



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

22Z00013

PR Corporate Holdings, LLC and AKBlue Holdings, LLC.

AU (Agricultural Residential) to RU-1-11 (Single-Family Residential)

Tax Account Number: 2105549
Parcel I.D.s: 21-35-29-00-253
Location: 3080 Diamond Road Titusville, FL (District 1)
Acreage: 4.36 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	RU-1-11
Potential*	1 SF lot	17 SF lots
Can be Considered under the Future Land Use Map	YES RES 4	YES RES 4

* 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 RU-1-11 (Single-Family Residential) in order to develop their property into 16-lots.

The original zoning on the property was AU. Zoning Resolution **DNZ-5639** adopted on May 7, 1981, denied a request for a temporary security trailer use on the property.

Land Use

The subject property is currently designated Residential 4 (RES 4). Both the AU and RU-1-11 zoning classifications are consistent with the Residential 4 FLU designation.

Applicable Land Use Policies

FLUE Policy 1.7 – The Residential 4 Future land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units 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;

The applicants propose a new residential subdivision. The required lot sizes will be consistent with up to 4-units per acre. Existing adjacent residential development (non-AU zoned properties) ranges from 0.18 – 0.48-acre lot sizes. Residential uses will need to comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272.

- 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;

The property is developed with a 1,528 square foot single-family residence originally built in 1951. There are two (2) Brevard County FLU designations (RES 4 and RES 15) within 500-feet of this site. City of Titusville Low Density Residential Land Use Designation allows density to 5-units per acre.

- 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.

There has not been any actual development 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.

Per Policy 1.2 (C) of the Future Land Use Element, the RES 4 land use designation will require that centralized potable water and wastewater treatment shall be available concurrent with the impact of development.

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

The character of the area is predominantly residential to the north, south and west of this lot with a range of lot sizes from 0.18-acres to over 0.48-acre lot sizes. This parcel abuts an institutional tract to the east developed as an Assisted Living Facility (ALF). Residential development borders two sides (west and north) of this site.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	SF residences	RU-1-11 RI-B (Single-Family Medium Density, City of Titusville)	RES 4 (Low density Residential, City of Titusville)
South	SF residence	AU	RES 15
East	Assisted Living Facility	IN(L)	RES 4
West	SF residences	RU-1-11 RI-B (Single-Family Medium Density, City of Titusville)	RES 4 (Low density Residential, City of Titusville)

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.

RU-1-11 classification permits single family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

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

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Highway 1, between Dairy Road to SR 46, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 37.09% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.36%. The corridor is anticipated to operate at 37.45% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

The applicants provided a school impact analysis letter dated March 2, 2022, that indicates there is sufficient capacity for 16 single-family homes. The schools utilized are Oak Park Elementary, Madison Middle School and Astronaut High School.

The site appears to be on well and septic. The applicant has advised that they are obtaining connection approval from the City of Titusville for potable water and that septic systems are proposed for onsite waste needs. The Brevard County potable water line is 3,400 feet to the north along Parrish Road. County sewer is located to the NW of the site at a distance of 4,600 feet, also along Parrish Road. The City of Titusville's water line is located along Avon Lane, 230-feet north of the project site.

Environmental Constraints

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

The subject parcel contains a small area of mapped Tomoka Muck, a hydric soil and indicator that wetlands may be present on the property. Except as allowable in Sec. 62-3694(c)(1)a, subdivided lots and multi-family parcels shall contain sufficient uplands for the intended use and for any buffering necessary to maintain the function of the wetland(s), and shall be compatible with adjacent uses. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan 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 #22Z00013

Applicant: Fischer for Fehr

Zoning Request: AU to RU-1-11

Note: Applicant wants to build 16 single-family residences on 4.36 acres.

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

Tax ID No: 2105549

- 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

The subject parcel contains a small area of mapped Tomoka Muck, a hydric soil and indicator that wetlands may be present on the property. Except as allowable in Sec. 62-3694(c)(1)a, subdivided lots and multi-family parcels shall contain sufficient uplands for the intended use and for any buffering necessary to maintain the function of the wetland(s), and shall be compatible with adjacent uses. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Land Use Comments:

Hydric Soils

The subject parcel contains a small area of mapped Tomoka Muck as shown on the USDA Soil Conservation Service Soils Survey map; an indicator that hydric soils and wetlands may be present on the property. Except as allowable in Sec. 62-3694(c)(1)a, subdivided lots and multi-family parcels shall contain sufficient uplands for the intended use and for any buffering necessary to maintain the function of the wetland(s), and shall be compatible with adjacent uses. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (Tavares fine 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. Specifically, 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.

Protected and Specimen Trees

Protected and Specimen Trees may exist on the parcel. A tree survey will be required at time of site plan submittal; however, the applicant is encouraged to perform a tree survey prior to site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. 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 preservation and canopy coverage requirements. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.