



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

22Z00010

William L. and Sharon R. Feagan

AU (Agricultural Residential) to RR-1 (Rural Residential)

Tax Account Number: 3022409

Parcel I.D.: 21-34-24-00-*-293

Location: East side of Turpentine Road, approximately 3,130 feet south of the intersection of State Road 46 and Turpentine Road (District 1)

Acreage: 1.008 acres

Planning & Zoning Board: 5/09/2022

Board of County Commissioners: 5/26/2022

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	AU	RR-1
Potential*	0 SF unit	1 SF unit
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 seeking a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential) for the purpose of legitimizing a substandard lot for the purpose of constructing one single-family residence. The parcel is currently undeveloped.

The subject parcel was recorded into the current configuration per Official Records Book 8988, Page 22, on December 04, 2020. The subject lot is 1.008 acres in size. The parcel is therefore substandard in regards to lot size for the AU zoning classification. AU requires a minimum lot size of 2.5 acres having a minimum width of 150 feet and a minimum depth of 150 feet. The subject parcel has frontage on Turpentine Road to the west.

AU is the original zoning of the parcel.

Land Use

The subject property currently retains the FLU designation of Residential 1 (RES 1). The RR-1 zoning classification is consistent with the Residential 1 FLU designation.

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.

The subject property is located within the Mims Small Area Study. The Mims Study, which was accepted by the Board on April 10, 2007, recommends a reduction in the Future Land Use Map density from 4 dwelling units per acre to 1 dwelling unit per acre in this area. A Comprehensive Plan Amendment was approved by the Board for transmittal to the Department of Community Affairs as part of the 2008A package to effectuate the findings in the study. The FLU was changed from RES 4 to RES 1 on August 28, 2008 on multiple parcels, including the subject parcel, located on the east side of Turpentine Road from Wherry Road to Guil Drive as a result of the Mims Small Area Study (SAS) conducted in 2007.

The applicant's request is 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 proposes the development of a single-family home. It is not anticipated to diminish the enjoyment of, safety or quality of life in existing neighborhoods within 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;

There is a mixture of AU, RR-1 and RU-1-7 zoning classifications in the general area. There are three (3) FLU designation (RES 1, RES 2 and RES 4) within 500-feet of this site. The latest FLU amendment was approved under 2008A.4 which changed the FLU from RES 4 to RES 1 on August 28, 2008 as a result of the Mims Small Area Study (SAS) conducted in 2007.

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

There has not been any actual development within this area in the preceding three (3) years.

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

While there has not been any actual development within this area in the preceding three (3) years, three zoning actions have been approved within one-half mile.

- 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 have been identified.

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

The developed character of the surrounding area is low-density residential. Most parcels in the immediate area are developed with single-family homes and exceed one-acre lot size. To the north and east are two parcels developed with a single-family residences, both zoned AU. To the south is a parcel developed with a single-family residence zoned RR-1. To the west, across Turpentine Road, is a parcel developed with a single-family residence zoned AU.

There were three zoning actions within a half-mile radius of the subject property within the last three years. **21Z00036**, approved by the Board on February 3, 2022, was a request to change AU (Agricultural Residential) to RR-1 (Rural Residential) on two lots (4.25 acres total) located immediately south of the subject property. **21Z00030**, approved December 2, 2021, was a request to change RU-1-11 with a Binding Development Plan (BDP) to RU-1-7 with a revised BDP limited to 198 units with 6,000 sq. ft. lots on 79.16 acres located on the south side of SR 46, approximately 635 feet east of Turpentine Road. **20Z00028**, approved December 3, 2020, was a request to change AU (Agricultural Residential Use) and EU-2 (Estate Use Residential) with a BDP to all EU-2 with removal of BDP on 0.24 acres located 670 feet west of King Richards Drive on right side of London Town Road.

The current AU zoning classification of the subject parcel 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.

The proposed RR-1 classification permits single-family residential land uses on a minimum one acre lot, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square

feet. Keeping of horses and agricultural uses are accessory to a principal residence within the RR-1 zoning classification.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	SF residence	AU	RES 1
South	SF residence	RR-1	RES 1
East	SF residence	AU	RES 4
West	SF residence	AU	RES 1

The 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 and plants nurseries. Conditional uses in AU include hog farms, zoological parks, and land alteration.

RR-1 zoning classification permits single-family residential land uses on a minimum one-acre lot, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet. Keeping of horses and agricultural uses are accessory to a principle residence within RR-1 zoning.

SR classification permits single family residences on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 square feet.

Preliminary Concurrency

The closest concurrency management segment to the subject property is State Road 46, between Fawn Lake to I-95, which has a Maximum Acceptable Volume (MAV) of 14,160 trips per day, a Level of Service (LOS) of D, and currently operates at 66.22% of capacity daily. The maximum development potential from the proposed rezoning decreases the percentage of MAV utilization by 0.07%. The corridor is anticipated to operate at 66.29% 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 within the Brevard County service area for public water. The closest Brevard County sewer line is approximately 2,300 feet northeast on Hammock Trail.

Environmental Constraints

- Hydric Soils
- Aquifer Recharge Soils
- Protected Species
- Protected and Specimen Trees

The subject parcel contains mapped hydric soils. A wetland delineation will be required prior to any land clearing activities or site plan application. 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.

The applicant is encouraged to contact NRM at 321-633-2016 prior to any land clearing, site plan design or permit submittal.

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 #22Z000010

Applicant: Feagan

Zoning Request: AU to RR-1

Note: Applicant wants to conform substandard lot to build a home.

P&Z Hearing Date: 05/09/22; **BCC Hearing Date:** 05/26/22

Tax ID No: 3022409

- 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
- Aquifer Recharge Soils
- Protected Species
- Protected and Specimen Trees

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:

Hydric Soils

The entire parcel is mapped with hydric soils (Basinger sand) as shown on the USDA Soil Conservation Service Soils Survey map; an indicator that wetlands may be present on the property. A wetland determination will be required prior to any land clearing activities, site plan design or building permit submittal. 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 acreage. 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 site plan design.

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (Basinger sand & 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 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.

Protected and Specimen Trees

Protected and Specimen Trees may 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. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.