



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

24Z00022

Raymond Burnette

GU (General Use) to RRMH-1 (Rural Residential Mobile Home)

Tax Account Number: 2000981
Parcel I.D.: 20G-34-04-AI-8-1.05
Location: West side of Blounts Ridge Road, approximately 994 feet north of
Patty Lane (District 1)
Acreage: 2.02 acres
Planning & Zoning Board: 08/12/2024
Board of County Commissioners: 09/05/2024

Consistency with Land Use Regulations

- Current zoning can 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	GU	RRMH-1
Potential*	0 single family	1 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 rezone the property from GU (General Use) to RRMH-1 (Rural Residential Mobile Home) on a 2.02 acre parcel. The subject property is comprised of a series of 7 lots. They were part of an unrecorded subdivision known as Golden Shores. According to the County Clerks Office the earliest deed referenced for Golden Shores was March 1963.

The subject property lots were created and recorded in a series of OR books and pages listed as ORB 1099 Pg 1042 (October 1969) and ORB 1117 Pg 674 (March, 1970) as well as ORB 1421 Pg 967 (February 1974). All of the subject properties 7 lots were created prior to May 20,

1975 when GU required 1 acre in land area with a width and depth of 150 feet. The subject property is not considered a nonconforming lot because the original lot sizes were less than the required 1 acre in size at the time they were established.

RRMH-1 zoning requires an area of not less than one acre, having a lot width and depth of not less than 125 feet. The requested rezoning to RRMH-1 meets zoning requirements. The rezoning would allow for one single-family residence.

The subject property is located on the west side of Blounts Ridge Road, a County maintained roadway. When the lots were created access was not included for the site. There is a 5 foot buffer strip owned by a third party. The applicant has procured an easement agreement, however, it has not been approved to date. The easement will need to be approved and meet the requirements of Section 62-102.

For administrative approval for an access easement, the applicant will need to demonstrate compliance with Section 62-102 regarding access through an easement.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence	RRMH-1	RES 1
South	Vacant lots	GU	RES 1
East	Single-family residence across Blounts Ridge Rd.	AU	RES 1
West	Vacant Land	GU	RES 1

The current GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

The proposed RRMH-1 classification 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.

AU zoning classification permits single-family residences and agricultural uses 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.

Future Land Use

The subject property is currently designated as RES 1 FLUM designation. The current GU zoning and the proposed RRMH-1 zoning are consistent with the existing RES 1 FLUM designation.

FLUE Policy 1.9 –The Residential 1 Future 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 proposed 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 applicant intends to build one single-family residence on the subject parcel. The request is not anticipated to diminish the enjoyment of safety or quality of life in existing residential 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 (Master Appraiser 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;

The historical land use patterns of the surrounding development can be characterized as single-family residences on properties one acre to 5.5 acres in size.

RES 1 is the prominent FLU in this area.

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

Zoning actions within a 0.5 mile radius include 22Z00056 which is a rezoning from GU to RRMH 1 and improved with a single-family home. It is located across Blounts Ridge Rd approximately 50 feet south of the subject.

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

Zoning actions approved within a 0.5 mile radius include 22Z00043 which changed the zoning from RRMH-1 to AU and 22Z0002 rezoning from GU to RRMH 1. Both remain vacant of a dwelling unit.

- 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.

Staff analysis has determined the area can be categorized as single-family residential on lots one acre or larger greater.

There are multiple zoning classifications within a 0.5 mile radius of the subject. They include TR-2, TR-1, RRMH-1 single family mobile home classifications, SR, RR-1, GU single-family residential zone, AU agricultural zone and PUD a Planned Unit Development.

The closest parcels with RRMH-1 zoning are located abutting the subject parcel to the north and east across Blounts Ridge Road. The RRMH-1 parcel to the north was rezoned from GU to RRMH-1 on 7/3/95 per zoning action Z-9566 and is developed with a single-family mobile home. The RRMH-1 parcel east across Blounts Ridge Road was rezoned from GU to RRMH-1 on 05/04/2023 per zoning action 22Z00056 and is developed with a single-family mobile home.

RRMH-1 has been established zoning classification in the surrounding area.

The request provides consistency with the proposed zoning classification lot size and FLUM. It will also recognize existing development trends.

The request is not anticipated to impact the surrounding established residential neighborhood materially or adversely.

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 properties location can be considered an existing residential area.

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. It is located in an existing single-family residential neighborhood.

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.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway US-1 located between Burkholm Road and 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 0.02%. The corridor is anticipated to operate at 11.06% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

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 sewer lines. The proposed single-family homes will be on well for potable water and on septic.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Floodplain Protection
- Protected and Specimen Trees
- Protected Species
- Potential Code Enforcement

Protected (≥ 10 inches in diameter) and Specimen Trees (≥ 24 inches in diameter) likely exist on the parcel. 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.

Information available to NRM indicates that unpermitted land clearing activities may have occurred on this parcel between 2021 and 2022. The confirmation of unpermitted land clearing activities may result in code enforcement action.

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. 24Z00022

Applicant: Raymond Burnette (Owner: Gerald Patterson)

Zoning Request: GU to RRMH-1

Note: for single family residence or mobile home

Zoning Hearing: 08/12/2024; **BCC Hearing:** 09/05/2024

Tax ID No.: 2000981

- 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:

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Land Use Comments:

Aquifer Recharge Soils

The eastern two-thirds of the property contains Pomello sand and Candler fine sand, classified as aquifer recharge soils. 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.

Floodplain Protection

The western portion of this property is 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 parcel 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."

Protected and Specimen Trees

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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.

Potential Code Enforcement

Information available to NRM indicates that unpermitted land clearing activities may have occurred on this parcel between 2021 and 2022. The confirmation of unpermitted land clearing activities may result in code enforcement action.