



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

22Z00068

Half Halt Stables, LLP

AU (Agricultural Residential) to RU-1-9 (Single-Family Residential)

Tax Account Number: 2407648
Parcel I.D.s: 24-35-25-00-768
Location: East side of Burnett Road, 1,310-feet north of Lake Drive (District 2)
Acreage: 0.33 acres

Planning & Zoning Board: 03/13/2023
Board of County Commissioners: 04/06/2023

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	RU-1-9
Potential*	2 SF Units	1 SF unit
Can be Considered under the Future Land Use Map	YES RES 15	YES RES 15

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

Background and Purpose of Request

The applicants are requesting a change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-family Residential) on a portion of their property in order to subdivide the parcel on 0.33-acre parcel and sell. The entire property consists of 12.28-acres with two zoning classifications, RR-1 (Rural Residential) and AU (Agricultural Residential). The applicants combined two parcels creating two single-family homes on one parcel forming the current configuration. The intention is to separate them, putting them back in their original configuration.

The original zoning on the property was GU and under zoning resolution **Z-2145** was changed to AU in September 1967. There were two prior denied zoning requests, **Z-6538** was a request to change from AU to RR-1 November 17, 1983 and then **Z-5510** was a request to change from AU to RU-1-9 January 1981.

Land Use

The subject property is currently designated Residential 15 (RES 15). Both the AU and RU-1-9 zoning classifications are consistent with the Residential 15 FLU designation.

Applicable Land Use Policies

FLUE Policy 1.2 – Public Facilities and Services Requirements

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

Criteria:

- A. Adequate roadways, solid waste disposal, drainage and recreation facilities to serve the needs of associated development shall be available concurrent with development in all residential land use designations.
- B. Fire and police protection and emergency medical services to serve the needs of associated development shall be available concurrent with development in all residential land use designations in accordance with policies set forth in the “Service Delivery, Concurrency and Growth” section of this Future Land Use Element.
- C. In the Residential 30 Directive, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.
- D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.
- E. Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to centralized sewer system.

FLUE Policy 1.4 – The Residential 15 land use designation affords the second highest density allowance, permitting a maximum density of up to fifteen (15) units per acre. The Residential 15 land use designation may be considered for lands within the following generalized locations:

Criteria:

- A. Areas located east of Interstate-95, except in instances where they are adjacent to existing or designated residential densities of an equal or higher density allowance; and
- B. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 15 area;

- C. Areas adjacent to an existing Residential 15 land use designation; and
- D. Areas which have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

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;

A single-family residence is not anticipated to 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. There would be no change to it's current use.

- 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 (Master Appraisal Institute) 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 property is developed with a Residential 15 (RES 15) FLU. There are two (2) Brevard County FLU designations (RES 15 and NC) within 500-feet of this site. The NC FLU designation is located to the south east off Gray Road. The proposed RU-1-9 zoning is consistent with the existing RES 15 FLU designation.

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

There has been one single-family residence located to the northwest of the subject property off Brush Lane, application 20BC25757, approved December 22, 2020.

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

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

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

No material violation of relevant policies has been identified.

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

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

Criteria:

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

The character of the area is predominantly residential with zoning classifications of AU, GU, RR-1, RU-2-8 and RU-2-15 (11). The lot sizes range from 1.0-acre to over 17.92-acre lot sizes. This portion of the parcel abuts N. Burnett Road to the west. The undeveloped parcel to the south is zoned RU-2-15 (11). To the north and east the zoning is AU as well as RR-1 and is the main parcel that the subject property is being requested to be portioned from.

The use could be considered an introduction of RU-1-9 on the southern east portion of N Burnett Road. The RU-1-9 zoning classification allows for a lot size of 6,600 square feet.

- 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.

This developed parcel is located in a residential area on the outskirts of Cocoa.

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

The request is not for commercial use.

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

There have been no zoning changes within 0.5-miles of the subject property within the last 5 years.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family and Undeveloped	RR-1	RES 15
South	Undeveloped	RU-2-15 (11)	RES 15
East	Single-family and Undeveloped	AU & GU	RES 15
West	N Burnett Road	N/A	N/A

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 the raising/grazing of animals and plants nurseries. Conditional uses in AU include hog farms, zoological parks, and land alteration.

The proposed RU-1-9 classification permits single family residential development on lots of 6,600 square feet (minimum). The minimum house size is 900 square feet.

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.

RU-2-15 (11) zoning classification is a 11 unit per acre multiple-family residential zoning classification. It permits multiple-family residential development or single-family residences at a density of up to 11 units per acre on 7,500 square foot lots.

The GU zoning classification is a holding category allowing single-family residences on five-acre lots with a minimum width and depth of 300-feet. The minimum house size in GU is 750 square feet.

There has been no zoning action within a half-mile radius of the subject property within the last three years.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Lake Drive, between Cox Road to Range Road, which has a Maximum Acceptable Volume (MAV) of 17,700 trips per day, a Level of Service (LOS) of D, and currently operates at 18.64% of capacity daily. As there is already a SFR on the proposed rezoning parcel, the maximum development potential from the proposed rezoning would not increase the percentage of MAV utilization. The corridor would continue to operate at 18.64% 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 site is currently developed. The subject property has potable water through the City of Cocoa. There does not appear to be any access to city or county sewer. This parcel is on septic.

Environmental Constraints

- Hydric Soils
- Aquifer Recharge Soils

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 whether the proposed request is consistent and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT (NRM) DEPARTMENT
Zoning Review & Summary**

Item #22Z00068

Applicant: Antonia Pastermack

Zoning Request: AU to RU-1-9

Note: Applicant wants to subdivide a portion of 0.33 acres from the 12.28-acre property to allow for the sale of an existing single-family home on the property.

P&Z Hearing Date: 03/13/23; **BCC Hearing Date:** 04/06/2023

Tax ID No: Portion of 2407648

- 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
- Aquifer Recharge Soils

NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Land Use Comments:

Hydric Soils

The entire subject parcel contains mapped hydric soils (Pompano sand), as shown on the USDA Soil Conservation Service Soils Survey map; an indicator that hydric soils and wetlands may be present on the property. A wetland determination may be required for further development and/or clearing. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. Wetland impacts are not allowed for accessory structures. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Aquifer Recharge Soils

Pompano sand may also function as an aquifer recharge soil. 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

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 and minimum landscaping requirements. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

Protected Species

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.