



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

22Z00018

William & Jeannette Gonedridge

AU (Agricultural Residential) to RR-1 (Rural Residential) with a BDP

Tax Account Number: 2000372
Parcel I.D.: 20-35-31-00-519
Location: North side of Lionel Road, 520 feet east of US Highway 1 (District 1)
Acreage: 3.33 acres

Planning & Zoning Board: 7/18/2022
Board of County Commissioners: 8/04/2022

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*	1 SF unit	2 SF units**
Can be Considered under the Future Land Use Map	YES RES 2	YES RES 2

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. **Applicant is proposing a BDP to limit development to two (2) single-family units.

Background and Purpose of Request

The applicants are seeking a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential) with a BDP limiting development to a total of two (2) lots for the purpose of splitting the property into two parcels through a flag lot application.

The original zoning on the property is AU. According to the Property Appraiser’s record, the parcel is developed with a residential improvement not suitable for occupancy built in 1966. The applicant has obtained building permit # 22BC07773 to demolish the existing structure.

The applicant is proposing a BDP limiting density of the subject property to a total of two (2) units.

Land Use

The subject property is currently designated as Residential 2 (RES 2) FLU. The proposed RR-1 zoning can be considered consistent with the existing RES 2 FLU designation.

Applicable Land Use Policies

FLUE Policy 1.8 –The Residential 2 Future land use designation. The Residential 2 land use designation permits lower density residential development with a maximum density of up to two (2) dwelling units per acre, except as otherwise may be provided for within the Future Land Use Element.

The applicant's request can be considered 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 to split the property into two parcels through a flag lot application. This request is not anticipated to diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area. The flag lot review is a separate administrative review not to be initiated until zoning has been changed.

- 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 general area is suburban residential in character with commercial land use along US Highway 1 which is designated as an Urban Principal Arterial corridor. Single-family homes in the immediate area are developed on lots ranging in size from approximately one-half acre (1/2) to (2) acres. A public library and an elementary school are located adjacent to the south of the subject property.

There are three (3) FLU designations (RES 2, NC and CC) within 500-feet of this site, and there have been no FLU amendments.

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, two 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 has been identified.

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

The developed character of the surrounding area is suburban residential with commercial concentrated along the principal corridor. Along Lionel Road there is an existing pattern of residential and institutional land uses surrounding the subject parcel with a mixture of AU, RR-1, RU-1-9, BU-1, BU-2 and GML zoning classifications in the general area. Residential parcels in the immediate area are one-half (1/2) acre or larger in size and developed with single-family homes.

To the north are three 1.05-acre parcels each developed with a single-family residence zoned RR-1. To the south, across Lionel Road, is a 15-acre parcel developed as an elementary school and a library. To the east is a 0.48-acre parcel developed with a single-family residence zoned RU-1-9 and a 1.14-acre undeveloped parcel zoned AU. To the west is a 4.77-acre undeveloped parcel zoned AU.

There were two zoning actions within a half-mile radius of the subject property within the last three years. **20Z00003**, approved by the Board on August 6, 2020, was a request to change AU (Agricultural Residential) to BU-1 (General Retail Commercial) on 1.32 acres located on the northwest corner of McCullough Road and US Highway 1. **19PZ00127**, approved April 9, 2020, was a request to change AU (Agricultural Residential) to RR-1 (Rural Residential) with a BDP limiting development to one single-family residence on 1.01 acres located on the south side Richey Road, approximately 0.12 mile west of US Highway 1.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	SF residences	RR-1	RES 2
South	Library and Public Elementary	GML(I)	RES 2
East	One (1) SF residence and an undeveloped residential parcel	RU-1-9 and AU	RES 2
West	Undeveloped residential land	AU	RES 2

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-1-9 classification permits single family residential development on lots of 6,600 square feet (minimum). The minimum house size is 900 square feet.

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 principal residence within RR-1 zoning.

The purpose of the GML government managed lands zoning classification is to recognize the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations (NGOs) providing economic, environmental and/or quality of life benefits to the county, electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission, and related entities.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Highway 1, from State Road 46 to Lionel Road, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 24.88% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.05%. The corridor is anticipated to operate at 24.93% 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 City of Cocoa utilities service area for public water. The closest Brevard County sewer line is approximately 0.7 miles southwest on Sanctuary Drive.

Environmental Constraints

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

A portion of the parcel is mapped with National Wetlands Inventory (NWI) wetlands; an indicator that wetlands may be present on the property. A wetland determination report was performed by Andrew Conklin Environmental Services, and found no wetlands on site. At time of building permit submittal, the wetland determination report will require verification by the County or State. 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 land clearing, site plan design or permit submittal.

For Board Consideration

The Board may wish to consider if the request is consistent and compatible with the surrounding area. Flag lot review and approval are not part of this zoning request and require a separate administrative action.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item #22Z00018

Applicant: Gonedridge

Zoning Request: AU to RR-1

Note: Applicant wants to split lot

P&Z Hearing Date: 07/18/22; **BCC Hearing Date:** 08/04/22

Tax ID No: 2000372

- 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:

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

A portion of the parcel is mapped with National Wetlands Inventory (NWI) wetlands; an indicator that wetlands may be present on the property. A wetland determination report was performed by Andrew Conklin Environmental Services, and found no wetlands on site. At time of building permit submittal, the wetland determination report will require verification by the County or State. 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.

Land Use Comments:

Wetlands

A portion of the parcel is mapped with NWI wetlands as shown on the NWI Wetlands map; an indicator that wetlands may be present on the property. A wetland determination report was performed by Andrew Conklin Environmental Services, and found no wetlands on site. At time of building permit submittal, the wetland determination report will require verification by the County or

State. 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.

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 (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees may exist on the parcel. A tree survey may be required at time of building permit submittal. The applicant is encouraged to perform a tree survey prior to any 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.