



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
 24Z00008**

Turner and Allen

RU-2-10(5) (Medium Multifamily) to RVP (Recreational Vehicle Park) with BDP

Tax Account Number: 2104754
 Parcel I.D.: 21-35-20-00-750
 Location: East of N. Highway 1, approximately 1,120 ft. south of Parrish Rd. (District 1)
 Acreage: 6.92 acres
 Planning & Zoning Board: 7/22/2024
 Board of County Commissioners: 8/01/2024

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	RU-2-10(5)	RVP w/BDP
Potential*	34 units	69 sites
Can be Considered under the Future Land Use Map	No RES 2	Yes** NC

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. **Companion request **24SS00003** which proposes to amend the Future Land Use designation from Residential 2 (RES 2) to Neighborhood Commercial (NC) is pending approval.

Background and Purpose of Request

The applicant is requesting to change the zoning classification from RU-2-10(5) (Medium Density Multiple-Family Residential) with a cap of 5 to RVP (Recreational Vehicle Park) with a Binding Development Plan (BDP) capping the development to 10 units per acre on a 6.92 acre parcel to develop a 69 site RV park. Per Sec. 62-1406(6)(b), the RVP zoning limits the density to no higher than 10 units per acre when paired with NC FLUM designation.

The subject lot was recorded into the Official Record Book 2350, page 1582 in 1982. Under action **Z-5897** approved a zoning change from AU to RU-2-10(5) with a cap of 5 units to the acre on January 14, 1982 which preceded the Brevard County Comprehensive Plan.

In 1988, Brevard County Comprehensive Plan went into effect, applying the RES 2 Future Land Use to the subject property and the surrounding area to the east. According to BCPAO, the structures on the property may have been established in 1958, prior to FLU designation. The subject property retains the 1988 adopted Future Land use designation.

The subject parcel is currently developed and has frontage on N. Highway 1 which is a FDOT roadway. Based on aerials, there appears to be at least two structures and three pole barns on the subject property. The BCPAO classifies the site use as office/garage/auto-body/auto paint shop. At this time, there are no active code enforcement cases associated with the subject parcel.

RVP recreational vehicle park zoning classification encompasses lands devoted for recreation vehicle, tent, park trailer and cabins utilized for short-term use together with such ancillary structures as allowed to promote a recreational type atmosphere for both park owners and/or their guests. Non-recreational services and administrative buildings are permitted. Parks and public recreational facilities are permitted and a Convenience store as accessory use to recreational vehicle park is permitted with conditions. Minimum park size shall be five acres. Recreational vehicle sites shall have a minimum area of 2,000 square feet, and shall have a minimum width of 30 feet and minimum depth of 60 feet. This zoning classification does not allow for single-family, multi-family or commercial uses not accessory to the park. Occupancy is limited to no more than 180 consecutive days.

As defined, spaces or lots may be used by a recreational vehicle or equivalent facilities constructed in or on automotive vehicles, or tents, or other short-term housing devices. Cabins or park trailers used for short-term rentals may comprise no more than 20 percent of the permitted space or lots, and shall not exceed a maximum of 1,000 square feet each in size.

As defined within Sec. 62-1406 Recreational vehicle parks, no new recreational vehicles shall be considered to be a permanent residence, and occupancy shall be limited to no more than 180 consecutive days, except in a Recreational vehicle park destination resort which requires 50 acres.

Pursuant to Sec. 62-1406 (6)(b), the density of recreational vehicle parks located within Neighborhood Commercial or Community Commercial land use designations on the Future Land Use Map shall be a maximum of ten recreational vehicle sites or lots per acre. This density allowance shall also apply to tent camping areas.

The applicant has submitted a BDP to cap the density to 10 units/ac.

A companion application, **24SS00003**, if approved would amend the FLUM designation from Residential 2 (RES 2) to Neighborhood Commercial (NC).

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Vacant land	AU	RES 2
South	Vacant land	AU	NC
East	Single-Family Mobile Home	TR-2	RES 2
West	Highway and Auto body repair	BU-1	CC

To the north is a vacant 6 acre parcel with AU zoning and a RES 2 FLU designation.

To the east is a 30.27 acre Brady Grove Park mobile home development, with approximately half-acre to 1 acre lots, designated with TR-2 zoning and RES 2 FLU designation.

To the south is a vacant 5.19 acre parcel with AU zoning and NC FLU designation.

To the west is half-acre parcel; with an automotive repair shop with BU-1 zoning and CC FLU designation;

The AU zoning classification is intended for agricultural and residential development of a spacious character. Single-family residences and agricultural uses are permitted 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. Mobile homes are not allowed in the AU zoning classification unless the lot is a minimum of 10-acres.

The TR-2 zoning classification permits single-family mobile home units and single-family detached units with a minimum lot size of one-half acre. A minimum lot width of 100 feet and minimum lot depth of 150 feet is required.

The BU-1 zoning classification permits general retail shopping, offices, and personal services including automobile sales and storage, bookstores, and grocery stores. A minimum area of 7,500 feet with a minimum lot width and depth of 75 feet is required.

Land Use

The subject property is currently designated at Residential 2 (RES 2) on the Future Land Use Map (FLUM).

The existing RU-2-10(5) zoning classification cannot be considered consistent with the existing RES 2 FLUM designation. The requested RVP zoning can be considered consistent with the existing RES 2 FLUM designation. Both the existing, RU-2-10(5), and

proposed, RVP, zoning classifications can be considered consistent with the proposed NC FLUM designation.

Public Facilities and Services Requirements

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:

- 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.

The roadway segment of US-1 from Dairy Rd. to SR 46 is maintained by Florida Department of Transportation (FDOT). Coordination with FDOT will be required during the site plan review stage.

The corridor is anticipated to operate at 42.70% of capacity daily. The proposed development is not anticipated to create a deficiency in transportation LOS.

The applicant has provided a potable water and sanitary sewer service capacity availability certificate from the City of Titusville.

Drainage and recreational facilities will be reviewed at the site plan review stage for compliance with County regulations.

- B. Fire and police protection and emergency medical services to serve the needs of the 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.

A fire department level of service analysis will be conducted at the site plan review stage.

- 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.

The applicant has provided a potable water and sanitary sewer service capacity availability certificate from the City of Titusville. The closet Brevard County water node on the same side of the road is approximately .40 miles to the north. The closet sewer gravity main is City of Titusville approximately half-mile south of the subject property.

Sanitary Sewer Element Policy 3.17, Criteria 4B states, “Under no circumstances shall the development of a private treatment plant be used to increase the density of an area beyond the density permitted by the Future Land Use element or any other portion of the Comprehensive Plan”.

Beginning on January 1, 2024, unless previously permitted, the installation of new onsite sewage treatment and disposal systems is prohibited within the Banana River Lagoon Basin Management Action Plan, Central Indian River Lagoon Basin Management Action Plan, North Indian River Lagoon Basin Management Action Plan, and Mosquito Lagoon Reasonable Assurance Plan areas where a publicly owned or investor-owned sewerage system is available as defined in s. 381.0065(2)(a). Where central sewerage is not available, only enhanced nutrient-reducing onsite sewage treatment and disposal systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction are authorized.

The subject property is located within the North Indian River Lagoon Basin Management Action Plan.

- 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.

Availability of potable water and sanitary sewer service capacity has been provided by The City of Titusville.

- 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 a centralized sewer system.

This FLU amendment request to NC will allow for a density of ten (10) units per acre under the RVP zoning classification if approved which will require centralized potable water connection.

- F. The County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 2, Residential 1 and Residential 1:2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU’s MSTU’s and other means through which the recipients pay for the service or facility.

The request is not for Residential, 2, Residential 1, or Residential 1:2.5 land use designations.

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;

A site plan has not been submitted with this request nor are required. Hours of operation, lighting and placement of individual lots has not been established. Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan stage should the zoning and Future Land Use change be approved. RVP zoning permits recreational vehicles, tents, park trailers, and cabins.

The Board may consider the array of uses permitted under the RVP zoning classification and the potential impacts to the abutting residential lots to the east. The Board may consider an additional landscape buffers to help mitigate potential noise, odor and site activity beyond what the code requires.

- 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;

There are six (6) FLU designations (RES 6, RES 4, RES 2, CC, NC, and IND) within 0.5 miles of the subject property. Within the half mile of the subject property, commercial and industrial land uses are positioned along the east and west sides of the corridor. The land use then transitions to residential land uses. To the west, within approximately a half-mile of the subject property, across Highway 1, RES 4 encompasses approximately 166 acres. To the east, within a half-mile, RES 2 encompasses approximately 156 acres. NC, CC and IND are located mainly along the highway.

Approximately 1,500 feet to the north is Willow Lakes RVP Destination Resort with Neighborhood Commercial (NC) FLU and RVP zoning. Willow Lakes was developed at 4.94 units per acre.

Abutting to the east is Brady Grove Park – Second Addition containing 30.27 acres with RES 2 FLU and TR-2 zoning was developed at 1.45 units per acre.

Staff analysis finds the proposed use is consistent with the existing residential pattern uses. RVP use is considered residential in nature and there are other residential neighborhoods within the half mile radius which abuts the highway, however, with no direct ingress/egress on N. Highway 1.

Staff analysis finds the proposed use is consistent with the existing residential pattern uses. RVP use is considered residential in nature and there are other residential neighborhoods within the half mile radius which abuts the highway, however, with no direct ingress/egress on N. Highway 1.

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

There has been no development within Brevard County jurisdiction in the preceding three (3) years. Located southeast of the subject property is a Phase one new single family development within the City of Titusville currently under construction.

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

There has not been any development within Brevard County jurisdiction approved 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.

The request would not result in a material violation of relevant policies in any elements of the Comprehensive Plan.

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 proposed use will not adversely impact the established residential neighborhood to the east. Traffic from the subject property would ingress/egress directly via N. Highway 1.

The proposed development increases the percentage of MAV utilization by 1.22%. The corridor is anticipated to operate at 42.70% of capacity daily. The proposed development is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review and coordinated through FDOT. This is only a preliminary review and is subject to change.

- 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.

There is an established neighborhood immediately to the east of the subject property, as well as to the northwest and southwest across from US 1. However, subject property is not located in an established residential neighborhood. Approximately 1,500 feet to the north is Willow Lakes RVP Destination Resort with Neighborhood Commercial (NC) FLU and RVP zoning.

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 subject property is not requesting 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.

There have been no commercial, industrial, or other non-residential uses applied for and approved in the previous five (5) years.

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.

Natural Resources has noted the eastern edge of the subject parcel contains mapped hydric soils (Anclote sand, frequently ponded, 0 to 1 percent slopes); an indicator that wetlands may be present on the property. This property contains Orsino fine sand, classified as an aquifer recharge soil. Which indicates the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. Protected and specimen trees and protected species may also be present on the subject property.

The above environmental issues may limit development potential of the property.

Preliminary Concurrency

The closest concurrency management segment to the subject parcel is US Hwy 1, from Dairy Rd. to SR 46, which has Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 41.49% capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 1.22%. The corridor is anticipated to operate at 42.70% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

The applicant has provided a potable water and sanitary sewer service capacity availability certificate from the City of Titusville. The closet Brevard County water node on the same side of the road is approximately .40 miles to the north. The closet sewer gravity main is City of Titusville approximately half-mile south of the subject property.

Sanitary Sewer Element Policy 3.17, Criteria 4B states, "Under no circumstances shall the development of a private treatment plant be used to increase the density of an area beyond the density permitted by the Future Land Use element or any other portion of the Comprehensive Plan".

No school concurrency information is required. As defined within Sec. 62-1406 Recreational vehicle parks, no new recreational vehicles shall be considered to be a permanent residence, and occupancy shall be limited to not more than 180 consecutive days, except in a Recreational vehicle park destination resort which requires 50 acres.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

No noteworthy land use issues were identified. 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 if the request is consistent and compatible with the surrounding area with a BDP capping density to 10 units/ac.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 24Z00008

Applicant: Eddie Small (Owners: Paul Turner and Jackie Allen)

Zoning Request: RU-2-10(5) to RVP

Note: to develop 104 lot RV Park

Zoning Hearing: 06/10/2024; **BCC Hearing:** 07/11/2024

Tax ID No.: 2104754

- 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
- Protected and Specimen Trees
- Protected Species

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Land Use Comments:

Hydric Soils

The eastern edge of the subject parcel contains mapped hydric soils (Anclote sand, frequently ponded, 0 to 1 percent slopes); an indicator 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. **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. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Aquifer Recharge Soils

This property contains Orsino fine sand, classified as an aquifer recharge soil. 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 (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees likely exist on the parcel. 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 the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. 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 (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.