



BOARD OF COUNTY COMMISSIONERS

## Planning and Development Department

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

### STAFF COMMENTS

**23Z00038**

#### Cobblestone II RVG LLC

#### **RU-1-9 (Single-family residential), BU-1 (General Retail Commercial) and TR-3 (Mobile Home PARK) to All TR-3 (Mobile Home Park) with BDP**

Tax Account Number: 3010260 and 3006458  
Parcel I.D.: 30-38-14-00-283 and 30-38-14-00-261  
Location: West side of Highway US-1, approximately 368 feet south of Garretts Road (District 3)  
Acreage: 31.82 +/- acres  
  
Planning & Zoning Board: 8/18/2025  
Board of County Commissioners: 9/04/2025

#### Consistency with Land Use Regulations

- Current zoning cannot 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>	TR-3, RU-1-9 & BU-1	TR-3 with BDP
<b>Potential*</b>	173 Single-family mobile homes	173 Single-family mobile homes
<b>Can be Considered under the Future Land Use Map</b>	YES & NO RES 1, RES 2, CC, NC	YES RES 6

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

#### Background and Purpose of Request

The applicants are requesting a zoning change from RU-1-9 (Single-Family Residential) BU-1 (General Retail Commercial) and TR-3 (Mobile Home Park) to all TR-3 (Mobile Home Park) with a BDP on two parcels totaling 31.82 acres to achieve consistency between the zoning classification and the Future Land Use designation. The primary underlying purpose behind the rezoning is to legitimize the use 0.52 acre parcel with RU-1-9 zoning classification, which has the community center for the mobile home park.

However, RU-1-9 only allows for single-family residential dwellings and accessory uses. By approving the TR-3 zoning request, this would allow for the park to be compliant with Brevard County Code as TR-3 allows for a community center as an accessory use to the mobile home park.

The first parcel is 0.52 acres with RU-1-9 zoning, which will be used as an accessory use (residential office and pool) to the mobile home park. The second larger parcel is bifurcated by the FEC Railway and Highway 1. A smaller portion of the subject property that is undeveloped with TR-3 zoning classification, located on the east side of Highway 1, is not included in this request. The applicant has expressed a desire to enter into a Binding Development Plan to limit the mobile home park to the current 173 units. Effectively, the application of this BDP would equate to a density of six (6) units per acre.

The subject parcel is currently developed as River Grove Mobile Home Park and is located on the west side of N. Highway 1, approximately 2,200 feet south of Micco Rd.

There is also a Small-Scale Comprehensive Plan Amendment (SSCPA) companion application, **23SS00006** to change the Future Land Use Element from Residential 1 (RES 1), Residential 2 (RES 2), Neighborhood Commercial (NC) and Community Commercial (CC) to Residential 6 (RES 6). This request, if approved, would provide consistency with the requested zoning of TR-3.

Previous zoning actions for this property are as follows:

- October 2, 1969, **Z-2509** change of classification from GU to BU-1 for a depth of 150 feet west of Highway 1 and TR-3 on the balance.
- September 1979, **Z-5047** change of classification from GU to TR-3 on the northern portion of the subject property totaling approximately 5 acres.
- September 4, 1980, **Z-5379** change of classification on 0.52 acres of the northern portion of the subject property abutting Highway 1 from TR-3 to RU-1-9.
- The western portion of the park zoning was changed from RRMC-1 to TR-3 under **Z-5808** adopted on October 8, 1981.

The request to change the FLU from NC to CC under **19PZ00107** was withdrawn on September 11, 2019.

**19PZ00108** was a previous action requesting to change the zoning classification on 31.36 acres associated with tax accounts 3010260 and 3006458 from RU-1-9 and BU-1, and TR-1 to all TR-1 with a BDP to limit the number of mobile home sites to the current number of 173 units; this action was approved. However, the BDP was never recorded, effectively nullifying the approved zoning.

At this time, there are no active code enforcement cases associated with the subject property.

## Surrounding Area

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	Single-family residential	RU-1-7, BU-1	RES 2, CC
<b>South</b>	Condominium, multiple living units	RU-2-10(7), BU-1	RES 2, CC
<b>East</b>	Mobile home sales office, Highway 1, and Undeveloped	BU-1, TR-3	NC
<b>West</b>	Single-family residential, vacant land	RRMH-1, GU	RES 1

North of the subject property is 7 parcels ranging in size from approximately 0.4 acres to 0.9 acres all developed with single-family residences with RU-1-7 zoning classification and RES 2 FLU designation. The last and eighth parcel is 0.93-acre parcel with BU-1 zoning and developed as single-family residential with CC FLU designation.

South of the subject property is two parcels: One is a condominium, developed with approximately 288 units, with RU 2-10 capped at 7 units to the acre with RES 2 FLU designation. The RU-10(7) was approved under zoning action **Z-4363** on November 17, 1977. A second parcel is 0.96 acres, developed as a duplex with BU-1 zoning classification and CC FLU designation.

East of the subject property, across US Hwy 1, this parcel with TR-3 zoning, contains approximately 0.53-acres of the 31.19-acre parcel to the west, which remains undeveloped.

West of the subject property is two parcels: The first parcel is 6.66-acres developed with a single-family mobile home that has RRMH-1 zoning classification and RES 1 FLU designation. The second parcel is 104.03 acres, vacant land with GU zoning classification and RES 1 FLU designation.

GU classification is a holding category, that encompasses rural single-family residential development or unimproved lands for which there is no definite current proposal for development or land in areas lacking specific development trends on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

RU-1-7 classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on minimum 5,000 square foot lots with minimum widths of 50 feet and depth of 100 feet. The minimum house size is 700 square feet.

RU-2-10 classification medium-density multiple-family residential zoning classifications encompass lands devoted to medium-density multifamily residential purposes, together

with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-10 permits multiple-family residential development or single-family residences at a density of up to 10 units per acre on minimum lot sizes of 7,500 square feet.

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.

RRMH-1 permits single-family mobile homes and detached single-family residential land uses on minimum one acre lots, with a minimum width and depth of 125 feet. This classification permits horses, barns and horticulture as accessory uses. The minimum house size is 600 square feet.

TR-3 zoning is a mobile home park zoning classification with a minimum lot size of 10 acres for the park. Mobile home sites must be at least 4,000 square feet, with a minimum width of 40 feet.

The current 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.

### **Future Land Use**

The subject property is currently designated as Neighborhood Commercial (NC), Community Commercial (CC), and Residential 1 (RES 1) Future Land Use (FLU). The existing RU-1-9 and TR-3 can be considered consistent with the existing NC FLU designation under Section 62-1255. The BU-1 can be considered consistent with the existing CC FLU designation under Section 62-1255. The TR-3 zoning portion with RES 1 FLU designation cannot be considered consistent under Section 62-1255.

The proposed TR-3 zoning classification can be considered consistent with the proposed RES 6 FLU designation under Section 62-1255.

### **Applicable Land Use Policies**

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 is not proposing a change to the historical use of the subject property as a mobile home park. The use is not anticipated to affect the existing area's quality of life, hours of operation, lighting, odor, noise levels, or traffic in a negative manner.**

**Traffic from the proposed development will not have an impact on the surrounding area. There is no increase in the percentage of MAV utilization. The corridor is anticipated to continue to operate at 64.39% of capacity daily.**

- 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 (Member 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;

**Within the 0.5-mile radius of the subject property, there are four (4) FLU designations: RES 1, RES 2, CC and NC. RES 2 is the predominant FLU designation on the west side of Highway 1.**

**The existing pattern is a mixture of mobile home parks, predominant land use in the area, that also includes single-family residences, condos, marinas, restaurants, a bar lounge and strip mall plazas.**

**There have been no FLUM amendments within one-half mile of the subject property in the past three years.**

**There are several zoning classifications within the 0.5-mile radius of the subject property, with the predominant zoning classification being TR-3.**

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

**There has been no permitted development within a one-half mile radius over the immediately preceding three years.**

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

**There is no development approved within the past three years that has not yet 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.**

#### **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, parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

**The character of the surrounding neighborhoods and areas will not be materially or adversely affected by the proposed rezoning. The established mobile home park will not introduce any additional traffic, parking, or commercial or industrial activity. There is an existing pattern of commercial and residential zoning surrounding the subject parcel.**

- 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 area has well-established boundaries, roads, and open spaces. The subject property is an established residential neighborhood with roads and minimal open space.**

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 uses.**

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.

**This area is presumed to be primarily residential in nature. There are no commercial, industrial or other non-residential uses applied for and approved during the previous five (5) years.**

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is US Hwy 1 between Micco Rd and Indian River County Line, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 64.39% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.00%. The corridor is anticipated to operate at 64.39% of capacity daily. The proposal would not create a deficiency in LOS. This is only a preliminary review and is subject to change.

No school concurrency information has been provided as this is an established mobile home park with no proposed development.

The subject property is serviced by a private wastewater treatment facility. Potable water is provided by River Grove Utilities, Inc. River Grove is a privately owned and is managed by the mobile home park. The potable water line is connected to Barefoot Bay Utilities.

### **Environmental Constraints**

#### **Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Hydric Soils
- Floodplain Protection
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Overlay
- Surface Waters of the State
- Land Clearing and Landscape Requirements
- Protected Species

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

### **For Board Consideration**

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Rezoning Review & Summary**  
**Item # 23Z00038**

**Applicant:** Scott Baker (Owner: Erik Hagen)

**Zoning Request:** TR-3 and RU-1-9 to TR-3 with BDP

**Note:** to create consistent zoning

**P&Z Hearing Date:** 08/18/25; **BCC Hearing Date:** 09/04/25

**Tax ID No:** 3006458 and 3010260

- 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
- Floodplain Protection
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**Land Use Comments:**

**Hydric Soils**

The subject parcel contains a small area of hydric soils (Myakka sand, depressionnal) on the northwest corner of the property, as shown on the USDA Soil Conservation Service Soils Survey maps. This is an indicator that wetlands may exist adjacent to an existing pond. A wetland delineation will be required prior to any land clearing or alteration activities. The wetland delineation shall be verified at time of site plan submittal. For multi-family parcels greater than five acres in area, the 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 no net loss 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.

### **Floodplain Protection**

The northern portion of the parcel is mapped as being within Special Flood Hazard Area (SFHA) A as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. This area is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. 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

### **Aquifer Recharge Soils**

This parcel contains mapped aquifer recharge soils (St. Lucie fine sand, 0 to 5 percent slopes, 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.

### **Indian River Lagoon Nitrogen Reduction Overlay**

The very eastern edge of the parcel (including the strip directly on the Indian River Lagoon) is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. If applicable, and if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required.

### **Surface Waters of the State**

The subject property is located on the Indian River Lagoon, designated as a Class II Water, Outstanding FL Water (OFW), and Aquatic Preserve in this location. A 50-foot Surface Water Protection Buffer is required. Primary structures shall be located outside the Buffer. Accessory structures are permissible within the Buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). The removal of native vegetation located within the Buffer shall be avoided. Temporary impacts to native vegetation require in-kind restoration. The Florida Department of Environmental Protection (FDEP) regulates mangrove trimming, and can be reached at (407) 897-4101. The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.

### **Land Clearing and Landscape Requirements**

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen 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. A majority of the parcel is mapped as Florida Scrub Jay occupancy, and there is potential for existence 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.