



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

22Z00005

Brian G. & Debra S. Lawson

GU (General Use) to RR-1 (Rural Residential) with BDP

Tax Account Numbers: 2314706, 2314720, 2314737, 2314738, 2314739, 2322365, 2322366, and 3018241

Parcel I.D.s: 23-35-35-01-14-4, 23-35-35-01-16-2, 23-35-35-01-16-3, 23-35-35-01-16-5, 23-35-35-01-16-23, 23-35-35-01-16-24, 23-35-35-01-16-25, 23-35-35-01-16-26

Location: 4680 Grissom Parkway Cocoa, FL 32927 (District 1)

Acreage: 11.8 acres

Planning & Zoning Board: 3/14/2022

Board of County Commissioners: 4/07/2022

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	GU	RR-1 with BDP
Potential*	9 combined nonconforming lots** 1 substandard remnant lot	4 SF lots
Can be Considered under the Future Land Use Map	YES RES 1:2.5	YES RES 1:2.5***

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. ** 62-1188(4) considers ownership for combining lots to satisfy the Comprehensive Plan.

***Applicant/owner is proposing to combine various lots to be consistent with the 2.5-acre lot area density limitation to be consistent with RES 1:2.5 Future Land Use Designation.

Background and Purpose of Request

The applicant requests to reconfigure 10-lots zoned GU (General Use) into 4-lots zoned RR-1 (Rural Residential) classification with a BDP (Binding Development Plan) limited to 4 units.

The zoning is the original 1958 GU zoning. This request has the potential to reduce the number of lots from 10 to 4 lots and increase the minimum residential living area from 750 square feet as

currently required by the GU zoning classification to at least 1,200 square feet required by the RR-1 zoning classification. The proposed BDP is used to limit the minimum lot area of each proposed lot. The reconfiguration of lots will require the revocation of a previously approved administrative approval for a flag lot and for an administrative approval of an easement lot. The easement lot was approved under **AA-1871** on September, 2003. The flag lot was administratively approved under **18PZ00034** on May 30, 2018. The applicant will need to demonstrate compliance with 62-102 regarding access and the issuance of a Building Permit.

According to 62-1188(4), If two or more lots or a combination of lots and portions of lots with contiguous frontage in single ownership are of record, and if all or part of the lots do not meet the requirements for lot width, lot area and lot depth as established in this section, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter. Where two or more nonconforming lots of record are combined for the purpose of requesting a new zoning classification which would make the combined lots conforming as one parcel, the lots shall not be re-divided subsequent to the rezoning except where such division would create lots consistent with all other provisions of the comprehensive plan and zoning regulations.

Land Use

The subject property is currently designated Residential 1:2.5 (RES 1:2.5). The existing GU and proposed RR-1 zoning with BDP density limitation request are both consistent with the Residential 1:2.5 (RES 1:2.5) FLU designation.

Applicable Land Use Policies

FLUE Policy 1.10 The Residential 1:2.5 Future land use designation. The Residential 1:2.5 land use designation, which establishes the lowest density of all the residential future land use designations, permits a maximum density of up to one (1) unit per 2.5 acres, except as otherwise may be provided for within this element. Development in the Residential 1:2.5 land use designation should seek to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses.

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 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 proposes the development of four single-family residential lots limited under a Binding Development Plan.

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;

This area is residential in nature. Most of the lots identified within the Canaveral Groves Subdivision recorded in Survey Book 2 Page 57.

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

The owner has received approval to create a flag lot for residential purposes within this area in the preceding four (4) years. The residence was completed on February 19, 2020.

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

There is a mobile home development within this area that has received Zoning approval in the preceding three (3) years. That project lies 865-feet to the east and was approved under Zoning Resolution 20Z00006. That action approved a change in zoning from TR-1 to TRC-1 with CUP for the cluster development of mobile homes with a BDP to limit development to 100-units.

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

This property will need to be developed in compliance with the Comprehensive Plan.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

The developed character of the surrounding area is a mixture of single-family residential and mobile home zoning classifications. Surrounding the property is undeveloped lots retaining the GU and AU zoning classification. The introduction of RR-1 zoning could be considered consistent with the prior recordings of 1-acre lots within the recorded Survey Book. The RR-1 zoning classification will recognize the existing development patterns of the area. GU zoning is considered a holding zoning classification for areas lacking specific development trends. Consistency with the RES 1:2.5 FLUM would suggest the RR-1 zoning is not consistent with the current FLUM per Section 62-1255 Exhibit A of Brevard County Code. The proposed BDP will limit development consistent with 2.5-acre lots.

	Existing Land Use	Zoning	Future Land Use
--	-------------------	--------	-----------------

North	vacant	GU	RES 1;2.5
South	vacant	GU	RES 1;2.5
East	vacant	GU	RES 1;2.5
West	vacant	GU & AU	RES 1;2.5

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.

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.

TR-1 is a single family residential mobile home zoning classification which permits mobile homes or residences of standard construction on lots of 7,500 square feet (minimum) with lot width of 65 feet and lot depth of 100 feet.

There was one zoning action within a half-mile radius of the subject property within the last three years. The zoning action was **20Z00006** which was approved by the Board on November 17, 2020. The request changed the property from TR-1 (Single-Family Mobile Home) to TRC-1 (Single-Family Mobile Home Cooperative) with a CUP for Cluster Development of Mobile Homes and a (Binding Development Plan (BDP) recorded in ORB 8923, Pages 875-886. The BDP limited development to 100 units, expanded a 10-foot buffer to 20-feet and provided a conservation easement over the wetlands. That site is 870 feet to the east of this request between Fountain Palm Road and Hess Avenue.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Grissom Parkway, between Canaveral Groves Boulevard to Camp Road, which has a Maximum Acceptable Volume (MAV) of 17,700 trips per day, a Level of Service (LOS) of D, and currently operates at 48.28% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.1%. The corridor is anticipated to operate at 48.38% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development proposal reduces the number of residential lots.

The parcel does not have access to public water from the City of Cocoa. The potential sewer connection is on the east side of the Grissom Parkway 2,060 feet south at the Canaveral Groves Boulevard intersection.

Environmental Constraints

- Hydric Soils/Wetlands

- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species – Florida Scrub Jay

No noteworthy land use issues were identified. Natural Resources Management (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 whether the rezoning request with a BDP is consistent and compatible with the surrounding area.

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

Item # 22Z00005

Applicant: Rezanka for Lawson

Zoning Request: GU to RR-1 w/BDP

Note: Applicant wants to combine eight parcels into four SFR flag lots

P&Z Hearing Date: 03/14/22; **BCC Hearing Date:** 04/07/22

Tax ID Nos: 2314706, 2314720, 2314737, 2314738, 2314739, 2322365, 2322366 & 3018241

- 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
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species – Florida Scrub Jay

No noteworthy land use issues were identified. Natural Resources Management (NRM) reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Land Use Comments:

Hydric Soils/Wetlands

The subject property contains a small area of mapped hydric soils (St Johns sand depressional) as shown on the USDA Soil Conservation Service Soils Survey map; 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. At time of building permit application, a wetland determination/delineation may be required.

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (Pomello sand) as shown on the USDA Soil Conservation Service Soils Survey map. 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

Aerials indicate that project site is forested. 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 – Florida Scrub Jay

Information available to NRM indicates that federally and/or state protected species may be present on the property. The subject property has mapped Florida Scrub Jay polygon over the entire site as shown on the Scrub Jay Occupancy Map. In addition, 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 and/or U.S. Fish and Wildlife Service, as applicable.