



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

21Z00019

Bruce Fernandez

RRMH-2.5 (Rural Residential Mobile Home – 2.5 Acres) to RRMH-1 (Rural Residential Mobile Home – 1 Acre)

Tax Account Number: 2005100
Parcel I.D.: 20G-34-21-MK-15.02
Location: East side of Springfield Avenue, approximately 2,222 feet south of Aurantia Road (District 1)
Acreage: 3.48 acres

Planning and Zoning Board: 1/10/2022

Board of County Commissioners: 2/3/2022

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	RRMH-2.5	RRMH-1
Potential*	1 Single Family Unit	2 Single Family Units
Can be Considered under the Future Land Use Map	YES Residential 1:2.5	YES Residential 1**

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. **A companion application, **21PZ00032**, if approved would change the Future Land Use designation from RES 1:2.5 to RES 1

Background and Purpose of Request

The applicant is requesting a change of zoning classification from Rural Residential Mobile Home (RRMH-2.5) to Rural Residential Mobile Home (RRMH-1) for the purpose of splitting the lot and creating a flag lot. The flag lot process is an administrative process that the applicant will need to demonstrate appropriate access to a county-maintained roadway. The site currently contains one single-family manufactured home. The property is 3.48 acres and therefore, could not be split into two parcels unless the zoning and the companion SSCPA (**21PZ00038**) are approved to allow for one-acre lots.

The subject property is required to have access to a county-maintained road per Sec. 62-102 for the purposes of obtaining a single-family building permit. Springfield Avenue is a county-maintained road.

The subject property retains the FLU designation of RES 1:2.5 since the 2008 adoption of comprehensive plan amendments implemented from recommendations of the Mims Small Area Study. Amendment 2008-A.4 resulted in the designation of over 2,107 acres within the study area as RES 1: 2.5. The subject parcel originally retained a future land use designation of RES 1 at the adoption of the FLU map in 1988.

The original zoning of the lot was General Use (GU), adopted May 22, 1958. On May 3, 1993, the property was rezoned to RRMH-2.5 by zoning action **Z-9150**. An easement to access the property was granted on June 24, 1993 by zoning action **AA-773**. Regardless of this easement, the proposed lot will need to demonstrate access to the county-maintained portion of Springfield Avenue.

Land Use

The property retains the RES 1:2.5 (Residential 1:2.5) Future Land Use (FLU) designation. The existing zoning classification RRMH-2.5 is consistent with the RES 1:2.5 FLU designation. The proposed zoning classification, RRMH-1, is not consistent with the current FLU designation, but is consistent with the proposed FLU designation of RES 1 being requested concurrently with this application.

Applicable Land Use Policies

The applicant has submitted a Small-Scale Comprehensive Plan Amendment application to change the FLUM from RES 1:2.5 to RES 1 under **20PZ00090**. Should the proposed FLU designation of RES 1 be approved, then this request to RRMH-1 can be heard.

FLUE Policy 1.9 - The Residential 1 land use designation permits low density residential development with a maximum density of up to one (1) unit per acre, except as otherwise may be provided for within this element. The Residential 1 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 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 with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- 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 general area is suburban and rural residential in character with a mix of undeveloped land, site-built single-family homes and mobile homes on two and

half (2.5) acre lots or larger. Suburban can be classified as 1 to 2.5 acre lots and rural as greater than 5 acres.

The subject property is located within the study area boundaries of the 2007 Mims Small Area Study. Recommendations resulting from the Study proposed reducing residential Future Land Use (FLU) densities in much of the study area. In 2008, a Comprehensive Plan Amendment was adopted to reduce FLU densities in Mims and included the designation of 2,107 acres within the study area as RES 1:2.5 (Amendment 2008-A.4). The adoption of Amendment 2008-A.4 changed the subject parcel's FLU designation to RES 1:2.5. Prior to the 2008, the subject parcel had originally retained a future land use designation of RES 1 at the adoption of the FLU map in 1988.

A FLU of RES 1 lies to the west across the county-maintained right-of-way (Springfield Avenue) and a second RES 1 FLU is located approximately 212 feet to the north of this lot. This request could be considered an expansion of the RES 1 area. The proposed single-family residential use is compatible with the single-family dwelling units in the surrounding area.

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The developed character of the surrounding area is suburban/rural residential and can be classified as a mix of vacant and single-family residential developed parcels that range from one acre to five acres or more in size. RRMH-2.5, RRMH-1, GU, and AU zoning classifications are all present in the area, resulting in a mix of site-built and mobile homes.

Surrounding Area

This lot abuts a roadway on its west perimeter. To the east is an RRMH-2.5 lot with a single-family dwelling that is also owned by the applicant. To the north is a single-family detached dwelling unit zoned RRMH-2.5. To the south is a 69.44 acre lot used as grazing land zoned AU. Zoning in the immediate area are: RRMH-2.5, RRMH-1, GU, and AU. Lots in the area range from one acre in size to ten acres.

The RRMH-1 zoning classification permits single-family mobile homes and detached dwellings on 1 acre lots, with a minimum lot width and depth of 125 feet. The minimum house size in RRMH-1 is 600 square feet.

The RRMH-2.5 zoning classification permits single-family mobile homes and detached dwellings on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in RRMH-1 is 600 square feet.

The GU zoning classification permits single-family detached dwellings on 5 acre lots, with a minimum width and depth of 300 feet.

The AU zoning classification permits single-family detached dwellings and agricultural pursuits on 2.5 acre lots, with a minimum width and depth of 150 feet.

There have been no zoning actions within a half-mile radius of the subject property within the last three years.

Preliminary Concurrency

The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in the transportation adopted level of service. The parcel is not serviced by public water or sanitary sewer. The closest available Brevard County potable water line is approximately 3 miles southeast of the subject property on Lionel Road at Old Dixie Highway (approximately 300 feet east of Highway US-1). The closest Brevard County sanitary sewer line is approximately 5.5 miles southeast of the subject property on Highway US-1 at Stanley Street. No school concurrency information has been provided as the development potential is considered de minimis and is below the minimum number of new residential lots that would require a formal review.

Environmental Constraints

Preliminary review of mapped resources indicates four (4) noteworthy land use issues:

- Hydric Soils/Wetlands
- Floodplain
- Protected and Specimen Trees
- Protected Species

Please refer to the attached comments provided by the Natural Resources Management Department.

For Board Consideration

The Board may wish to consider whether the request is consistent and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT Zoning Review & Summary

Item # 21Z00019

Applicant: Fernandez

Zoning Request: RRMH - 2.5 to RRMH - 1

Note: Applicant wants to split the lot for 2 single-family homes.

P&Z Hearing Date: 01/10/22; **BCC Hearing Date:** 02/03/22

Tax ID No: 2005100

- 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:

- Hydric Soils/Wetlands
- Floodplain
- Protected and Specimen Trees
- Protected Species

The subject parcel contains mapped hydric soils, an indicator that wetlands may be present on the property. 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 as defined in Section 65-694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. A wetland determination/delineation will be required prior to any site plan design, land clearing activities, or building permit submittal. The applicant is encouraged to contact NRM at 321-633-2016.

Land Use Comments:

Hydric Soils/Wetlands

The subject parcel contains mapped hydric soils (Myakka sand depression), an indicator that wetlands may be present on the property. 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 as defined in Section 65-694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. A wetland determination/delineation will be required prior to any site plan design, land clearing activities, or building permit submittal.

Floodplain

The entire parcel is mapped as being within an isolated floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the isolated floodplain greater than one third (1/3) acre in size.

Additional impervious area increases stormwater runoff that can adversely impact nearby properties unless addressed on-site. 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

The parcel contains a mapped polygon of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) code 4340 – Upland Mixed Coniferous/Hardwood trees. Aerials indicate that Protected (greater than or equal to 14 inches in diameter for pines) and Specimen Trees (greater than or equal to 24 inches in diameter) may reside on subject property. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Protected and Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. 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 and/or U.S. Fish and Wildlife Service, as applicable.