



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

23Z00080

Travis & Rebecca Pless

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

Tax Account Number: 2002077

Parcel I.D.: 20G-34-22-AI-2-2.05

Location: Southside of Pine Needle Street, approximately 840 ft. west of Meadow Green Rd. (District 1)

Acreage: 1.21 acres

Planning & Zoning Board: 1/08/2024

Board of County Commissioners: 2/01/2024

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	RRMH-1
Potential*	0	1 Single Family
Can be Considered under the Future Land Use Map	YES AGRIC	YES** RES 1

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. **Companion request **23SS00023** which proposes to amend the Future Land Use designation from Agricultural (AGRIC) to Residential 1 (RES 1) is pending approval.

Background and Purpose of Request

The applicant is requesting to change the zoning classification from GU (General Use) to RRMH-1 (Rural Residential Mobile Home) on a 1.21-acre parcel to develop one single-family residence. The subject parcel is currently undeveloped and has frontage on Pine Needle Street, a county-maintained roadway. Records indicate the subject parcel was purchased by the applicant on May 05, 2021. At this time, there are no active code enforcement associated with the subject parcel.

A companion application, **23SS00023**, if approved, would amend the FLUM designation from Agricultural (AGRIC) to Residential 1 (RES 1). The requested RES 1 FLUM designation would establish low density residential development with a maximum density of up to one (1) unit per 1 acre.

Currently, the 1.21-acre subject parcel does not meet the 5-acre minimum lot size requirement for the GU zoning classification. The requested RRMH-1 zoning classification allows for one single-family mobile home or single-family site built detached dwelling unit per acre.

The underlying general area was platted in 1914 (Indian River Park subdivision – plat book 2, page 338) as 10-acre tracts.

The subject parcel cannot be considered a non-conforming lot of record because it was recorded into the current configuration per Official Records Book 2359, Page 55 on March 19, 1982 after the minimum lot size regulation changed. GU required 1 acre prior to May 20, 1975, afterwards GU required 5 acres. In 1988, the Comprehensive Plan was adopted establishing an Agricultural FLUM designation also requiring a minimum 5 acres.

October 2006, the Board of County Commissioners directed Planning and Zoning staff to prepare a **Small Area Study (SAS) for the Mims community** in northern Brevard County in order to assess the area's growth capabilities and develop tactics for managing growth. The concern was continued growth would likely exceed the County's ability to supply potable water, due to aquifer limitations. The same aquifer supplies water to private well-users in Mims.

Analysis indicated that by reducing FLUM densities in parts of Mims would reduce potential buildout number by 30%. The Mims Small Area Study was approved by the Board on April 10, 2007. As a result of the study, the SAS adopted a Future Land Use of AGRIC (Agricultural Future Land Use designation), which establishes one unit per 5 acres west of Meadow Green Road. Properties with approved RRMH, AU and AGR zoning classifications prior to the study were retained and adopted. The remaining lot were adopted with the GU zoning classification including the subject property.

The 1.21-acre subject parcel does not meet the requirements for the AGRIC FLUM designation as residential densities in agricultural land use designations cannot exceed one dwelling unit per five (5) acres.

Surrounding Area

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

To the north is developed as single-family residence on 9.72-acre with GU zoning.

To the south is an undeveloped 1.25-acre parcel with GU zoning and AGRIC FLUM designation.

To the east is developed as single-family residence on 1.25-acre parcel with RRMH-1 zoning and AGRIC FLUM designation.

To the west is an undeveloped 1.25 parcel with GU zoning and AGRIC FLUM designation.

The current GU classification is a holding category, allowing single-family residences on a five acre lot 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 homes 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.

Land Use

The subject property is currently designated as Agricultural (AGRIC) on the Future Land Use Map (FLUM). However, the 1.21-acre subject parcel does not meet the requirements for the AGRIC FLUM designation as residential densities in agricultural land use designations cannot exceed one dwelling unit per five (5) acres.

While the existing GU zoning classification can be considered consistent with the existing AGRIC FLUM designation, the proposed RRMH-1 zoning classification cannot be considered consistent with the AGRIC FLUM designation.

The proposed RRMH-1 zoning classification can be considered consistent with the proposed RES 1 FLUM designation.

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. However, the request can be considered an intensification of 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;

While the general area has retained GU zoning and Agricultural Land Use designation, there is a pattern of single-family homes on one acre lots. This area was originally platted in 1914 as 10-acre tracts. Many of the parcels have been further divided to mostly 1.25-acre lots prior to 1988 Comprehensive Plan.

The Board may wish to consider the purpose of the Small Area Study (SAS) was to manage continued growth that would likely exceed the County's ability to supply potable water, due to aquifer limitations. The same aquifer supplies water to private well-users in Mims.

There have been two (2) zoning actions with companion FLUM amendments approved within one-half mile of the subject site within the past three years:

- **GU to RRMH-2.5 Rural Residential Mobile home, under zoning action 20Z00024, AGRIC to RES 1:2.5 under action 20PZ00080 approved 12/03/2020 located approximately 2,325 miles north of the subject property.**
- **RRMH-1 to AU Agricultural Residential, under zoning action 23Z00016, AGRIC to RES 1:2.5 and AGRIC to RES 1 under action 22SS00014, approved 05/04/2023 located approximately 1,290 ft. west on the southside of Pine Needle St**

There are no pending zoning actions within one-half mile of the subject site.

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

There has been one (1) single-family residence constructed 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.

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. A number of these lots were rezoned to RRMH-1 and developed as residential prior to the establishment of the 1988 Comprehensive Plan. Zoning classifications in the area includes GU, AU, RRMH-1 and RRMH-5. The predominate zoning classification in the area is GU.

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.

- 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 to be rezoned for 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.

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 Hwy 1, from Burkholm Rd to the Volusia County Line, 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.

The parcel is not serviced by public sewer or within the Brevard County service area for potable water. The closest available Brevard County potable water line or sewer connection to the subject property is approximately two and half (2.5) miles southeast across I-95 HWY at the north end of Sanctuary Drive.

No school concurrency information has been provided as the development potential is considered below the minimum number of new residential lots that would require a formal review.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands
- 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 recognizing existing development trends, along with the findings of the small area study.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary

Item No. 23Z00080

Applicant: Travis & Rebecca Pless (Owners: Travis & Rebecca Pless)

Zoning Request: GU to RRMH-1

Note: to build SFR

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

Tax ID No: 2002077

- 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
- 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:

Wetlands

A small portion of the southwest corner of the subject parcel contains mapped National Wetlands Inventory (NWI) wetlands; 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 dwelling unit per five 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. **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 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.**

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.