



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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

STAFF COMMENTS

23Z00082

Virginia Anne Nelsen

GU (General Use) to RR-1 (Rural Residential)

Tax Account Number: 2001693 & 2001694

Parcel I.D.: 20G-34-16-AK-7-8.01 & 20G-34-16-AK-7-9

Location: North side of Aurantia Rd, East of International Blvd and west of Springfield Ln. (District 1)

Acreage: 2.38 (+/-) acres

Planning & Zoning Board: 01/08/2024

Board of County Commissioners: 02/01/2024

Consistency with Land Use Regulations

- Current zoning can 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
Zoning	GU	RR-1
Potential*	0	2 Single Family
Can be Considered under the Future Land Use Map	YES RES 1	YES RES 1

* 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 GU (General Use) to RR-1 (Rural Residential) on 2.38 acres to develop two single-family residences. The subject property was originally platted in September 24, 1918 and recorded in Plat Book 2, Page 86. The subject property was subsequently reconfigured and does not meet the lot size requirement of 5 acres in the GU zoning classification. As of December 21, 2023, the lots have been reconfigured to meet the RR-1 lot size and width requirements.

Both lots are currently undeveloped and has frontage on Aurantia Rd. At this time, there are no open code enforcement cases associated with the property.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Single-family Residence/Vacant	GU	RES 1
South	Single-family Residence/Vacant	RRMH-1	RES 1
East	Single-family Residence	RR-1	RES 1
West	Single-family Residence	RR-1	RES 1

To the north are two lots with GU zoning. One lot is undeveloped on 0.53-acre and the other is developed with a single-family residence on 1.22-acre,

To the south across the ROW are three parcels with RRMH-1 zoning. Two are developed with single-residence on 1.39-acre and the other is an undeveloped flag lot on 3.07-acre.

To the east is a single-family residence on 2.07-acre with RR-1 zoning.

To the west is a single-family residence on 2-acre with an RR-1 zoning.

The current GU classification of the subject parcel encompasses rural single-family residential development, or unimproved lands for which there is no definite current proposal for development, or lands in areas lacking specific development trends. It must have a minimum lot size of five (5) acres with a minimum width and depth of 300-feet. It must have a minimum floor area of 750 sq. ft. of living area.

The proposed RR-1 zoning classification permits single-family residential land uses on a minimum one-acre lot, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet. Keeping of horses and agricultural uses are accessory to a principal residence within RR-1 zoning.

The RRMH-1 zoning classification permits one single-family home including mobile homes or detached dwelling unit on parcels of spacious character. This classification requires at least one (1) acre with a minimum width and depth of 125-feet. The minimum living area is 600 sq. ft. Keeping of horses and agricultural uses are accessory to a principal residence within RRMH-1 zoning.

Land Use

The subject property is currently designated as Residential 1 (RES 1) FLU. The existing GU zoning can be considered consistent with the existing RES 1 FLU designation.

The proposed RR-1 zoning can be considered consistent with the existing Residential 1 (RES 1) FLU designation.

Applicable Land Use Policies

FLUE Policy 1.9 –The Residential 1 Future Land Use designation. The Residential 1 land use designation permits low density residential development with a maximum density of up to one (1) dwelling unit per acre, except as otherwise may be provided for within the Future Land Use Element.

The applicant's request can be considered consistent with the existing RES 1 Future Land Use.

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 change 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;

The surrounding area is single-family residential in character on lots varying in size from 0.27 to 4.5 acres in size. There is one (1) FLU designation near the subject site: RES 1.

There have been four (4) zoning actions and one (1) FLUM actions within one-half mile radius of the subject property within the past three years.

- **23Z00064**, approved by the Board on November 2, 2023, was a request to change from GU to RR-1 on 1.32-acres located approximately 0.22 miles north of the subject property.
- **22Z00008**, approved by the Board on May 5, 2022, was a request to change from BU-1 (General Retail Commercial) and AU (Agricultural Residential) to all AU on 7.24-acres located approximately 0.4 miles southeast of the subject property.
- Zoning change request **21Z00019 RRMH-2.5 to RRMH-1** and **FLUM companion 21PZ00032 RES 1:2.5 to RES 1** approved by the Board on February 3, 2022, on 3.48-acres located approximately 0.45 miles south of the subject property.
- **20200011**, approved by the Board on July 29, 2020, was a request to change from GU (General Use) to SR (Suburban Residential) on 1.34-acres located approximately 0.3 miles south of the subject property.

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

There has been no actual development within a half-mile of the subject property within the last three 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.

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 undeveloped and mix of single-family residential on large lots approximately one acre or greater in size. Zoning classifications in the area includes GU, AU, RRMH-1 and RR-1. The predominate zoning classification in the area is RRMH-1.

The proposed use single-family residential use is not anticipated to adversely impact the residential character within the surrounding area. A preliminary concurrency analysis does not indicate that the proposed request would materially or adversely impact the surrounding neighborhood.

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 does not have clearly defined boundaries to establish a residential neighborhood.

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 to be rezoned for commercial uses.

2. 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 subject parcel is not requesting to be rezoned for commercial, industrial or other non-residential uses.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US 1, from Burkholm to 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 11.04% 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 11.04% 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 serviced by public sewer or within the Brevard County service area for potable water. The lots will be serviced by a well and septic.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric 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.

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
Zoning Review & Summary
Item No. 23Z00082

Applicant: Virginia Anne Nelsen (Owner: Virginia Anne Nelsen)

Zoning Request: GU to RR-1

Note: to build two SFRs

Zoning Hearing: 01/08/2024; **BCC Hearing:** 02/01/2024

Tax ID Nos: 2001693 & 2001694

- 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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Land Use Comments:

Hydric Soils

The northwestern portion of the property is mapped with hydric soils (Anclote sand) as shown on the USDA Soil Conservation Service Soils Survey map; 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)(2), 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 would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. Application of the one-unit-per-five-acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property acreage. 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 and Specimen Trees likely 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 wetlands. Specifically, there is potential for existence of Gopher Tortoises on site. Should any protected species be present, 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.