



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

24Z00005

Aaron Reninger

RRMH-1 (Rural Residential Mobile Home) to TR-3 (Mobile Home Park) with a Binding Development Plan

Tax Account Number's: 2002219, 2002228, 2002229, 2002230, 2002231, 2002232

Parcel I.D's.: 20G-34-22-AI-7-3.02,
20G-34-22-AI-7-5.02,
20G-34-22-AI-7-5.03,
20G-34-22-AI-7-5.04,
20G-34-22-AI-7-5.05,
20G-34-22-AI-7-6

Location: Southside of Gandy Road between Hog Valley Road and
Interstate 95 (District 1)

Acreage: 17.01 acres

Planning & Zoning Board: 6/10/2024

Board of County Commissioners: 7/11/2024

Consistency with Land Use Regulations

- Current zoning cannot be considered under the current Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the proposed Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	RRMH-1	TR-3
Potential*	3 Mobile Homes	30 Single Family
Can be Considered under the Future Land Use Map	NO AGRIC	YES** RES 6

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. **Companion request **24SS00002** which proposes to amend the Future Land Use designation from Agricultural (AGRIC) to Residential 6 (RES 6) is pending approval.

Background and Purpose of Request

The applicant is requesting to change the zoning classification from RRMH-1 (Rural Residential Mobile Home) to TR-3 (Mobile Home Park) on a 17.01-acre parcel to develop a mobile home park that would allow mobile homes, tiny homes, and tiny homes on wheels. The owner/applicant has provided a Binding Development Plan (BDP) that would limit maximum residential density to two (2) units per acre and minimum lot size to one-quarter acre. The subject parcel is currently undeveloped and has access on Gandy Road, a county-maintained roadway.

A companion application, **24SS00002**, if approved, would amend the FLUM designation from Agricultural (AGRIC) to Residential 6 (RES 6). The requested RES 6 FLUM designation would establish low density residential development with a maximum density of up to six (6) units per acre.

The underlying general area was platted in 1914 (Indian River Park subdivision – plat book 2, page 338) as 10-acre tracts. Currently, the 17.01-acre subject property is comprised of six separate, contiguous parcels. Only one parcel encompassing 9.7 acres, meets the 5-acre minimum lot size requirement for the GU zoning classification. The remaining five parcels have been modified after the original platting in 1914 and may not be considered nonconforming lots of record unless the applicant can demonstrate that the current lot configurations were established prior to May 20, 1975. Prior to that date the minimum lot size requirement for GU was one (1) acre.

In 1988, the Comprehensive Plan was adopted establishing an Agricultural FLUM designation on the subject property that also required a minimum lot size of 5 acres.

October 2006, the Board of County Commissioners directed Planning and Zoning staff to prepare a **Small Area Study (SAS) for the Mims community** in northern Brevard County to assess the area's growth capabilities and develop tactics for managing growth. The concern was continued growth would likely exceed the County's ability to supply potable water, due to aquifer limitations. The same aquifer supplies water to private well-users in Mims.

Analysis indicated that reducing FLUM densities in parts of Mims would also reduce potential buildout by 30%. The Mims Small Area Study was approved by the Board on April 10, 2007. As a result of the study, the SAS adopted a Future Land Use of AGRIC (Agricultural Future Land Use designation), which establishes one unit per 5 acres west of Meadow Green Road. Properties with approved RRMH, AU and AGR zoning classifications prior to the study were retained and adopted. The remaining lot were adopted with the GU zoning classification including the subject property.

The BDP stipulates that the Owner shall:

- Limit density to two (2) units per acre;
- Provide for a minimum lot size of one quarter acre; and
- Development limited to 30 total units.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Vacant on north side of Gandy Road	RRMH-1	AGRIC
South	Mobile Homes	TR-2	RES 2
East	Vacant State-owned Land Single-Family Residence	GU & RRMH-1	AGRIC
West	Mobile Homes	RRMH-1	AGRIC

To the north of the subject property is a vacant property with a zoning classification of RRMH-1 and a FLU designation of AGRIC.

There are single-family, site-built homes on both the east and west of this access strip that have a zoning classifications of GU and RRMH-1 and FLU designation AGRIC.

To the south, the Hidden Lakes subdivision with a minimum lot size requirement of one-half acre lots for manufactured housing has a TR-2 zoning classification and a FLU designation of RES 2. There are 67 lots in this subdivision with an average size of 0.9 acres.

GU

GU 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.

RRMH-1

The current RRMH-1 rural residential mobile home zoning classification permits single-family mobile home development and agricultural uses which are conducted in such a way as to minimize possible incompatibility to residential development. Required lot size is one acre with a minimum width and depth of 125 feet. The minimum living area is 600 square feet.

TR-2.

The TR-2 single-family mobile home zoning classification on one-half acre with a minimum width of 100 feet and depth of not less than 150 feet.

TR-3

The proposed TR-3 mobile home park zoning classification permits mobile homes and modular coaches, exclusive of travel trailers and recreation vehicles. Tiny house or a THOW is permitted with conditions. Minimum size of mobile home site is 4,000 square feet with a minimum width of 40 feet. A 50 feet perimeter setback is required from all property lines except for the TR-2 property to south. Minimum floor is 500 square feet.

Future Land Use

The subject property is currently designated as Agricultural (AGRIC) FLUM designation. The current RRMH-1 zoning is not consistent with the existing AGRIC FLUM designation. The proposed TR-3 zoning is not consistent with the existing AGRIC FLUM designation or RES 2.

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

FLUE 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 proposed development must meet concurrency and performance standards.

- 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 use.

- 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 developed character of this portion of Mims is single- family mobile homes and single-family site-built homes.

The Hidden Lakes subdivision abuts the subject property to the south and has 67 lots with an average size of 0.9 acres for mobile homes and a FLUM designation of RES 2.

There are three (4) FLU designations within 500 feet of the subject site: RES 2, AGRIC, PUB and PUB-CONS.

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

There have been two single-family site-built residences constructed within the last three years. They are both adjacent to the subject property.

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

There has not been any development approved in the past three years that has not been constructed.

- 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.

FLUE Administrative Policy 4 - Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

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

The proposed use, limited to a residential density of two (2) units per acre by the BDP would introduce one quarter acre lots into the area but should not adversely impact concurrency standards.

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

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

The subject property is located in a residential area. The surrounding zoning classifications are for larger lot residential development.

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.

There is no commercial development in the vicinity.

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 not been multiple commercial, industrial, or other non-residential uses approved in this area during the previous five (5) years. This area should not be considered transitional.

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.

The subject property contains mapped National Wetlands Inventory (NWI), St. Johns River Water Management District (SJRWMD) wetlands and hydric soils; indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. **This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 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. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Hwy 1, from Burkholm Rd to the Volusia County Line, which has a Maximum Acceptable Volume (MAV) of 40,300 trips per day, a Level of Service (LOS) of D, and currently operates at 11.04% 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 11.06% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

The parcel is not serviced by public sewer or within the Brevard County service area for potable water. The closest available Brevard County potable water line or sewer connection to the subject property is approximately two and half (2.5) miles southeast across I-95 HWY at the north end of Sanctuary Drive.

A school concurrency determination letter has been provided the School Board staff indicating that the proposed development, limited to 30 units would generate thirteen (13) students and that there is adequate capacity at the elementary, middle school and senior high school levels to accommodate the potential and projected student demand.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

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For Board Consideration

The Board should consider if the request is consistent and compatible with the surrounding area. The Board may also consider if the Binding Development Plan mitigates any off-site impacts.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 24Z00005

Applicant: Kimberly Rezanka (Owner: Aaron Reninger)

Zoning Request: RRMH-1 to TR-3

Note: to allow the use of mobile home and tiny home dwellings

Zoning Hearing: 04/15/2024; **BCC Hearing:** 05/02/2024

Tax ID No.: 2002219, 2002232, 2002229, 2002231, 2002230, 2002228

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
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- Protected Species

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Land Use Comments:

Wetlands and Hydric Soils

The subject property contains mapped NWI, SJRWMD wetlands and hydric soils (Samsula muck, frequently ponded, 0 to 1 percent slopes; and St. Johns sand, 0 to 2 percent slopes); indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

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Aquifer Recharge Soils

This property contains Orsino fine sand; Pomello sand; and Paola fine sand, 0 to 8 percent slopes, classified as aquifer recharge soils. St. Johns sand, 0 to 2 percent slopes may also function as aquifer recharge soils. 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

Federally and/or state protected species may be present on properties with aquifer recharge soils and/or wetlands. Gopher tortoises have been observed in this area. If applicable, 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 prior to any plan, permit submittal, or development activity, including land clearing, as applicable.