



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

22Z00056

Melanie Rondeau and Zackry Corter

GU (General Use) to RRMH-1 (Rural Residential Mobile Home)

Tax Account Number: 2000693
 Parcel I.D.: 20G-34-03-AI-7-4
 Location: East side of Blounts Ridge Road, approximately 835-feet north of Parry Lane (District 1)
 Acreage: 1.0 acre

Planning & Zoning Board: 4/17/2023
 Board of County Commissioners: 5/04/2023

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	RRMH-1
Potential*	0	1 Mobile Home
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 requesting a change of zoning classification from GU (General Use) to RRMH-1 (Rural Residential Mobile Home) for the purpose of allowing the applicants to place a mobile home on the property. The current zoning classification does not meet the requirements of the existing zoning classification of GU. The parcel is 1.0-acre in size and the GU zoning classification requires a minimum of 5-acres. The lot width is 100-feet so the applicants were approved a variance of 25-feet, **22V00054**, of the minimum requirement of 125-feet in the RRMH-1 zoning classification. GU went from 1-acre to 5-acres on May 20, 1975.

The subject parcel was recorded into the current configuration per ORB 1378, Page 222, on September 1, 1973. The parcel has frontage on Blounts Ridge Road which is a County paved and maintained road.

Land Use

The subject property is currently designated as Residential 1 (RES 1) FLU. The proposed RRMH-1 zoning can be considered consistent with the existing RES 1 FLU designation per Sec. 62-1255.

Applicable Land Use Policies

FLUE Policy 1.9 –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 applicant's request could be considered consistent with the existing 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 proposed mobile home is not anticipated to have hours of operation, lighting, odor, noise levels, traffic or site activity that would diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area. There have not been any commercial or residential developments over the past three (3) years.

- 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 (Member Appraisal Institute) 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 surrounding area is a mixture of undeveloped land, site built existing mobile homes, ranging from 0.26-acres to 8-acres. RRMH-1 zoned parcels are in the surrounding area to the north and east of the subject property.

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, one (1) zoning action, change of zoning classification from RRMH-1 to AU (Agricultural Residential), has been approved within one-half mile (22Z00043) on November 3, 2022.

- 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.

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

There is an existing pattern of residential zoning classifications (I.E., GU, AU, RRMH-1, TR-2 and SR) and RES 1.

Parcels in the surrounding area range from 0.26-acres to 8.0-acres. The parcel to the north is zoned GU (General Use) on 1.0-acres and is undeveloped. The undeveloped parcel to the west across Blounts Ridge Road is zoned GU on 0.52-acres. The Parcel to the south is a single-family residence zoned TR-2 (Single-family Mobile Home) on 1.0-acres. The undeveloped parcel to the east is on 5.49-acres and is zoned AU (Agricultural Residential).

- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

The parcel is located in a residential area approximately 0.2-miles west of I-95 Highway.

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

The subject property is not requesting to be rezoned for commercial uses.

3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

The subject parcel is not requesting to be rezoned for commercial, industrial or other non-residential uses.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Undeveloped	GU	RES 1
South	Single-family Site Built	TR-2	RES 1
East	Undeveloped	GU	RES 1
West	Undeveloped	GU	RES 1

The current GU zoning classification is considered “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.

The proposed RRMH-1 (Rural Residential Mobile Home) classification permits single-family mobile homes and detached single-family residential land uses on minimum one acre lots, with a minimum width and depth of 125 feet. This classification permits horses, barns and horticulture as accessory uses. The minimum house size is 600 square feet.

The TR-2 single-family mobile home zoning classification encompasses land devoted to single-family mobile homes on a lot not less than 0.5-acres having a width of not less than 100-feet and depth of not less than 150-feet. The minimum house size in TR-2 is 600 square feet. The TR-2 zoning classification is not consistent with the RES 1 FLU.

The SR suburban residential zoning classification encompasses lands devoted to single-family residential development of relatively spacious land character on land of not less than one-half acre with a minimum width of not less than 100-feet and depth of not less than 150-feet. The minimum house size is 1,300 square feet.

The AU agricultural residential zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character. Permitted uses include the raising and grazing of animals and all agricultural pursuits, including the packing, processing, and sales of commodities raised on the premises. The minimum lot size is not less than two and one-half (2.5) acres with a minimum width and depth of 150-feet and a minimum floor area of 750 square feet.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Highway 1, between Lionel Road to Burkholm Road, which has a Maximum Acceptable Volume (MAV) of 40,300 trips per day, a Level of Service (LOS) of C, and currently operates at 23.47% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.01%. The corridor is anticipated to operate at 23.49% 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.

Environmental Constraints

- Aquifer Recharge
- Protected and Specimen Trees
- Protected Species

No noteworthy land use issues were identified. 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 if the request is consistent and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT (NRM) DEPARTMENT
Zoning Review & Summary**

Item #22Z00056

Applicant: Corter & Rondeau

Zoning Request: GU to RRMH-1

Note: Lot doesn't meet minimum size requirements.

Zoning Hearing Date: 01/09/23; **BCC Hearing Date:** 02/02/2023

Tax ID Nos: 2000693

- 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:

- Aquifer Recharge
- Protected and Specimen Trees
- Protected Species

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:

Aquifer Recharge Soils

The site has mapped aquifer recharge soils (Candler fine sand and Pomello sand). 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

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees may exist on the parcel. A tree survey will be required at time of a site plan 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.**

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. There is potential for the presence of Gopher Tortoises on site. 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.

Other

Information available to NRM indicates that unpermitted land clearing activities may have occurred in 2021 or 2022. Protected and/or specimen trees may have been removed from the eastern quarter of the property. The confirmation of unpermitted land alteration activities may result in code enforcement action.