



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

22Z00028

2354 Talmadge Drive, LLC

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

Tax Account Number: 2103243
Parcel I.D.s: 21-35-17-00-5
Location: No address (District 1)
Acreage: 7.68 acres

Planning & Zoning Board: 8/15/2022
Board of County Commissioners: 9/01/2022

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 unit | 30 SF units |
| 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 applicant is seeking to change 7.68 acres from AU (Agricultural Residential) to the RU-1-11 (Single-Family Residential) zoning classification. The applicant is proposing to construct 25 new single-family homes. The parcel is currently undeveloped. Based on the Future Land Use Element potential is up to 30 units.

The original zoning on the property was AU (Agricultural Residential). The subject parcel was recorded into the current configuration per Official Records Book 5504, Page 7196 on July 25, 2005.

Land Use

The subject property is currently designated Residential 4 (RES 4). Both AU and RU-1-11 zoning classifications can be considered 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;

Residential uses will need to comply with Brevard County's Performance Standards, as 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 was created September 21, 1977 recorded with a Warranty Deed in ORB 1863, Page 0386. The property remains undeveloped. There is a mix of single-family residential and agricultural residential classifications on lots ranging from 2.5-acres to 31.77-acres. The majority of those parcels are undeveloped. There is one (1) FLU designation, RES 4, within 500-feet of the subject property.

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

There has not been any development over the immediate preceding area within the past three (3) years.

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

There is undeveloped property 3.76-acres that has a new single-family residential building permit application on file, 22BC07077, zoned as RU-1-11. The parcel is directly to the south west of the subject property on ROW of E. Main St. and is the only development approved in the last three years within a ½ mile radius.

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

If connection is not provided Policy 1.2(c) in the RES 4 FLU, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.

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

The character of the surrounding area is a mixture low density residential, agricultural-residential, and agricultural. It is predominantly residential to the north and south. To the east and west it is predominantly Agricultural Residential.

Surrounding Area

| | Existing Land Use | Zoning | Future Land Use |
|--------------|---|---------------|------------------------|
| North | One (1) undeveloped lot | AU | RES 4 |
| South | Across from ROW, two (2) undeveloped lots | RU-1-11 | RES 4 |
| East | One (1) undeveloped lot and one (1) residence | AU | RES 4 |
| West | One (1) undeveloped lot | AU | RES 4 |

The subject property is currently zoned AU. The adjacent properties to the south, 3.76-acres and 2.96-acres, are zoned as RU-1-11 across E. Main St. The single-family residence to the east is on 5.06-acres and the undeveloped lot to the east is 5-acres. The undeveloped lot to the north is on 5-acres. The undeveloped lot to the west is on 7-acres.

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.

RU-1-11 classification permits single-family residential land uses on a minimum 7,500 square foot lot, with a minimum lot width and depth of 75 feet. The minimum house size is 1,100 square feet.

Preliminary Concurrency

The closest concurrency management segment to the subject property is a segment of US Hwy 1, between Dairy Rd. and 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 7.12% of capacity daily. The maximum development potential from the proposed rezoning changes the percentage of MAV utilization by 1.65%. The proposal is not anticipated to create a deficiency in LOS.

The applicant provided a school impact analysis letter dated May 23, 2022, that indicates there is sufficient capacity at Mims Elementary School, Madison Middle School and Astronaut High School for up to 25 single-family homes.

The closest Brevard County water line is approximately 404 feet west of the subject property on E. Main Street. The closest Brevard County sanitary sewer line is approximately 2,950 feet west of the subject property also on E. Main Street.

Environmental Constraints

- Wetlands/Hydric Soils
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

The entire parcel is mapped with hydric soils, and portions of the parcel are mapped with SJRWMD wetlands; indicators that wetlands may be present on the property. A wetland survey is required prior to any land clearing activities, site plan design or site plan submittal, and is subject to verification by State or County agency. Per Section 62-3694(c)(1), 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 renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). 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 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 #22Z00028

Applicant: Aldon Bookhardt

Zoning Request: AU to RU-1-11

Note: Applicant wants to develop 25 single-family residences

P&Z Hearing Date: 08/15/22; **BCC Hearing Date:** 09/01/22

Tax ID No: 2103243

- 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/Hydric Soils
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

The entire parcel is mapped with hydric soils, and portions of the parcel are mapped with SJRWMD wetlands; indicators that wetlands may be present on the property. A wetland survey is required prior to any land clearing activities, site plan design or site plan submittal, and is subject to verification by State or County agency. Per Section 62-3694(c)(1), 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 renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a

cumulative basis as set forth in Section 65-3694(c)(6). 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 plan design or permit submittal.

Land Use Comments:

Wetlands/Hydric Soils

The entire parcel is mapped with hydric soils (Anclote sand – frequently ponded, Floridana sand – frequently ponded, Basinger sand depressional, Riviera sand, and Pompano sand), and a portion of the parcel is mapped with SJRWMD wetlands as shown on the USDA Soil Conservation Service Soils Survey and SJRWMD wetlands maps, respectively. Both are indicators that wetlands may be present on the property. A wetland survey is required prior to any land clearing activities, site plan design or site plan submittal, and is subject to verification by State or County agency. Per Section 62-3694(c)(1), 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 renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). 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 plan design or permit submittal.

Aquifer Recharge Soils

Pompano sand may also function as an aquifer recharge soil. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Indian River Lagoon Nitrogen Reduction Overlay

A portion of the parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If sewer is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Protected and Specimen Trees

A majority of the subject property is overlaid in a mapped polygon of SJRWMD FLUCCS code 4200-Upland Hardwood forests. Protected Trees (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) are included in this FLUCCS code and are likely found on the project area. A tree survey is required prior to any land clearing activities, site plan design or site plan submittal. The applicant is encouraged incorporate valuable vegetative communities or robust trees into the site plan design. Per Brevard County Landscaping, Land

Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen trees. In addition, per Section 62-4341(18), 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. A tree survey will be required at time of site plan submittal, and is recommended prior to any site plan design. 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.