



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
 24Z00070**

Lila Songer Trust and Thomas Songer

AU (Agricultural Residential) and RRMH-1 (Rural Residential Mobile Home) to RRMH-1

Tax Account Number's: 3037863 and a portion of 2002415.
 Parcel I.D: 20G-34-23-AI-4-5.02 and a portion of 20G-34-23-AI-4-5
 Location: North side of Harrison Road, 2,396 feet west of Hog Valley Road (District 1)
 Acreage: 1.13 acres
 Planning & Zoning Board: 03/17/2025
 Board of County Commissioners: 04/03/2025

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	AU & RRMH-1	RRMH-1
Potential*	0 Single-family home	1 Single-family home
Can be Considered under the Future Land Use Map	NO AGRIC	YES RES 1**

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

** Pending approval of companion request **24SS00020** which proposes to amend the Future Land Use (FLU) designation from Agricultural (AGRIC) to Residential 1 (RES 1).

Background and Purpose of Request

The applicant is requesting to change the zoning classification from AU (Agricultural Residential) and RRMH-1 (Rural Residential Mobile Home) to all RRMH-1 on a vacant lot for the placement of a mobile home. The subject property encompasses 1.13 acres of which 0.13 acres is the flag stem portion. The proposed flag lot meets the criteria outlined

in Section 62-102. – Criteria for issuance of a residential building permit for lots accessing public roads through flag stems. If the proposed rezoning and FLU Amendment are approved, the applicant must apply for Administrative Approval for the flag lot per section 62-102(b).

The flag portion of the subject property was subdivided from the parent parcel, without the flag stem, on October 24, 2024, per Official Records Book (ORB) 10184, Page 2030.

The current AU lot standard for minimum lot area is 2.5 acres. The proposed RRMH-1 minimum lot area standard is 1.0 acres.

The AU zoned portion, 0.6 acres, is the original zoning for the proposed parcel. The RRMH-1 zoned portion, 0.4 acres, was rezoned from AU to RRMH-1 per zoning action **Z-6699** on May 10, 1984.

A companion application, **24SS00020**, if approved, would amend the FLU designation from Agricultural (AGRIC) to Residential 1 (RES 1). The requested RES 1 FLUM designation establishes low density residential development with a maximum density of up to one (1) unit per 1 acre.

The subject flag parcel has access to Harrison Road, a county-maintained roadway.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Single-family residence	AU	AGRIC
South	Single-family residence	RRMH-1 & AU	AGRIC
East	Single-family residence	AU	AGRIC
West	Vacant	GU	AGRIC

North and east of the subject property, is a 7.54 acre parcel zoned AU. It is developed with a single-family home.

South of the subject property, across Harrison Road, is a 3.65 acre parcel zoned RRMH-1. It is developed with a single-family home.

West of the subject property is a vacant 4.82 acre parcel zoned GU (General Use).

The current AU classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character 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.

The proposed RRMH-1 classification encompasses lands devoted to single-family mobile home development of spacious character, together with accessory uses as may be necessary or are normally compatible with residential surroundings, and at the same time permit agricultural uses which are conducted in such a way as to minimize possible incompatibility to residential development. 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.

The 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.

Future Land Use

The proposed parcel is currently designated as Agricultural (AGRIC) on the Future Land Use Map (FLUM). The current AU zoning and RRMH-1 zoning are considered inconsistent with the existing AGRIC FLUM designation. The proposed RRMH-1 zoning classification can be considered consistent with the proposed RES 1 FLUM designation.

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 request 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;

Since the adoption of the FLUM in 1988, many properties have retained agricultural land use designations. Staff analysis indicates there has been a pattern of single family residential platted development before the adoption of the Comprehensive Plan in 1988.

This area was originally platted in 1914 as 10-acre tracts that have been further divided to mostly 1.2-acre or larger parcels prior to 1988. A number of these non-conforming lots of record in the area have been developed as residential.

This request represents a two-step increase in density if approved along with the companion FLU amendment application. The closest parcel with RES 1 FLU in the immediate area is located on the south side of Harrison Road approximately less than 0.25 miles to the west of the proposed parcel. On May 26, 2016, this 1.23 acre parcel's FLU was change from AGRIC to RES 1, per zoning action 16PZ00028 and was rezoned from Rural Residential (RR-1) to RRMH-1 on November 05, 2020, per zoning action 20Z00020.

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

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.

There has not been any development approved but not yet constructed within this area in the preceding three (3) years. However, there has been one recent zoning action:

- **23Z00052: 3,280 feet (0.62 miles) northwest of the subject property located on the east side D. Johnson Avenue, on 09/07/2023, approved rezoning from GU to RRMH-1 and the FLU was changed from AGRIC to RES 1 per Ordinance No. 23-23.**

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 surrounding area is agricultural with single-family homes and residential on large lots approximately one acre or greater in size. There are existing RRMH-1 zoning to the east, west, and south of the subject parcel (across Harrison Road) that were split out before the adoption of the Comprehensive Plan.

A preliminary concurrency analysis does not indicate that the proposed request would materially or adversely impact the surrounding neighborhood.

This request is not anticipated to have a measurable impact on the area in terms of trip generation, or parking. No commercial or industrial activity is proposed.

- 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 property is located in an existing residential area. There are clearly established roads and residential lot boundaries. Part of Track 5, Block 4, Indian River Park, Plat Book 2, Page 33.

- 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 proposed use is not a 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.

The area is primarily single-family residential with no commercial zoning nearby.

Analysis of Administration Policy 7

Proposed use(s) shall not cause or substantially aggravate any (a) substantial drainage problems on surrounding properties; or (b) significant, adverse and unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

The applicant has provided a survey of the proposed flag lot parcel, which indicates wetland area on the westerly portion of the proposed parcel. NRM notes that a current wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.

See Natural Resources Management comments.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Floodplain Protection
- Land Clearing and Landscape Requirements

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway US-1, from Burkholm Road to the Volusia County, which has a Maximum Acceptable Volume (MAV) of 40,300 trips per day, a Level of Service (LOS) of C, and currently operates at 09.27% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.03%. The corridor is anticipated to operate at 09.30% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

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 parcel is not within any public potable water or available sewer lines. The proposed mobile home will be serviced by well for potable water and septic.

For Board Consideration

The Board should consider if the request is consistent and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 24Z00070

Applicant: Thomas Songer (Owner: Lila Songer Trust)

Zoning Request: AU and RRMH-1 to all RRMH-1

Note: to put mobile home on property on 1.13 ac (flag lot Z4965)

Zoning Hearing: 03/17/2025; **BCC Hearing:** 04/03/2025

Tax ID No.(s): 3037863 (1 ac) and 2002415 (0.13 ac portion of 7.54 ac for flag stem access)

- 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
- Floodplain Protection
- Land Clearing and Landscape Requirements

Land Use Comments:

Wetlands and Hydric Soils

The subject parcel contains mapped St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (EauGallie sand; and Samsula muck, frequently ponded, 0 to 1 percent slopes); indicators that wetlands may be present on the property. A wetland delineation was depicted on a survey. The applicant proposes no wetland impact. **Note that a current 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. The 1-acre parcel (tax account #3037863) was established after September 1988. Therefore, 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 62-3694(c)(6). Additionally, the creation of the “flag stem parcel” will modify the configuration of tax account #2002415,

resulting in the same application of 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.**

Floodplain Protection

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The floodplain appears to be Isolated, however, it is possible it is Riverine. The survey provided by the applicant depicts the proposed development outside of the floodplain. Should the applicant be unable to avoid fill in the floodplain, the parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage. 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."

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 (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) tree preservation. Land clearing is not permitted without prior authorization by NRM. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**