



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

23Z00030

Robin Bland

AU (Agricultural Residential)

to GML(I) (Government Managed Lands - Institutional)

Tax Account Number: 2318407
Parcel I.D.: 23-36-34-00-765
Location: 4615 N. Courtenay Parkway; West side of N. Courtenay Parkway, approx.
1,800-feet north of Hall Rd. (District 2)
Acreage: 2.86 acres

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
Zoning	AU	GML(I)
Potential*	124,581.6 sq. ft.	Fire station
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 a change of zoning classification from AU (Agricultural Residential) to GML(I) (Government Managed Lands – Institutional) for the purpose of building a Fire station. The subject parcel is currently undeveloped.

The subject parcel was recorded originally in Official Records Book 537, Pages 513 & 515 October 30, 1962. The parcel was subdivided February 28, 1977 recorded in Official Record Book 1722, Page 133. The parcel has maintained its configuration since then. The subject lot is 2.86-acres in size and has frontage on N. Courtenay Parkway. The parcel has been zoned AU (Agricultural Residential) since it received a zoning classification.

Land Use

The subject property is currently designated as Residential 4 (RES 4) FLU. The current AU zoning classification can be considered consistent with the RES 4 FLU designation. The proposed GML(I) zoning can be considered consistent with the existing RES 4 FLU designation. There are four (4) Future Land Use Designations, RES 2, RES 4, Community Commercial (CC) and Neighborhood Commercial (NC), within 500-feet of the subject property.

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.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 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 hours of operation would be 24 hours, 7 days a week. A fire station is an institutional use permitted in the GML zoning classification. It is not anticipated to bring any odor, traffic or site activity that would diminish the enjoyment of, safety or quality of life in the existing neighborhoods.

- 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 (Master Appraiser 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 general area is residential and commercial in character. The residential land uses are developed with single-family homes on lots ranging in size from approximately 0.51-acres to 3.09-acres. There are also several parcels in the

immediate area that are zoned BU-1-A (Restricted Neighborhood Retail Commercial), BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing & wholesale Commercial) with a church to the north and an outdoor storage area to the south that range from 1.46-acres to 2.98-acres. There is a church with IN(L) (Institutional Use – Light) and BU-1 zoning classifications to the south on 4.69-acres.

While the subject parcel contains Agricultural Residential (AU), the rest of the area is a mixture of: Suburban Residential (SR), Mobile Home Park (TR-3), Institutional Use – Light (IN(L)), Restricted neighborhood Retail Commercial (BU-1-A), General Retail Commercial (BU-1) and Retail, Warehousing & Wholesale Commercial (BU-2). zoning classifications in the general area.

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

There has been several developments within 0.5-miles in the preceding three (3) years:

- **14SD-00962, Egrets Landing Subdivision building 222 lots with single-family residences, zoned EU-2, approximately 0.3-miles east**
- **22Z00033 was a Board approved rezoning from AU to RU-1-13 with a BDP to limit development to two (2) lots on October 11, 2022, with one house on each lot, located approximately 0.4-miles from the subject property**
- **21Z00042 was a Board approved rezoning from AU to RU-2-4 with a BDP to limit development to a maximum of two (2) duplexes as well as provide sewer connections to the units, not use the property for resort dwelling purposes, provide an opaque buffer on the west 160' side of the property and remove any Brazilian Pepper trees in the buffer area. This change was effective on May 31, 2022 and is the abutting north property from the subject property.**
- **21Z00047 was a Board approved rezoning from BU-1 & RU-2-30 to RU-2-4 to build three (3) units. This action was effective on March 3, 2022 and is approximately 0.4-miles north off N. Courtenay Parkway.**

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

There are no developments approved within 0.5-miles over the past three (3) years that have not yet been developed.

- 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 low-density residential as well as commercial. The residential parcels in the immediate area are 0.51-acres or larger in size and developed with single-family homes. To the north is a 1.4-acre parcel developed with a single-family residence and zoned AU. To the south is a 1.48-acre parcel that is undeveloped and zoned BU-1-A. To the east is N. Courtney Parkway. To the west are three (3) parcels, all 0.52-acres, each developed with SFRs and zoned SR.

- 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 N. Courtenay Parkway corridor is lined with both developed and undeveloped parcels. Within 500-feet there are six (6) zoning classifications: Suburban Residential (SR), Mobile Home Park (TR-3), Institutional Use – Light (IN(L)), Restricted neighborhood Retail Commercial (BU-1-A), General Retail Commercial (BU-1) and Retail, Warehousing & Wholesale Commercial (BU-2). The closest GML zoning classification is approximately 0.5-miles to the northwest along the Intercoastal Waterway.

- 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 request is not for commercial use.

- 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.

There is transitional zoning of Institutional Use – Light (IN(L)), Restricted Neighborhood Retail Commercial (BU-1-A), General Retail Commercial (BU-1) and

Retail, Warehousing & Wholesale Commercial (BU-2) to the south of the subject property. To the north and west of the subject property is Agricultural Residential (AU), Suburban Residential (SR) and General Retail Commercial (BU-1).

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence	AU	RES 4
South	Undeveloped	AU & BU-1-A	RES 4 & NC
East	N. Courtenay Pkwy.	N/A	N/A
West	Single-family residences	SR	RES 4

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. Conditional uses in AU include hog farms, zoological parks, and land alteration.

The proposed Government Managed Lands (I) zoning classification recognizes the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations 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. Activities encompassed within this classification include public services such as Post offices, fire stations and libraries.

The BU-1-A classification encompasses lands devoted to limited retail shopping and personal services to serve the needs of nearby low-density residential neighborhoods. Such uses consist of banks and financial institutions, child care centers, group homes and optical stores. An area of not less than 7,500 sq. ft. is required, having a width and depth of not less than 75-feet.

The SR classification is devoted to single-family residential development of relatively spacious land character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. An area of not less than one-half acre is required, having a width of not less than 100-feet and having a depth of not less than 150-feet. The minimum floor area is 1,300 sq. ft..

Preliminary Concurrency

The closest concurrency management segment to the subject property is N. Courtenay Parkway, between 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 34.29% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.11%. The corridor is anticipated to operate at 34.401% 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 directly to the west of the main line for Brevard County potable water and sewer. This parcel has access to both water and sewer on the west side of N. Courtenay Parkway which is approx. 25-feet away.

Environmental Constraints

- Hydric Soils/Wetlands Protection
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- Protected Species

The subject parcel contains mapped wetlands and hydric soils; indicators that wetlands may be present on the property. A wetland determination will be required prior to any land clearing activities, site plan design or building permit submittal. Section 62-3695(d) states public facilities may be located within wetland areas if the facilities are found to be in the public interest and there is no feasible alternative. 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 western 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 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

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nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

For Board Consideration

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

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review & Summary

Item # 23Z00030

Applicant: Brevard County Board of County Commissioners

Zoning Request: AU to GML(I)

Note: New Brevard County Fire Station

P&Z Hearing Date: 06/12/23; **BCC Hearing Date:** 07/13/23

Tax ID No: 2318407

- 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
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- Protected Species

The subject parcel contains mapped wetlands and hydric soils; indicators that wetlands may be present on the property. A wetland determination will be required prior to any land clearing activities, site plan design or building permit submittal. Section 62-3695(d) states public facilities may be located within wetland areas if the facilities are found to be in the public interest and there is no feasible alternative. Any permitted wetland impacts must meet the requirements of Section 62-

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The 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.

Land Use Comments:

Wetlands/Hydric Soils

The subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Samsula muck, frequently ponded, 0 to 1 percent slopes) – indicators that wetlands may be present on the property. A wetland determination will be required prior to any land clearing or land alteration activities, site plan design, or building permit submittal. Section 62-3695(d) states public facilities may be located within wetland areas if the facilities are found to be in the public interest and there is no feasible alternative. 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 site plan design or permit submittal.

Floodplain Protection

The western portion of the property is mapped as being within the floodplain (AE) 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)

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Indian River Lagoon Nitrogen Reduction Overlay

The 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.

Protected and Specimen Trees

Aerials indicate that Protected (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) may be present on subject property. A tree survey will be required at time of a site plan submittal. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Protected and 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. 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.