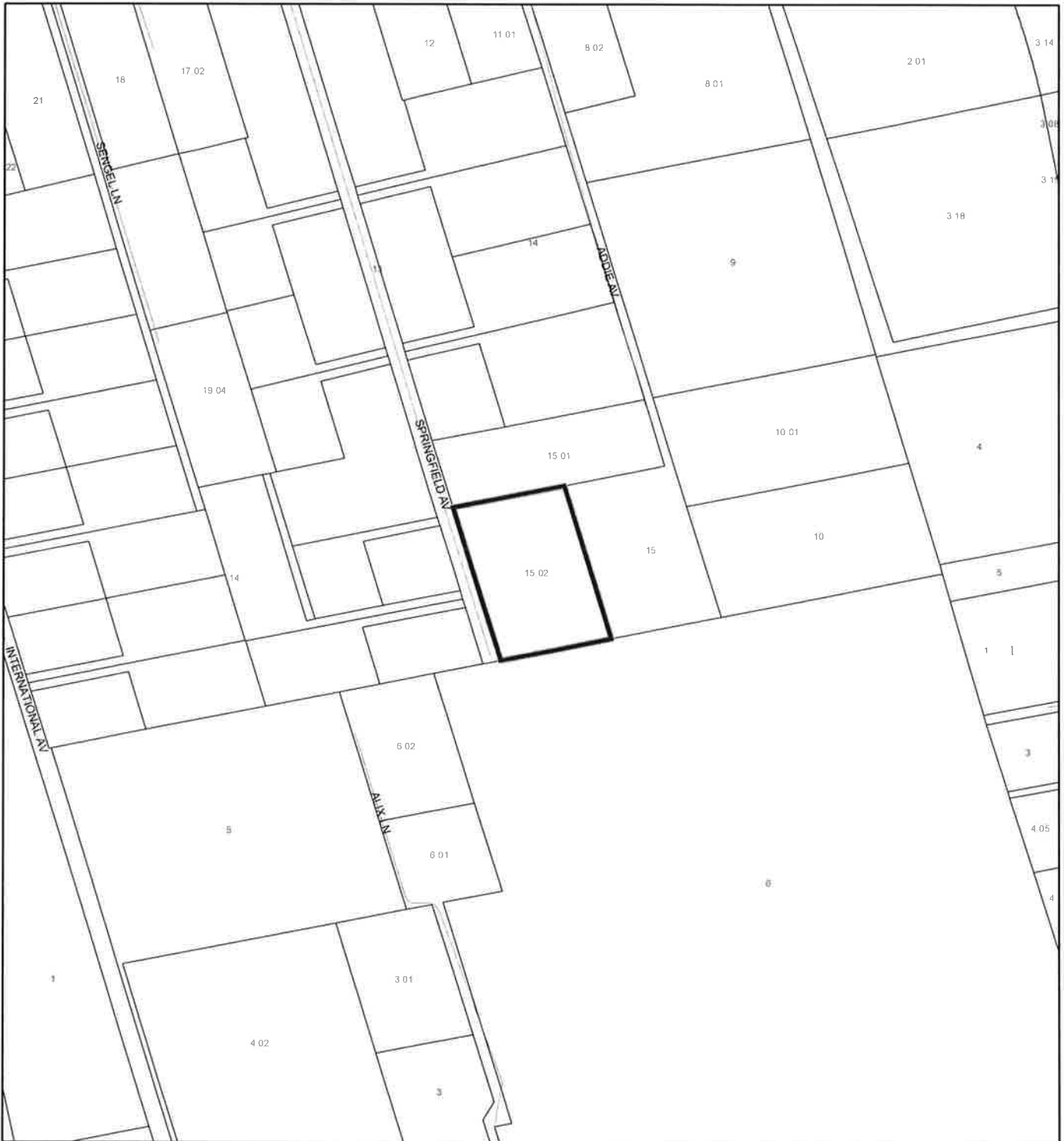
FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

FERNANDEZ, BRUCE

21PZ00032 SMALL SCALE AMENDMENT 21S.07



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Subject Property

☐ Parcels

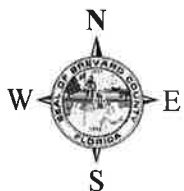
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

FERNANDEZ, BRUCE

21PZ00032 SMALL SCALE AMENDMENT 21S.07



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 Subject Property

 Parcels

Septic Overlay

 40 Meters

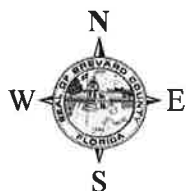
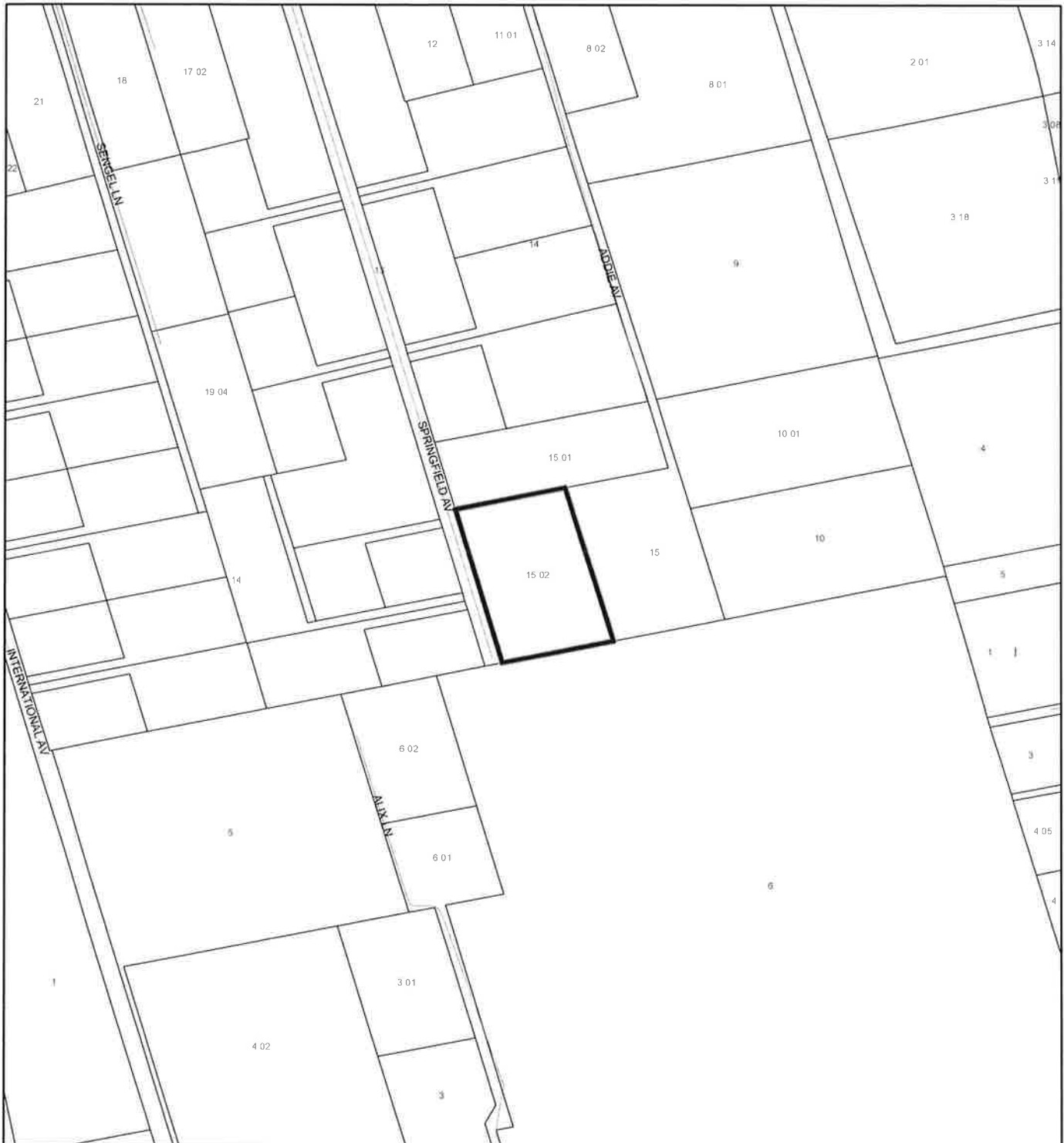
 60 Meters

 All Distances

EAGLE NESTS MAP

FERNANDEZ, BRUCE

21PZ00032 SMALL SCALE AMENDMENT 21S.07



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 Subject Property

 Parcels

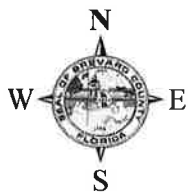
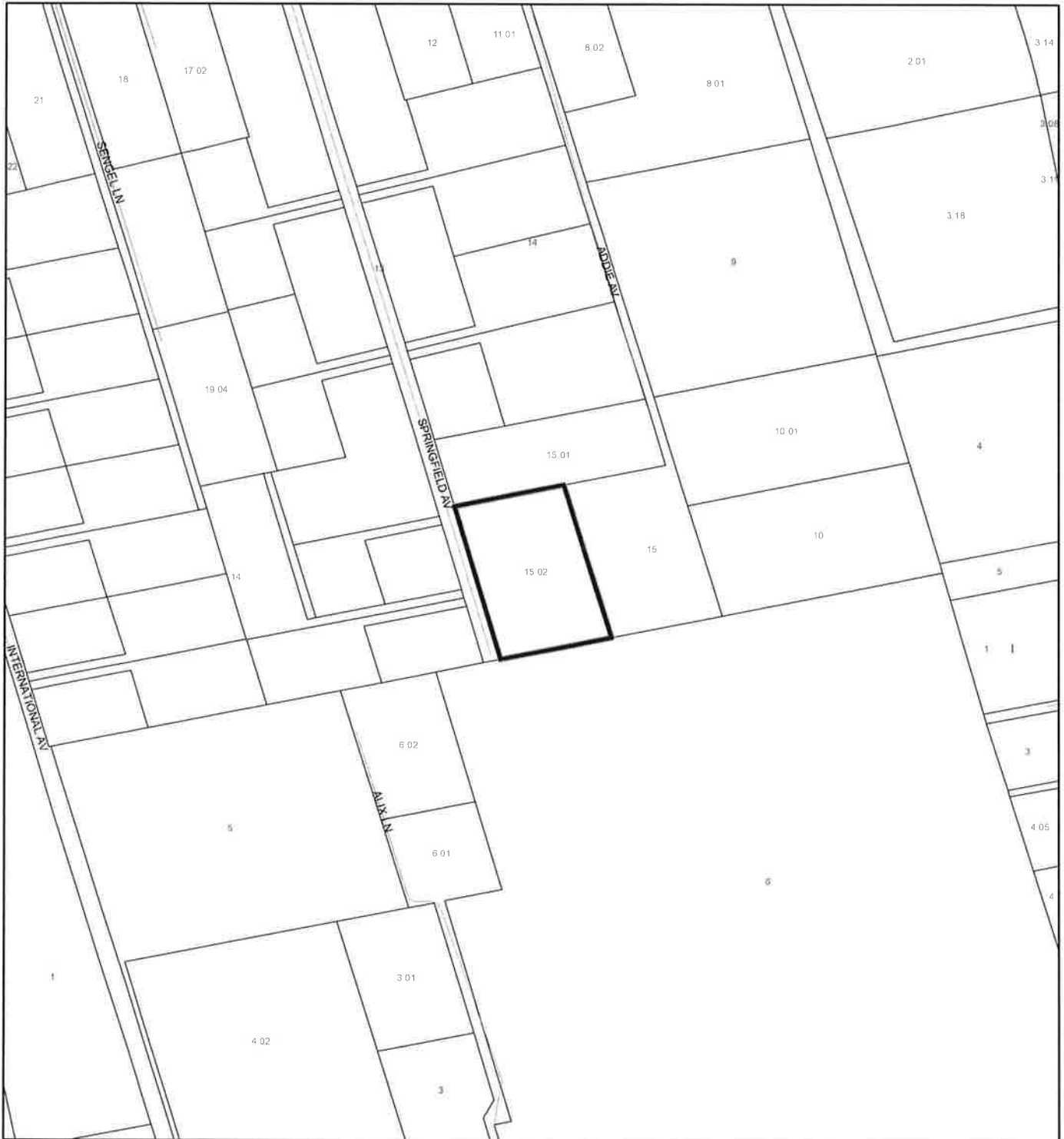


Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

FERNANDEZ, BRUCE




21PZ00032 SMALL SCALE AMENDMENT 21S.07



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

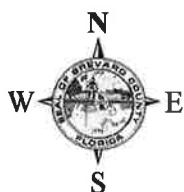
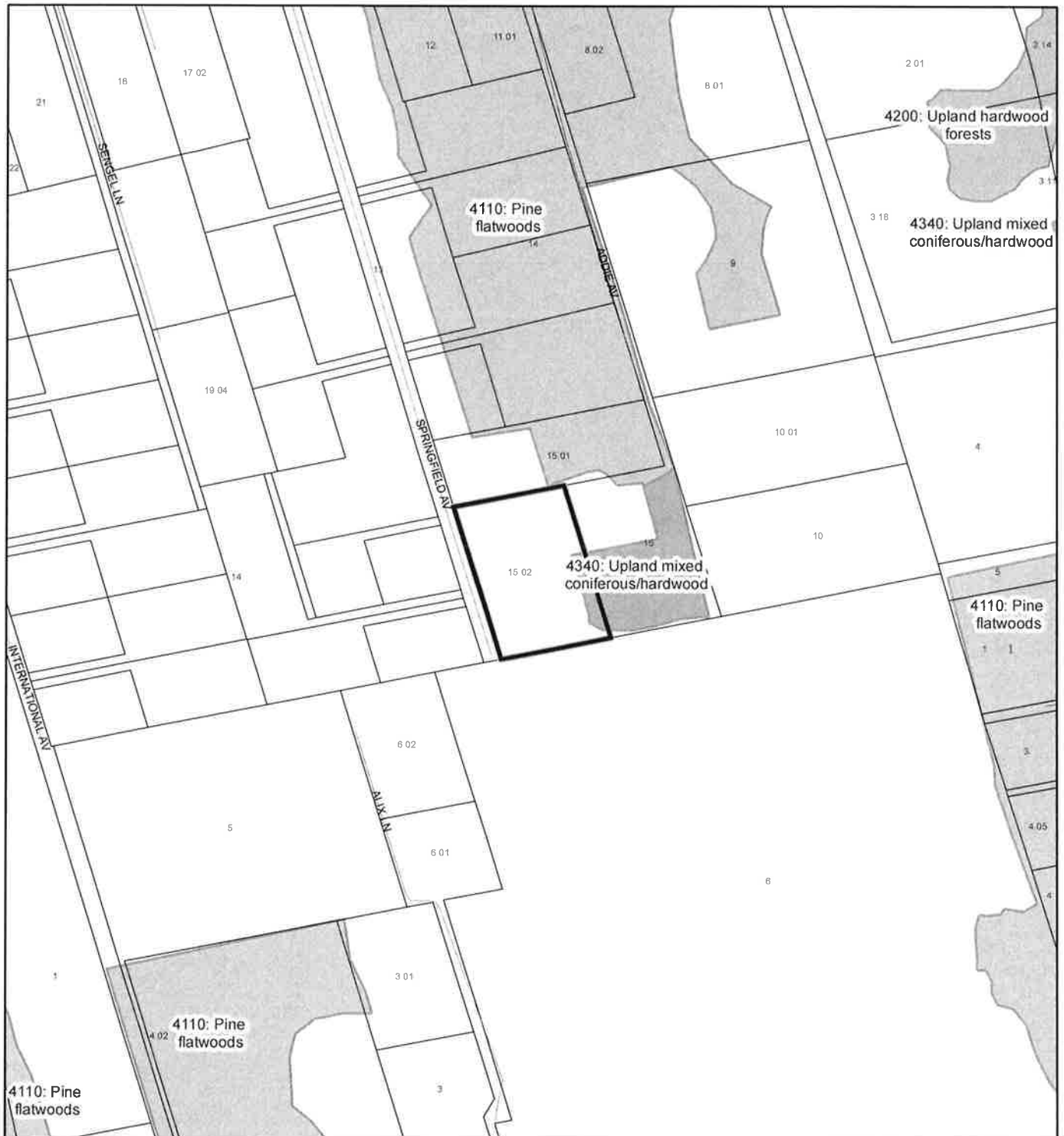
Produced by BoCC - GIS Date: 11/22/2021

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

FERNANDEZ, BRUCE

21PZ00032 SMALL SCALE AMENDMENT 21S.07



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/22/2021

SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property

Parcels

Brevard County
Supplement to Comprehensive Plan Amendment Application
Planning and Zoning Office, 2725 Judge Fran Jamieson Way, Viera, FL 32940
(321) 633-2069



1. Type of Application:

 X Small-scale Comprehensive Plan Future Land Use Map Amendment

 Large-scale Future Land Use Map Amendment

 Comprehensive Plan Text Amendment

Plan Element(s) of Text Amendment request: _____

2. Applicant: Bruce Fernandez **Staff Planner :** Kyle Harris

3. Comprehensive Plan Amendment Information:

Adopted Future Land Use Designation: RES 1:2.5

Requested Future Land Use Designation: RES 1

Existing Zoning: RRMH-2.5

Proposed Text Amendment (if applicable): Attach the proposed text amendment in a strike-thru/underlined format along with one copy on a CD in Microsoft Word, rtf or text format.

4. Description of Request/Justification: Must include a written statement explaining the rational and the appropriate data and analysis necessary to support the proposed change.

Text amendment supplemental information shall include any goal, objective, policy, implementation strategy, directive and any supporting data and analysis, including maps, figures and tables, and; (1) Identification of the particular element of the plan on which the request is based; and, (2) Citation of the existing language which is proposed to be changed; and, (3) Proposed rewording of the existing language or the wording of proposed new test.

The current FLU designation of this property is RES:1.25. The area is a mixture of RES 1:2.5 and RES 1. Changing the FLU designation of this property to RES 1 is necessary in order to rezone the property from RRMH-2.5 to RRMH-1 for the purpose of splitting the lot into two separate lots. The same property owner owns the adjacent parcel to the east.

(use additional sheets if necessary)

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, January 10, 2022**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

At the outset of the meeting, nine Board members were present and voted on all items on the agenda: Henry Minneboo (D1); Ron Bartcher (D1); Robert Sullivan (D2); Ben Glover (D3); William Capote (D3); Mark Wadsworth, Chair (D4); Liz Alward (D4); Peter Filiberto, Vice Chair (D5); and John Hoppengarten (BPS).

Bruce Moia (D5) was present for Items H.14 & H.15 only.

Lorraine Koss (D2 - Alt) was present, but did not participate from the dais.

Staff members present were: Tad Calkins, Planning & Development Director; Jeffrey Ball, Planning and Zoning Manager; George Ritchie, Planner III; Kyle Harris, Associate Planner; Virginia Barker, Natural Resources Management Director; Amanda Elmore, Natural Resources Management Deputy Director; Darcie McGee, Natural Resources Management Assistant Director; Alex Esseeesse, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Excerpt From Complete Minutes

Bruce Fernandez

A Small Scale Comprehensive Plan Amendment (21S.06) to change the Future Land Use designation from RES 1:2.5 to RES 1. The property is 3.48 acres, located on the east side of Springfield Ave., approx. 0.42 mile south of Aurantia Rd. (4705 Springfield Ave., Mims) (Tax Account 2005100) (District 1)

Bruce Fernandez

A change of zoning classification from RRMH-2.5 (Rural Residential Mobile Home) to RRMH-1 (Rural Residential Mobile Home). The property is 3.48 acres, located on the east side of Springfield Ave., approx. 0.42 mile south of Aurantia Rd. (4705 Springfield Ave., Mims) (Tax Account 2005100) (District 1)

Bruce Fernandez, 4598 Addie Avenue, Mims, stated there is a 30-year old mobile home on the 3.48 acres; it is the last house at the end of Aurantia Road. He said his son would like to build a 3,000 to 4,000 square foot house on the rear of the property in order to take care of foster children.

Public comment.

Joe Gutierrez stated he owns the property next to Mr. Fernandez and he would like to know the reason for the change.

Mr. Fernandez stated he would like to rezone in order to build a 3,000 to 4,000 square-foot house at the end of Springfield, on 3.5 acres. He said the property is part of the original 11 acres that his family owned.

Peter Filiberto asked how the new house will be accessed. Mr. Fernandez replied, the pavement ends, but the road itself goes to the end; the gravel road was only paved up to a point. He said he can either break up the property into two even rectangles, or he has to create legal rights of way.

Jeffrey Ball stated Mr. Fernandez will have to meet the code for access before he can get a building permit. He will have to split the property with the appropriate access on the county-maintained portion of the road. If he does not have that, then he will not be able to get a building permit.

Motion by Ben Glover, seconded by Peter Filiberto, to recommend approval of the Small Scale Comprehensive Plan Amendment from RES 1:2.5 to RES 1. The motion passed unanimously

Motion by Ben Glover, seconded by William Capote, to recommend approval of a change of zoning classification from RRMH-2.5 to RRMH-1. The motion passed unanimously.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Future Land Use (FLU) Review & Summary
Item # 21PZ00032**

Applicant: Fernandez

FLU Request: RES 1:2.5 to RES 1

Note: Applicant wants to split the lot for 2 single-family homes.

P&Z Hearing Date: 01/10/22; **BCC Hearing Date:** 02/03/22

Tax ID No: 2005100

- 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:

- Hydric Soils/Wetlands
- Floodplain
- Protected and Specimen Trees
- Protected Species

The subject parcel contains mapped hydric soils, an indicator 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. 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) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. A wetland determination/delineation will be required prior to any site plan design, land clearing activities, or building permit submittal. The applicant is encouraged to contact NRM at 321-633-2016.

Land Use Comments:

Hydric Soils/Wetlands

The subject parcel contains mapped hydric soils (Myakka sand depressional), an indicator 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. 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) including

avoidance of impacts, and will require mitigation in accordance with Section 62-3696. A wetland determination/delineation will be required prior to any site plan design, land clearing activities, or building permit submittal.

Floodplain

The entire parcel is mapped as being within an isolated floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. The property 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 that which will provide an upland buildable area within the isolated floodplain greater than one third (1/3) acre in size.

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 and Specimen Trees

The parcel contains a mapped polygon of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) code 4340 – Upland Mixed Coniferous/Hardwood trees. Aerials indicate that Protected (greater than or equal to 14 inches in diameter for pines) 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.

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the director of the Planning and Development staff, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County Planning and Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For re-zoning applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

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.
- 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.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:

1. historical land use patterns;
 2. actual development over the immediately preceding three years; and
 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

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 of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- 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.
 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.
 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.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following criteria:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;

- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

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 unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.

- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application."

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

- (c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon

a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.

- a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:
- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
 - b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
 - c. Noise levels for a conditional use are governed by Section 62-2271.

- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.
- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

"The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.

- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare."

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

Small Scale Plan Amendment 21S.07 (21PZ00032)
Township 20G, Range 34, Section 21

Property Information

Owner / Applicant: **Bruce Fernandez**

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: 3.48 acres

Tax Account #: 2005100

Site Location: East side of Springfield Avenue, approximately two thousand two hundred twenty-two feet (2,222') south of Aurantia Road

Commission District: 1

Current Zoning: Rural Residential Mobile Home (RRMH-2.5)

Requested Zoning: Rural Residential Mobile Home (RRMH-1) (21Z00019)

Background & Purpose

The applicant is requesting to amend the Future Land Use (FLU) designation from Residential 1:2.5 (RES 1:2.5) to Residential 1 (RES 1) on a 3.48 acre parcel located on the east side of Springfield Avenue, approximately two thousand two hundred twenty-two feet (2,222') south of Aurantia Road. The subject property is currently developed with one (1) single-family manufactured home.

The subject property has retained the FLU designation of RES 1:2.5 since the 2008 adoption of comprehensive plan amendments implemented from recommendations of the Mims Small Area Study. Amendment 2008-A.4 resulted in the designation of over 2,107 acres within the study area as RES 1: 2.5. The subject parcel originally retained a future land use designation of RES 1 at the adoption of the FLU map in 1988.

A companion rezoning application (21Z00019) was submitted accompanying this FLU amendment request to change the Zoning classification of the subject property from Rural Residential Mobile Home (RRMH-2.5) to Rural Residential Mobile Home (RRMH-1).

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	One (1) Single-Family manufactured home	RRMH-2.5	RES 1:2.5
South	Undeveloped grazing land	AU	RES 1:2.5
East	One (1) Single-Family manufactured home	RRMH-2.5	RES 1:2.5
West	Undeveloped grazing land	RRMH-1	RES 1

To the north of the subject property is one (1) single-family manufactured home with a Future Land Use designation of RES 1:2.5. To the south is undeveloped land with Future Land Use designation of RES 1:2.5. To the east is one (1) single-family manufactured home with a Future Land Use designation of RES 1:2.5. To the west is undeveloped land with a Future Land Use designation of RES 1.

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 suburban and rural residential in character with a mix of undeveloped land, site-built single-family homes and mobile homes on two and half (2.5) acre lots or larger. Suburban can be classified as 1 to 2.5 acre lots and rural as greater than 5 acres.

The subject property is located within the study area boundaries of the 2007 Mims Small Area Study. Recommendations resulting from the Study proposed reducing residential Future Land Use (FLU) densities in much of the study area. In 2008, a Comprehensive Plan Amendment was adopted to reduce FLU densities in Mims and included the designation of 2,107 acres within the study area as RES 1:2.5 (Amendment 2008-A.4). The adoption of Amendment 2008-A.4 changed the subject parcel's FLU designation to RES 1:2.5. Prior to the 2008, the subject parcel had originally retained a future land use designation of RES 1 at the adoption of the FLU map in 1988.

A FLU of RES 1 lies to the west across the county-maintained right-of-way (Springfield Avenue) and a second RES 1 FLU is located approximately 212 feet to the north of this lot. This request could be considered an expansion of the RES 1 area. The proposed single-family residential use is compatible with the single-family dwelling units in the surrounding area.

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 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:

- A. Areas adjacent to existing Residential 1 land use designation; or

The subject parcel is adjacent to existing Residential 1 land use designation to the west. This request can be considered an expansion into the RES 1.

- 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 does not serve as a transition between existing land use designations.

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

The subject parcel 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 where 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 inter-connectivity with surrounding uses. This density bonus shall not be utilized by properties within the CHHA.

A Planned Unit Development is not proposed with this request.

Concurrency

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 sanitary sewer. The closest available Brevard County potable water line is approximately 3 miles southeast of the subject property on Lionel Road at Old Dixie Highway (approximately 300 feet east of Highway US-1). The closest Brevard County sanitary sewer line is approximately 5.5 miles southeast of the subject property on Highway US-1 at Stanley Street. 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.

Environmental Resources

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

- Hydric Soils/Wetlands
- 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.

For Board Consideration

The Board may wish to consider the request is consistent and compatible with the surrounding area.