



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

24Z00001

Jonathan and Emily Ann Schoolfield

AU (Agricultural Residential) to RRMH-1 (Rural Residential Mobile Home)

Tax Account Number: 2443960

Parcel I.D.: 24-35-08-01-10-11

Location: South side of Cherven Avenue, approximately 1635 feet east of Satellite Blvd and 352.7 feet northwest of Palmetto Av. (District 1)

Acreage: 4.7 acres

Planning & Zoning Board: 04/15/2024

Board of County Commissioners: 05/02/2024

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	AU	RRMH-1
Potential*	1 single-family	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 applicants are requesting to rezone from AU (Agricultural Residential use) to RRMH-1 (Rural Residential Mobile Home) to allow a mobile home. The subject was rezoned in 2023 from GU to AU via Resolution 23Z00037. The current AU zoning allows for a single-family residence on a lot size of 2.5 acres however, requires 10 acres for a mobile home. The property owners want to install a mobile home and need to rezone to allow this type of building. The proposed RRMH-1 zoning classification would allow 2 single mobile homes and meet the development standards for RRMH-1.

The subject parcel was recorded in Survey Book 2, Page 61 on September 1960. Lots 11 and 12 were combined and considered a single lot with its size of 4.7 acres. The subject parcel has a concrete pad on site with a storage type shed or container.

There are two Code Enforcement cases (20CE-01724 & 20CE-01411) associated with the property related to work without permits, (1) alteration of swale (filled in) along county-maintained roadway, (2) land clearing, placement of fill, and wetland impacts. The resulting zoning action will have no effect on the code enforcement cases. These cases were issued to the prior owners of the subject property.

Future Land Use

The subject property is currently designated as Residential 1 (RES 1) FLU. Both the current AU zoning and proposed RRMH-1 zoning classifications can be considered consistent with the RES 1 FLU designation. There is only one Future Land Use Designation, RES 1, within 500-feet of the subject property.

Surrounding Area

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

AU zoning is an agricultural classification that allows for a single-family home on a minimum 2.5-acre site with a minimum 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.

GU zoning allows for rural single-family development, or unimproved land for which there is not a definite current proposal for development, or land in areas lacking specific development trends.

RRMH-1 zoning permits a mobile home or single-family residence on a minimum lot size of 1 acre with a width and depth of 125 feet. The minimum living area is 600 square feet.

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

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 is one (1) FLU designation (RES-1) within a 0.5-mile radius of the subject property. The general area is undeveloped in character with larger lots.

Properties in the area range in size from approximately 1 acre to 9.4 acres.

There have been no zoning actions within a half-mile radius of the subject property within the last three years other than the subjects' rezoning from GU to AU via Resolution 23Z00037 dated August 3, 2023.

2. actual development over the immediately preceding three years; and
3. development approved within the past three years but not yet constructed.

There has been no development approved within the last three years.

- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

The proposed use would not result in a material violation 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 rezoning is for a classification of RRMH-1 which requires 1 acre of land. The site is suitable for a mobile home. The surrounding land uses include GU (General Use) which requires 5 acres to develop, AU which requires 2.5 acres to develop, but 10 acres for a manufactured home and RRMH-1 which requires a single acre for a manufactured home.

There is an existing pattern of undeveloped properties surrounding the subject parcel on large lots greater than 1 acre. A preliminary concurrency analysis does not indicate that the proposed request would materially or adversely impact the surrounding area.

- 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 is located within West Canaveral Groves area which according to Sec 62-510 is defined as all land laying within Sections 8, 17, 20, 29, Township 24, Ranch 35, south of SR 528 and north of SR 520 herein referred to as the West Canaveral Groves 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.

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 are two parcels zoned RRMH-1. The first abuts the subject on the southeast corner and is undeveloped. The second is located approximately 1,405 feet southwest of the subject and is improved with a mobile home. The proposed RRMH-1 would allow the splitting of the lot, allowing for 2 single family homes.

Analysis of 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 unmitigable impact on significant natural wetland, water bodies or habitat for listed species.

A re-zoning to RRMH-1 is not anticipated to impact of drainage to surrounding properties nor have signification impact on wetland, water bodies or habitat for listed species. The subject has two code enforcement cases pending. The first is 20CE-01411 which is for unpermitted land clearing and filling including wetlands. The second is 20CE-01724 which is for work without permits. These cases were filed against the previous property owner.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Adamson Road, from Pine Street to Highway SR-524, which has a Maximum Acceptable Volume (MAV) of 17,700 trips per day, a Level of Service (LOS) of D, and currently operates at 31.92% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.11%. The corridor is anticipated to operate at 32.03% 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.

Water will be provided by the city of Cocoa. There are no sewer lines. The applicant will be installing septic.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Land Clearing and Landscape Requirements
- Protected Species

The entire subject parcel contains mapped wetlands and hydric soils; indicators 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.** The wetland delineation shall be verified at time of site plan 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. **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 62-3694(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.**

Information available to NRM indicates that unpermitted land clearing and alteration activities have occurred on the property, and potentially in wetlands, in 2020/2021. A Notice of Violation is pending. (20CE-01411).

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. 24Z00001

Applicant: Jonathon Mark Schoolfield (Owner: Jonathon Mark Schoolfield)

Zoning Request: AU to RRMH-1

Note: 20CE -01411: Lot cleared and fill brought in (2020)

Zoning Hearing: 03/18/2024; **BCC Hearing:** 04/04/2024

Tax ID No.: 2443960

- 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.**
- **During review of this parcel, information indicates that there are two open code enforcement cases. The first case is 20CE-01411 for unpermitted land clearing and unpermitted filling, including in wetlands. The second case is 20CE-01724 for work without permits. Both cases are pending.**

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Land Use Comments:

Wetlands and Hydric Soils

The entire subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Basinger sand; Pompano sand, 0 to 2 percent slopes; Malabar sand, 0 to 2 percent slopes; and Terra Ceia muck, frequently flooded); indicators 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. **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 62-3694(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 Basinger sand which may function 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.

Land Clearing and Landscape Requirements

Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), a purpose and intent of the ordinance is to encourage the protection of Heritage Specimen Trees. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen tree preservation, and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

Information available to NRM indicates that unpermitted land clearing and alteration activities have occurred on the property, and potentially in wetlands, in 2020/2021. Brevard County code enforcement cases 20CE-01411 and 20CE-01724 are pending.

Protected Species

Federally and/or state protected species may be present on properties with aquifer recharge soils and/or wetlands. Gopher tortises have been observed in this area. If applicable, 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.