



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
24Z00038**

Michael & Bonita Osborne

RU-1-9 (Single-Family Residential) to TR-3 (Mobile Home Park)

Tax Account Number's: 2409628
Parcel I.D: 24-35-36-00-508
Location: North terminus of Robeson Rd and Southside of Parrish Rd
between I-95 and Burnett Rd (District 1)
Acreage: 10.09 acres

Planning & Zoning Board: 10/14/2024
Board of County Commissioners: 11/07/2024

Consistency with Land Use Regulations

- Current zoning can 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	RU-1-9	TR-3
Potential*	70 Single-family homes	100 Mobile homes*
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 applicant is requesting to change the zoning classification from RU-1-9 (Single-family Residential) to TR-3 (Mobile Home Park) on 10.09 acres. The subject property is vacant and has access on Robeson Rd., a two (2) lane county-maintained roadway. TR-3 zoning requires a minimum of 10 acres.

The subject property was created in January 1956 as recorded in ORB 754, Pg 817. The following actions occurred on the subject property.

- **Z-1661** changed zoning from GU to RU-1 and RU-3 on March 4, 1965.
- **Z-2980** changed zoning from RU-1 to RU-1-9 June 6, 1972
- **16PZ00077** denied rezoning request on the subject from RU-1-9 to AU, November 3, 2016

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Duplexes	AU	RES 15
South	Single-family residences	RU-1-11	RES 15
East	Single-family residences	RU-1-9	RES 15
West	FDOT Retention Pond	RU-1-9	RES 15

North of the subject property is a 16.5 acre parcel zoned AU. It is developed with 58 duplexes owned by the Housing Authority of Brevard County.

South of the subject property is the Catalina Village, a single-family subdivision. It is zoned RU-1-11 and is improved with 170 single family homes.

East of the subject property is the Poinsette Villas single family subdivision. It is zoned RU-1-9 and is improved with 185 single family homes.

West of the subject property is a retention pond owned by the State of Florida Department of Transportation. It is zoned RU-1-9 and has a FLU of RES 15.

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, fowl and beekeeping.

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.

RU-1-11 classification permits single family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

TR-3 mobile home park zoning classification requested by this application permits mobile homes and modular coaches, exclusive of travel trailers and recreation vehicles. TR-3 zoning classification requires a minimum site size of 10 acres for the development of a mobile home park. The minimum density is six units per acre. The minimum size of the mobile home sites is 4,000 square feet with a minimum lot width of 40 feet. A 50 ft

perimeter setback is required from all property lines. A tiny house or a THOW is permitted with conditions.

Future Land Use

The subject property has a RES 15 FLUM designation. Both the existing RU-1-9 zoning and TR-3 zoning can be considered consistent with the RES 15 FLUM designation.

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

Public Facilities and Services Requirements

FLUE Policy 1.2

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:

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.

Centralized potable water and sanitary sewer are available to the subject property. Potable water is through the city of Cocoa and sanitary sewer is available through Brevard County. Based on the TR-3 zoning minimum lot size of 4,000 sq.ft. the potential density for the subjects is 10 units per acre or 100 units.

Policy 2.2 - The zoning process regulates the types and intensities of uses for a parcel of land. Criteria which aid in assessing zoning compatibility, shall include consideration of the following standards:

Criteria:

A. Permitted/prohibited uses;

TR-3 zoning is a mobile home park zoning classification which allows both mobile homes and site built home.

Existing residential zoning trends in the area;

Residential zoning trends in the area include established single-family subdivisions, multi-family housing and a mobile home park. Across Parish Rd is a vacant parcel recently rezoned to RU-2-10. A site plan for 240 townhomes is currently being reviewed.

B. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;

The proposed TR-3 rezoning action may be considered compatible with surrounding residential land uses. There is a TR-3 trailer park located 1,300 feet east of the subject property and a second park located 1,600 feet west of the subject property and west of Interstate 95.

- C. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;

The preliminary concurrency analysis did not indicate that the proposed development has the potential to cause a deficiency in the transportation adopted level of service.

- D. Impact upon natural resources, including wetlands, floodplains, and endangered species;

The following land use issues were identified:

- **Floodplain Protection**
- **Hydric Soils**

Natural Resources has reported that the subject property is within a SFHA (Special Flood Hazard Area) AE. Potential development cannot impact flooding on neighborhood properties.

- E. Other issues which may emerge specific to a particular property which may be addressed through performance-based zoning criteria.

The proposed use is not anticipated to require performance standards beyond the zoning criteria.

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 Brevard is predominantly single-family site-built homes.

RES 15 is the one FLU designation within 500 feet of the subject property.

actual development over the immediately preceding three years; and

There has been no new development within the last three years.

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

24SP00007- a site plan for 240 townhomes was approved June 27, 2023 on a 27 acre parcel located north of the subject property across Parrish Rd.

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 would not be considered a new use in the proximate area. There are two mobile home parks in the area. The first is approximately 1,300 feet east and the second one is approximately 1,600 feet west. Preliminary traffic concurrency indicated a 0.20% upward change in traffic volume when comparing single family development to a mobile home park.

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 include single-family, multi-family and mobile home park residential uses.

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 proposed use is not a commercial use.

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 property is mapped within a FEMA Special Flood Hazard Area (SFHA) AE, as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. The floodplain is considered Riverine per Section 62-3721. Thus, the applicant shall use best available data to delineate the 100-year, 25-year, 10-year, and annual floodplains. Best available data includes local flood studies; the Flood Insurance Study for Brevard County, Florida and Unincorporated Areas, April 3, 1989, prepared by the Federal Emergency Management Agency; and the Mean Annual, 10-Year, 25-Year and 100-Year Profiles for the Upper St. Johns River Under the Existing Conditions, prepared by Dr. Donthamesetti V. Rao, P.E., St. Johns River Water Management District (March 1985).

The subjects location on within a Special Flood Hazard Area may impact potential development.

Preliminary Concurrency

The closest concurrency management segment to the subject property is SR 520, from I-95 to Burnette Rd, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 51.78% of capacity

daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.20%. The corridor is anticipated to operate at 51.98% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

The parcel will be serviced by City of Cocoa for potable water and Brevard County for sewer.

A school concurrency determination letter has been provided the School Board staff indicating that the proposed development of 100 units would generate twenty-five (25) 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:

- **Floodplain Protection**
- **Hydric Soils**
- **Protected and Specimen Trees**
- **Protected Species**

Land Use Comments:

Floodplain Protection

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The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. **These criteria include compensatory storage requirements and density restrictions.** 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."

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prior to any plan or permit submittal, or performing any land clearing or land alteration activities.

A 2014 environmental assessment report provided by the applicant indicates the property is comprised solely of uplands.

For Board Consideration

The Board should consider if the request is consistent and compatible with the surrounding area. And recognize the FEMA Special Flood Hazard Area may limit the development potential of the subject property.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary**

Item No. 24Z00038

Applicant: Michael and Bonita Osborne (Owners: Michael and Bonita Osborne)

Zoning Request: RU-1-9 to TR-3

Note: for multi-family housing (50 units)

Zoning Hearing: 09/16/2024; **BCC Hearing:** 10/03/2024

Tax ID No.: 2409628

- 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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- **Hydric Soils**
- Protected and Specimen Trees
- Protected Species

Land Use Comments:

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applicant shall use best available data to delineate the 100-year, 25-year, 10-year, and annual floodplains. Best available data includes local flood studies; the Flood Insurance Study for Brevard County, Florida and Unincorporated Areas, April 3, 1989, prepared by the Federal Emergency Management Agency; and the Mean Annual, 10-Year, 25-Year and 100-Year Profiles for the Upper St. Johns River Under the Existing Conditions, prepared by Dr. Donthamesetti V. Rao, P.E., St. Johns River Water Management District (March 1985).

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Hydric Soils

The entire subject parcel contains mapped hydric soils (EauGallie sand); an indicator that wetlands may be present on the property. However, a 2014 environmental assessment report provided by the applicant indicates the property is comprised solely of uplands. Confirmation of no on-site wetlands 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. **For residential 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 62-3694(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.**

Protected and Specimen Trees

Protected (\geq 10 inches in diameter) and Specimen (\geq 24 inches in diameter) trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the

design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. 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 preservation and canopy coverage requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

Protected Species

Federally and/or state protected species may be present on properties with wetlands. 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.