



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

22Z00064

Brian and Dana Scholz (Stuart Buchanan)

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

Tax Account Number: 2004785
Parcel I.D.: 20G-35-20-21-AI-7.03
Location: North side of Orlando Avenue approximately 1,320 feet east of Highway US-1 (District 1)
Acreage: 3.91 acres

Planning & Zoning Board: 2/13/2023
Board of County Commissioners: 3/02/2023

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
Zoning	AU	RR-1
Potential*	1 SF units	3 SF unit
Can be Considered under the Future Land Use Map	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 a 3.91-acre parcel developed with a single-family residence for the purpose of subdividing the parcel into three single family lots. Subdivision of a parcel into three or more lots shall obtain approval from the Board of County Commissioners as part of the subdivision process in section 62-2805. The subject property retains the original AU zoning classification.

Land Use

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

The proposed RR-1 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 of RR-1 zoning 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 subdivide the parcel into three lots to develop two additional single-family residences. 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 has a FLU designation of RES 1 within 500 feet of the subject site.

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

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 and there has not been any zoning actions approved within one-half mile 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.

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

The developed character of the surrounding area is AU (Agricultural Residential) with one lot zoned RR-1 (Rural Residential) with lots of one (1) acre in size or larger with single-family residential uses. This request could be considered as recognizing the FLU classification allocation.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	SF residences	AU	RES 1
South	SF residence	AU	RES 1
East	SF residence	AU	RES 1
West	SF residence	AU/RR-1	RES 1

To the north, are two 2.27-acre parcels with AU zoning and each is developed with a single-family residence. To the east is a 10-acre parcel with AU zoning and developed with a single-family residence. To the south across Orlando Avenue is a 0.99-acre parcel and a 1.07-acre parcel with AU zoning and each is developed with single-family residence. To the west is a 1.01-acre parcel with RR-1 zoning and developed with a single-family residence and a 2.26-acre parcel with AU zoning and developed with a single-family residence.

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 zoning 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.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway US-1, from Lionel Road to Burkholm Road, which has a Maximum Acceptable Volume (MAV) of 40,300 trips per day, a Level of Service (LOS) of C, and currently operates at 23.47% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.08%. The corridor is anticipated to operate at 23.55% 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 closest Brevard County utilities service area for public water lies approximately 5,050 feet south of the parcel along the south side of Lionel Road. The closest Brevard County sewer line is approximately 7,400 feet southwest of the parcel at the north end of Sanctuary Drive.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge
- 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 (NRM) DEPARTMENT
Zoning Review & Summary**

Item #22Z00064

Applicant: Stuart Buchanan (on behalf of Brian and Dana Scholz)

Zoning Request: AU to RR-1

Note: Applicant wants to subdivide the property into three parcels in excess of 1.0 acre each.

Zoning Hearing Date: 02/13/23; **BCC Hearing Date:** 03/02/2023

Tax ID Nos: 2004785

- 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.**

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Land Use Comments:

Aquifer Recharge Soils

The site has mapped aquifer recharge soils (Paola fine sand, 0 to 8 percent slopes, Candler fine sand and Pomello sand) as shown on the USDA Soil Conservation Service Soils Survey map. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have 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.

Protected and Specimen Trees

Protected and Specimen Trees may exist on the parcel. Per 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.

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. There is potential for the presence of Gopher Tortoises on site. 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.