



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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**STAFF COMMENTS
 23Z00016**

Norman L. Sherman Jr; Karen D. Turowski

RRMH-1 (Rural residential mobile home) to AU (Agricultural residential)

Tax Account Number: 2002089
 Parcel I.D.: 20G-34-22-AI-2-4.02
 Location: Southeast Corner of Pine Needle Street and Hog Valley Road (District 1)
 Acreage: 3.4 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	RRMH-1	AU
Potential*	0	1
Can be Considered under the Future Land Use Map	NO AGRIC	YES** RES 1:2.5

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. **Approval is pending approval of companion request **22SS00014** which proposes to amend the Future Land Use designation from Agricultural (AGRIC) to Residential 1:2.5 (RES 1:2.5) and Residential 1 (RES 1).

Background and Purpose of Request

The applicants are requesting a change of zoning classification from RRMH-1 (Rural residential mobile home) to AU (Agricultural) on 1 parcel totaling 3.4-acres for zoning and Future Land Use (FLU) consistency. The applicants proposed plan for the property is construct a single-home residence under permit # 22BC19459. Permit approval is pending rezoning and FLU amendment approvals.

Other applicable land use actions on file for the subject parcel is a request by the previous owner to change the GU zoning classification to Rural Residential Mobile Coach (RRMC-1) approved October 1973.

The site has frontage on Pine Needle Street and meets access requirements as provided in Section 62-102. At this time, there are no active code enforcement associated with the subject parcels.

Land Use

The subject parcel's RRMH-1 zoning classification is not consistent with the AGRIC Future Land Use designation provided on the FLU map series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan.

A companion application **22SS00014**, if approved, would amend the FLU map series from Agricultural (AGRIC) to Residential 1:2.5 (RES 1:2.5) on 3.4 acres under the applicant's ownership. This will allow them to essentially have one single-family dwelling on 3.4 acres.

The Residential 1:2.5 land use designation, which establishes the lowest density of all the residential future land use designations, permits a maximum density of up to one (1) unit per 2.5 acres, except as otherwise may be provided for within the Future Land Use element. However, the subject parcel's existing RRMH-1 zoning cannot be considered consistent with the RES 1:2.5 FLU designation.

Applicable Land Use Policies

FLUE Policy 1.9 – The Residential 1:2.5 land use designation, which establishes the lowest density of all the residential future land use designations, permits a maximum density of up to one (1) unit per 2.5 acres, except as otherwise may be provided for within the Future Land Use element.

The applicant's request could be considered consistent with the pending Future Land Use amendment.

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 with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. 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 subject property, based on BCPAO aerial map and site visit, appears to have several structures including a pole barn on the site. The applicant proposes to convert the modular structure to a single-family residence for their personal enjoyment. This 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 subject property has retained the Future Land Use (FLU) designation of AGRIC since the adoption of the FLU map in 1988. The predominate Future Land Use designations in the area is AGRIC. Most recent FLU change occurred in 2009 from AGRIC to RES 1, NE of the subject property. The request could be considered further introduction of RES 1 and introduction RES 1:2.5.

A previous comprehensive plan amendment (Z11461) from AGRIC to RES 1 was approved in February 2009 for a property directly northeast fronting on the northside of Pine Needle Street.

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 have not been any development approvals that are pending construction within the past 3 years.

- 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:

The subject property is located within the Mims Small Area Study (SAS), which was adopted by the Board in 2007 and largely implemented via Comprehensive Plan Future Land Use Map (FLUM) amendments in 2008. The SAS recommended that the Agricultural Future Land Use designation (one unit per 5 acres) be retained for the approximately 25 square mile area west of Meadow Green Road.

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.

This area is characterized by mixture of undeveloped, mobile home and site-built homes with 2.5 acres being the average lot sizes. Zoning classifications in the area includes GU, AU, RR-1, RRMH-1 and RRMH-5.

- 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 has frontage on Soggy Bottom Av which is an approved unpaved county road.

- 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.

No zoning action has been approved within one-half mile within the last three years.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-Family Residence	GU/RRMH-1	AGRIC
South	Single-Family Residence	RRMH-1	AGRIC
East	Vacant Residential	RRMH-1	AGRIC
West	Single-Family Residence	RRMH-1	AGRIC

The GU zoning classification is 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 RRMH-1 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.

RRMH-1 zoning classification is not consistent with the AGRIC Future Land Use designation provided on the FLU map series contained within Chapter XI – Future Land Use Element of Brevard County’s Comprehensive Plan.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Hwy 1, from Burkholm Rd to the Volusia County Line, which has a Maximum Acceptable Volume (MAV) of 40,300 trips per day, a Level of Service (LOS) of C, and currently operates at 10.10% of capacity daily. The maximum development potential from the proposed Future Land Use change increases the percentage of MAV utilization by 0.07%. The corridor is anticipated to operate at 10.17% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

The parcel is not serviced by public sewer or within the Brevard County service area for potable water. The closest available Brevard County potable water line or sewer connection to the subject property is approximately two and half (2.5) miles southeast across I-95 HWY at the north end of Sanctuary Drive.

No school concurrency information has been provided as the development potential is considered below the minimum number of new residential lots that would require a formal review.

Environmental Constraints

Environmental Resources

Mapped resources include Protected and Specimen Trees, Protected Species, Floodplain and Wetlands.

Protected and Specimen Trees may exist on the subject property.

Natural Resource Management indicates that federally and/or state protected species may be present on the property.

Floodplain has been mapped on the subject property as SFHA A, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map.

Wetlands have been mapped on the subject property.

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

For Board Consideration

The Board may wish to consider if the request is consistent with the Comprehensive Plan and compatible with the surrounding area, recognizing the existing development trends.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Future Land Use (FLU) Review & Summary**

Item #23Z00016

Applicant: Norman Leigh Sherman, Jr. and Karen Denise Turowski

Rezoning Request: RRMH-1 to AU

Note: Applicant wants to rezone entire parcel to AU for Zoning and FLUM consistency.

P&Z Hearing Date: 04/17/23; **BCC Hearing Date:** 05/04/23

Tax ID No: 2002089

- 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:

- Floodplain
- Wetlands
- 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:

Floodplain

The northwest corner of the property is within an area mapped as SFHA A, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Additional impervious area, often associated with increased density, increases stormwater runoff that can adversely impact nearby properties unless addressed on-site. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Wetlands

Aerial images indicate a potential of wetlands in the property. A wetland assessment may be required at permitting for development.

Protected and Specimen Trees

Protected and Specimen Trees may exist on the parcel. 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 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 (FWC), and/or U.S. Fish and Wildlife Service, as applicable.