



BOARD OF COUNTY COMMISSIONERS

## Planning and Development Department

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<https://www.brevardfl.gov/PlanningDev>

### STAFF COMMENTS

22Z00038

#### Wayne Frank Crisafulli and Sonja Anette Crisafulli Living Trust

#### AU (Agricultural Residential) to RR-1 (Rural Residential)

Tax Account Number: 2316453  
Parcel I.D.: 23-36-23-00-254  
Location: South side of N. Courtenay Parkway approximately 104 feet east of N. Tropical Trail (District 2)  
Acreage: 1.15 acres (portion of 6.83-acre parcel)  
NMI Board: 09/08/2022  
Planning & Zoning Board: 09/12/2022  
Board of County Commissioners: 10/06/2022

#### Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
<b>Zoning</b>	AU	RR-1
<b>Potential*</b>	0 SF units	1 SF unit
<b>Can be Considered under the Future Land Use Map</b>	YES RES 1	YES RES 1

\* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

#### Background and Purpose of Request

The applicant is requesting a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential) on an undeveloped 1.15-acre portion of a larger 6.83-acre parcel for the purpose of developing a single-family residence. The subject property retains the original AU zoning classification and does not meet the current lot area requirements of AU zoning. Applicant states if rezoning is approved, the remainder of the parcel (approximately 5.68 acres) will be joined with the parcel tax account #2316462. This will allow the remainder of the parcel zoned AU to meet access requirements provided in Section 62-102.

The subject property was located within the 2019 North Merritt Island Small Area Study (SAS) boundary. A recommendation from the 2019 North Merritt Island SAS was for all parcels  $\geq 2.5$  acres in size designated as Residential 1 (RES 1) Future Land Use and Agricultural Residential (AU) zoning classification, Brevard County should amend the Future Land Use Map to Residential 1:2.5 (RES 1:2.5).

The Board of County Commissioners acknowledged the Recommendations of the 2019 North Merritt Island SAS. Staff was not directed to implement this recommendation.

## **Land Use**

The subject property is currently designated as Residential 1 (RES 1) FLU. The existing AU zoning can be considered consistent with the existing RES 1 FLU designation.

## **Applicable Land Use Policies**

**FLUE Policy 1.9** –The Residential 1 Future land use designation. The Residential 1 land use designation permits low density residential development with a maximum density of up to one (1) dwelling unit per acre, except as otherwise may be provided for within the Future Land Use Element.

The applicant's request can be considered consistent with the existing RES 1 Future Land Use.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

## **Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.**

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 applicant proposes to rezone 1.15 acres to RR-1 zoning classification for the purpose of developing a single-family residence. Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272. The proposal is not anticipated to diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area.**

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

**Only a certified MAI appraisal can determine if material reduction has or will occur due to the proposed request.**

- 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 surrounding area is single-family residential and agricultural residential in character on lots one (1) acre or larger in size. There are four (4) FLU designations within 500 feet of the subject site: RES 1, CC, NC, and PUB.**

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

**There has not been any actual development within this area in the preceding three (3) years.**

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

**While there has not been any actual development within this area in the preceding three (3) years, one zoning action has been approved within one-half mile:**

**22Z00009, approved by the Board on May 5, 2022, was a request to rezone from AU (Agricultural Residential) to RR-1 (Rural Residential) on 2.51 acres located approximately 2,250 feet west of the subject property.**

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.**

#### **Analysis of Administrative Policy #4 - Character of a neighborhood or area.**

The developed character of the surrounding area is institutional and residential with on lots one (1) acre in size or larger with agricultural uses.

One zoning action has been approved within a half-mile radius of the subject property within the last three years: **22Z00009**, approved by the Board on May 5, 2022, was a request to rezone from AU (Agricultural Residential) to RR-1 (Rural Residential) on 2.51 acres located approximately 2,250 feet west of the subject property.

#### **Surrounding Area**

	Existing Use	Zoning	Future Land Use
<b>North</b>	Vacant	GML	PUB
<b>South</b>	Agricultural	AU	RES 1
<b>East</b>	SF residence	AU	RES 1
<b>West</b>	Religious Institution	IN(L)	RES 1

To the north, across N. Courtenay Parkway, is an undeveloped 8.2-acre parcel with GML zoning. To the south is an approximate 5.68-acre portion of the larger 6.83-acre parcel with AU zoning utilized for

agricultural purposes. To the east is a 2.17-acre parcel with AU zoning developed as a single-family residence. To the west is a 1.35-acre parcel with IN(L) zoning developed as a religious institution.

The current AU zoning classification permits single-family residences and agricultural uses on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits all agricultural pursuits, including the raising/grazing of animals, plants nurseries, and the packing and processing of commodities raised on site.

The proposed RR-1 zoning classification permits single-family residential land uses on a minimum one-acre lot, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet. Keeping of horses and agricultural uses are accessory to a principal residence within RR-1 zoning.

IN(L) classification of the subject parcel is an Institutional (Light) zoning classification, intended to promote low impact private, nonprofit, or religious institutional uses to service the needs of the public for facilities of an educational religious, health or cultural nature.

GML zoning classification recognizes the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations (NGOs) providing economic, environmental and/or quality of life benefits to the county, electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission, and related entities.

BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is N. Courtenay Parkway, from N. Tropical Trail to Space Commerce Way, which has a Maximum Acceptable Volume (MAV) of 40,300 trips per day, a Level of Service (LOS) of C, and currently operates at 25.59% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.02%. The corridor is anticipated to operate at 25.62% of capacity daily. The proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review.

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 parcel is within the City of Cocoa utilities service area for public water. The closest Brevard County sewer line is approximately 220 feet west at N. Courtenay Parkway and N. Tropical Trail.

### **Environmental Constraints**

- Floodplain
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- 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.

### **For Board Consideration**

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item #22Z00038**

**Applicant:** Rezanka for Crisafulli

**Zoning Request:** AU to RR-1

**Note:** Applicant wants to rezone a portion of the parcel to develop a single-family residence.

**NMI Hearing Date:** 9/8/22; **P&Z Hearing Date:** 9/12/22; **BCC Hearing Date:** 10/6/22

**Tax ID No:** 2316453 (north portion)

- 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:**

- Floodplain
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- 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:**

**Floodplain**

Per Section 62-3724(4) of the Brevard County Floodplain Protection ordinance, any development, land alteration, or grading within the floodplain on North Merritt Island in the area from Hall Road, north to State Road 405, herein after referred to as "Area," is subject to compensatory storage. Delineation of floodplains shall use best available pre-alteration ground elevation data. If applicable, a written certification from the engineer of record that there will be no adverse flooding impacts upon properties within the Area resulting from the proposed development. The engineer shall provide a report that includes full engineering data and analysis, including the hydraulic and hydrologic modelling and analysis demonstrating that there is no impact. Sealed pre-existing topographic survey or engineered site plan delineating floodplain limits on the property, if any, with base flood elevation using best available flood elevation data. Any engineered compensatory storage shall be maintained by the owner in perpetuity. Please call NRM at 321-633-2016 prior to any grading, filling or land alteration activities.

**Indian River Lagoon Nitrogen Reduction Overlay**

The parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If sewer is not available, then use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

**Protected and Specimen Trees**

Aerials show mature canopy on the subject parcel. Section 62-4341(18), 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 encouraged to incorporate robust trees into the site plan design. 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. There is a large area of mapped Florida Scrub Jay occupancy near the parcel. 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.