



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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**STAFF COMMENTS  
24Z00016**

**Robert Corbet**

**AU (Agricultural Residential) to TR-1 (Single-Family Mobile Home)**

Tax Account Number: 2410843  
Parcel I.D.: 24-36-06-00-800.1  
Location: South side of Moore Rd, approximately 583 feet east of Railroad Ave and 893 feet west of N Highway 1 (District 1)  
Acreage: 0.55 acres  
Planning & Zoning Board: 09/16/2024  
Board of County Commissioners: 10/03/2024

**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)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	AU	TR-1
<b>Potential*</b>	1 Single-family	1 Single-family
<b>Can be Considered under the Future Land Use Map</b>	YES RES 4	YES RES 4

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

**Background and Purpose of Request**

The applicant is requesting to rezone from AU (Agricultural Residential use) to TR-1(Single-Family Mobile Home) to allow a mobile home on 0.55 acres. The site is currently a vacant lot. The existing AU zoning classification requires 10 acres for a mobile home. The proposed TR-1 zoning classification requires 7,500 sq ft. with 65 feet of width and 100 feet of depth. The subject property meets the size requirements for TR-1 zoning.

The subject property was created on July 1, 1974 as a one (1) acre parcel. It was recorded in ORB 1459 PG 86. At the time of creation, the AU zoning classification required a minimum lot size of one (1) acre. The site was subsequently split into two parcels on April 15, 1975. The subject property became 0.55 acres and the remaining parcel became 0.45 acres as recorded in ORB 1521 PG 0279. The result of the split were two (2) substandard lots to the AU zoning classification.

The subject property has 160 feet of frontage on Moore Rd, a county maintained right of way.

### Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Mobile Home	TR-1	RES 4
South	Cemetery	IN(L)	RES 4
East	Vacant	TR-1	RES 4
West	Vacant	TR-1	RES 4

The property to the north of the subject property is a 0.54 acres lot improved with a single wide mobile home built in 1985; zoned AU. The property to the south of the subject property is a cemetery built on 30.67 acres; zoned IN(L). The property to the east of the subject property is a 0.45 acre vacant residential lot; zoned TR-1. The property to the west of the subject property is a 0.45 acre vacant residential lot; zoned TR-1.

TR-1 zoning classification permits single-family mobile home units and single-family detached dwellings with a minimum floor area of 600 square feet. The minimum lot size is 7,500 square feet with a minimum width of 65 feet and a minimum lot depth of 100 feet.

IN(L) is an Institutional (Low) intensity uses that are low impact and are compatible with residential uses in residential land use designations, or neighborhood commercial uses in neighborhood commercial land used designations. The classification, intended to promote low impact private, nonprofit, or religious institutional uses to service the needs of the public for facilities of an educational religious, health or cultural nature.

### Future Land Use

The subject property is currently designated as Residential 4 (RES 4) FLU. Both the current AU zoning and proposed TR-1 zoning classifications can be considered consistent with the RES 4 FLU designation.

### Applicable Land Use Policies

**FLUE Policy 1.7** –The Residential 4 future land use designation affords an additional step down in density from more urbanized areas. This designation allows for a maximum density of 4 units per acre except as otherwise may be provided for within 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;

**This request is not anticipated to significantly diminish the enjoyment or safety or quality of life if developed with a single-family home. Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 for hours of operation, lighting, odor, noise levels, traffic, or site activity.**

- 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 two (2) FLU designations (RES 4, NC) within a 0.5 mile radius of the subject property. There have been no FLU changes within the past three years.**

**Properties in the area range in size from approximately 0.18 acres to 80 acres. Seven of the 15 lots on Moore Ave. have been rezoned over time to TR-1 which illustrates recent trends to allow mobile homes on 7,500 sq ft lots.**

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

**The Hickory Ridge Subdivision It is a single-family development located approximately 450 ft north of the subject property. It has 185 lots most of which have been developed.**

**There is a pending zoning change within one-half mile. 24Z00013 is a proposed zoning change from AU to TR-1, to allow a single-family mobile home.**

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

**There have been no other approved actions not yet constructed within the past three 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 of the Comprehensive Plan 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 subject property is located within a single-family neighborhood. Properties on Moore Rd. include site-built homes, manufactured homes, and vacant residential lots. The proposed change would have minimal impact on the neighborhood. The request, if approved, would generate trips for one household.**

- 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 subject property is located on Moore Rd. which is a single-family residential neighborhood with a mix of mobile homes, site-built homes and vacant residential lots. The land north of the subject property is a commercial development along Pan-Lem St. The land area to the south of the subject property is a cemetery. The land area east of Moore Rd. is an industrial condominium complex and the land west of the subject property across East Railroad Avenue is vacant land.**

- 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 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 subject property is not requesting a rezoning for commercial, industrial or other non-residential uses.**

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is US-1, from SR 528 to Canaveral Groves Blvd, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 67.18% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV by 0.02%. The corridor is anticipated to operate at 67.21% of capacity daily. The subject properties proposed rezoning is not anticipated to create a deficiency in the Level of Service.

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 subject property is not serviced by Brevard County sewer. The applicant will be installing septic. Water will be provided by the city of Cocoa.

### **Environmental Constraints**

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

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

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

**Item No. 24Z00016**

**Applicant:** Robert Corbett (Owner: Robert Corbett)

**Zoning Request:** AU to TR-1

**Note:** Rezoning to allow mobile home on property

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

**Tax ID No.:** 2410843

- 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:

### **Aquifer Recharge Soils**

The entire property contains Candler fine sand and Paola fine sand, 0 to 8 percent slopes, classified as aquifer recharge soils. Mapped topographic elevations indicate the soils may consist of Type 2 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 and Specimen Trees may 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. **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.