



BOARD OF COUNTY COMMISSIONERS

## Planning and Development Department

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

### STAFF COMMENTS

**23Z00022**

**Sean and Danielle Gleason**

**AU (Agricultural Residential) to RU-1-13 (Single-family Residential) on 9.47 acres**

**and a BDP on entire 22.21 acres**

Tax Account Number: 2316598  
Parcel I.D.: 23-36-24-00-2  
Location: North side of E. Crisafulli Road approximately 285 feet west of Broadacres Street (District 2)  
Acreage: 9.47 acres to RU-1-13; 22.21 acres for BDP  
North Merritt Island DSD: 6/08/2023  
Planning & Zoning Board: 6/12/2023  
Board of County Commissioners: 7/13/2023

### 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
<b>Zoning</b>	AU	RU-1-13 with BDP
<b>Potential*</b>	8 SF units	22 SF units
<b>Can be Considered under the Future Land Use Map</b>	YES RES 1	YES** RES 1

\* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. \*\*Approval is pending approval of a Binding Development Plan (BDP) which proposes to limit the project density to 22 units (1 du/ac).

### Background and Purpose of Request

The applicant is requesting to change the zoning classification from AU (Agricultural Residential) to RU-1-13 (Single-family Residential) on a 9.47-acre portion of a 22.21-acre parcel and have the remaining 12.74 acres with the AU zoning classification. Also, applicant is providing a BDP on the entire 22.21 acres to develop a subdivision with 22 single-family units. The subject parcel consists of a 22.21-acre flag lot, approved October 4, 2017 as administrative action **17PZ00124**.

The applicant has provided a proposed BDP that contains a provision which limits the project density to 22 single family dwellings on the entire 22.21 acres. The applicant has also included a concept

plan that indicates these lots would access E. Crisafulli Road via the Island Forest Preserve subdivision roadways. The concept plan indicates:

- 6 acres (16 lots) will be owned and developed by Island Forest Preserve;
- 3.39 acres (5 lots) will be owned by Gleason and the lots will be included in the subdivision; and 12.8 acres will remain AU with the landscape business and would have one dwelling.

The Board has no assurances of the breakdown and distribution of entitlements (ownership, acres, lot distribution, etc.) in the concept plan, since the proposed BDP does not reflect similar provisions. The concern relates to a future owner of the 12.8 acres of AU submitting a development application without understanding their 12 units have essentially been transferred to Island Forest Preserve.

**Please note:** The concept plan included in the application was provided as a courtesy and is non-binding. This is not a requirement for rezoning and has not been reviewed for compliance with the land development codes and other County departments.

The site has frontage on E. Crisafulli Road and retains the original zoning (AU) established in 1958. A request for a CUP for a commercial borrow pit on the subject parcel was denied on December 20, 1988 as zoning action **Z-8289**. Existing structures on-site include one pole barn.

The subject property was located within the 2019 North Merritt Island Small Area Study (SAS) boundary. A recommendation from the 2019 North Merritt Island SAS was for all parcels  $\geq 2.5$  acres in size designated as Residential 1 (RES 1) Future Land Use and Agricultural Residential (AU) zoning classification, Brevard County should amend the Future Land Use Map to Residential 1:2.5 (RES 1:2.5). The Board of County Commissioners acknowledged the Recommendations of the 2019 North Merritt Island SAS. Staff was not directed to implement this recommendation.

## **Land Use**

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

The proposed RU-1-13 zoning can be considered consistent with the existing RES 1 FLU designation with approval of a BDP limiting the project density to 22 single-family dwelling units (1 du/ac).

## **Applicable Land Use Policies**

**FLUE Policy 1.9** –The Residential 1 Future Land Use designation. 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 can be considered consistent with the existing RES 1 Future Land Use with approval of a BDP limiting the project density to 22 single-family dwelling units (1 du/ac).

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 requests to rezone a 9.47-acre portion of a 22.21-acre parcel from AU to RU-1-13 with a BDP on the entire 22.21-acre parcel to develop a subdivision with 22 single-family units. Development would need to meet performance standards set forth in code 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 character of the surrounding area is primarily low-density residential on parcels (1) acre or larger in size. Several large tracts of undeveloped residential land are located in the vicinity of the subject property. There is one (1) FLU designation within 500 feet of the subject site: RES 1. If approved, the proposed project would develop 22 single-family residences at a density of 1 dwelling unit per acre, consistent with the RES 1 FLU.**

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

**17PZ00158, approved by the Board on February 28, 2019, was a request to rezone from AU (Agricultural Residential) to SR (Suburban Residential) with BDP (ORB 8378, pages 378-387) limiting use to 110 units and requiring connection to sanitary sewer on a 100.97-acre parcel located immediately west of the subject property.**

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

**There are no pending zoning actions within one-half mile of the subject property.**

- 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.

The developed character of the surrounding area is agricultural residential and suburban residential, with federal government managed lands to the east. A 110-unit residential subdivision with suburban residential (SR) zoning is under development (**19SD00010**) immediately west of the subject property. That project was originally approved by the Board on February 28, 2019 under zoning action **17PZ00158** which changed the zoning from AU (Agricultural Residential) to SR (Suburban Residential) with a BDP (ORB 8378, pages 378-387) limiting use to 110 units and requiring connection to sanitary sewer on the 100.97-acre parcel.

This request can be considered an introduction of RU-1-13 into the area. The closest RU-1-13 is 2.1 miles southwest of the site on N. Courtenay Parkway.

## Surrounding Area

	Existing Use	Zoning	Future Land Use
<b>North</b>	Two (2) outbuildings	AU	RES 1
<b>South</b>	Single-Family Residence	AU	RES 1
<b>East</b>	Vacant	Federal Land	RES 1
<b>West</b>	Single-Family Residence	SR	RES 1

To the north is a 17.27-acre parcel developed with two (2) outbuildings with AU zoning.

To the south is a 38-acre parcel developed as a single-family residence with AU zoning.

To the east is a 640-acre parcel owned by the United States (part of Kennedy Space Center).

To the west is a 104.84-acre parcel with SR zoning under development as a 110-unit single-family residential subdivision.

The current 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.

The proposed RU-1-13 classification permits single-family residences on minimum 7,500 square foot lots, with minimum widths and depths of 75 feet. The minimum house size is 1,300 square feet. RU-1-13 does not permit horses, barns or horticulture. The closest RU-1-13 to the subject parcel is 2.1 miles to the southwest on N. Courtenay Parkway.

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.

SR classification permits single family residences on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 square feet.

There have been no zoning actions approved within a half-mile radius of the subject property within the last three years. There are no pending zoning actions within a half-mile radius of the subject property.

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is N. Courtenay Parkway, from Hall Road to N. Tropical Trail, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 37.21% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.50%. The corridor is anticipated to operate at 37.71% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

The school concurrency indicates there is enough capacity for the total of projected and potential students from the proposed development. There is sufficient capacity at Carroll Elementary School, Jefferson Middle School, and Merritt Island Sr High School for the total of projected and potential students from this development.

The parcel is within the City of Cocoa utilities service area for public water. The closest Brevard County sewer line is approximately 2 miles west on N. Courtenay Parkway.

### **Environmental Constraints**

- Hydric Soils/Wetlands Protection
- Floodplain Protection/North Merritt Island
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Aquifer Recharge Soils

- Protected Species – Florida Scrub Jay
- Protected and Specimen Trees

The eastern portion of the subject parcel contains a swath of mapped hydric soils (Anclote sand), an indicator that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities. 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 introduction of RU-1-13 is consistent and compatible with the surrounding area. In addition, the Board may also consider whether the BDP mitigates potential impact to the surrounding area and accurately identifies the division of entitlements.

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

**Item #23Z00022**

**Applicant:** Glenridge East LLC

**Land Use Request:** AU to RR-1-13 on 9.47 acres, with BDP limiting density to 22 units on all 22.21 acres.

**Note:** Wants to develop an SFR subdivision, as an extension of Island Forest Preserve (an Open Space Subdivision) to the west.

**NMI Board:** 06/08/2023; **LPA Hearing Date:** 06/12/2023;

**BCC Hearing Date:** 07/13/2023

**Tax ID No:** Part of 2316598

- 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/Wetlands Protection
- Floodplain Protection/North Merritt Island
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Aquifer Recharge Soils
- Protected Species – Florida Scrub Jay
- Protected and Specimen Trees

The eastern portion of the subject parcel contains a swath of mapped hydric soils (Anclote sand), an indicator that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities. The wetland delineation shall be verified at time of site plan submittal. 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 multi-family parcels 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.

However, please note that Island Forest Preserve is an Open Space Subdivision, and subject to the criteria in Section 62-3000, entitled Standards for Open Space Subdivision Design. Section 62-3000(c)(2) states that all naturally occurring wetlands within the subdivision site shall be preserved. Section 62-3000(g) requires that the subdivision shall be designed around primary and secondary open space areas through the four-step design process incorporating the general location standards of Section 62-3000(c). The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

A portion of the property is mapped as being within the floodplain as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. 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."

The property is located on North Merritt Island north of Hall Road (Area), thus, is subject to the flood protection criteria contained in Section 62-3724(4), including compensatory storage. Additionally, all development, land alteration, or grading in the Area requires certification by the engineer of record that the proposed development will not increase flood stages, and will not increase the duration of the peak flood stages.

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. If adequate sewer for the development 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.

Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, nearly the entirety of the property is within a mapped Florida Scrub Jay occupancy polygon, and there is potential for existence 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.

### **Land Use Comments:**

#### **Hydric Soils/Wetlands Protection**

The eastern portion of the subject parcel contains a swath of mapped hydric soils (Anclote sand), an indicator that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities. The wetland delineation shall be verified at time of site plan submittal. 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 multi-family parcels 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.

However, please note that Island Forest Preserve is an Open Space Subdivision, and subject to the criteria in Section 62-3000, entitled Standards for Open Space Subdivision Design. Section 62-3000(c)(2) states that all naturally occurring wetlands within the subdivision site shall be preserved. Section 62-3000(g) requires that the subdivision shall be designed around primary and secondary open space areas through the four-step design process incorporating the general location standards of Section 62-3000(c). The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Section 62-3694 states that non-bona fide agricultural and forestry operations utilizing best management practices are permitted in wetlands provided they do not result in permanent degradation or destruction of wetlands, or adversely affect the functions of the wetlands. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any activity of a Bona Fide Agricultural Use on land classified as agricultural land pursuant to Section 193.461, Florida Statute is exempt. The Brevard County Property Appraiser's Office establishes Bona Fide Agricultural land classification.

#### **Floodplain Protection/ North Merritt Island**

A portion of the property is mapped as being within the floodplain as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. 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."

The property is located on North Merritt Island north of Hall Road (Area), thus, is subject to the flood protection criteria contained in Section 62-3724(4), including compensatory storage. Additionally, all development, land alteration, or grading in the Area requires certification by the engineer of record that the proposed development will not increase flood stages, and will not increase the duration of the peak flood stages.

#### **Indian River Lagoon Nitrogen Reduction Overlay**

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer for the development 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.

#### **Aquifer Recharge Soils**

The western portion of the subject parcel contains a swath of mapped aquifer recharge soils (Pomello sand) as shown on the USDA Soil Conservation Service Soils Survey map. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. 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, nearly the entirety of the property is within a mapped Florida Scrub Jay occupancy polygon, and there is potential for existence 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.

**Protected and Specimen Trees**

Protected ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  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 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.

Additionally, Section 62-3000(c) requires the incorporation of natural areas into preserved open space. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal, or performing any land clearing activities.