



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

19PZ00136

Thomas P. and Shannon Harmony

TR-3 (Mobile Home Park) and AU (Agricultural Residential), to all AU, and removal of a BSP (Binding Site Plan)

Tax Account Numbers: 2504668 and 3013762
Parcel I.D.: 25-36-06-00-254.1 and 25-36-06-00-261
Location: 2235 Pluckebaum Road Cocoa. (District 2)
Acreage: 5.13 acres

Planning and Zoning Board: 01/13/20

Board of County Commissioners: 02/06/20

Consistency with Land Use Regulations

- Current zoning cannot be considered under the Future Land Use Designation, Section 62-1255. The TR-3 portion of parcel is not consistent with the Future Land Use designation RES 4 (Residential 4). The AU portion of the parcel is consistent with the Future Land Use designation RES 4 (Residential 4).
- 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 and TR-3	All AU
Potential*	One Unit	Two Units
Can be Considered under the Future Land Use Map	NO TR-3 required RES 6	YES Residential 4

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

Background and Purpose of Request

The applicants are seeking a change of zoning classification from TR-3 (Mobile Home Park) and AU (Agricultural Residential) to all AU for the purpose of boarding horses, and the removal of a Binding Site Plan (BSP). The applicants have combined two parcels under one deed per Official Records Book 8572, Page 879 which meets the 5-acre minimum lot size required in AU for the Boarding of Horses. The parcel is development with a single-family home and agricultural amenities.

The TR-3 portion is a remnant of a previous rezoning application **Z-7749** on March 2, 1987, for the entrance to a proposed Mobile Home Park that was never developed along with a Binding Site Plan for the Mobile Home Park, a Conditional Use Permit (CUP) for Boarding of Horses and Horses for

Hire on the easterly AU portion of the parcel, and a CUP for Sewer Facilities in a TR-3 zoning classification.

Zoning application **Z-8109** on June 27, 1988, was an amendment to the BSP in AU and TR-3 zoning classification.

Administrative zoning application **Z-10800(12)** on May 1, 2003, was approved for the removal of Conditional Use Permit **Z-7749** for Boarding of Horses and Horse for Hire.

Land Use

The subject property retains the RES 4 (Residential 4) Future Land Use designation. The existing TR-3 zoning classification is not consistent with the Future Land Use designation RES 4. The proposed AU is consistent with the RES 4 (Residential 4) Future Land Use designation.

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 2 – 8 of the Future Land Use Element.

Environmental Constraints

Natural Resource Management Department has listed Hydric Soils, Floodplain and Protected Species as a summary of mapped resources and noteworthy land use issues on the subject parcel.

Preliminary Transportation Concurrency

The closest concurrency management segment to the subject property is Pluckebaum Road, between Clearlake Road and South Fiske Boulevard, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 48.53% of capacity daily. The maximum development potential from the proposed rezoning does increase the proposed trip generation by 0.06%. The corridor is anticipated to continue to operate at 48.59% of capacity daily (LOS C). The proposal is (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 not on Brevard County sewer. The closest available Brevard County sewer line is approximately one mile west of the subject parcel and is located on the north side of Tomlin Drive.

The parcel is on a City of Cocoa water line.

Applicable Land Use Policies

The current TR-3 zoning is a mobile home park zoning classification which requires a minimum lot size of 10 acres for the park. Mobile home sites must be at least 4,000 square feet, with a minimum width of 40 feet.

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, fowl, and beekeeping.

A minimum lot area of five acres shall be required for boarding of horses and horses for hire, and all structures for the permanent or temporary housing of horses shall meet the setback requirements for such structures in the AU and AGR zoning classifications. A conditional use permit shall not be required where the number of horses does not exceed four per acre.

The developed character along Pluckebaum Road is AU and GU (General Use) zoning classification with a Future Land Use (FLU) designation of RES 4. The GU classification is a holding classification, allowing for single-family residences on five acre lots with a minimum lot width and depth of 300 feet. The minimum house size in GU is 750 square feet.

North of the subject property is Pluckebaum Road. The abutting parcel to the east is zoned AU and TR-3 and developed with a single-family mobile home and horse stables on 13.42 acres. The abutting parcel to the south is zoned AU and developed with agricultural uses on 4.03 acres. The abutting parcel to the west is zoned GU and developed with a single-family home on 8.5 acres. Each of the adjacent parcels has RES 4 Future Land Use.

There has been one zoning action within a half-mile of the subject property within the last five years. On September 08, 2014, application **14PZ-00070** changed the zoning from BU-2 (Retail, Warehousing and Wholesale Commercial) to AGR Agricultural on a parcel totaling 17.65 acres located approximately 2,642 feet northwest of the subject parcel.

For Board Consideration

The applicants are seeking a change of zoning classification from TR-3 (Mobile Home Park) and AU (Agricultural Residential) to all AU for the purpose of boarding horses and remove a Binding Site Plan from the TR-3 portion. The applicants have combined two parcels under one deed per Official Records Book 8572, Page 879 to meet the 5-acre minimum lot size required in AU for the boarding of horses. The TR-3 portion is a remnant of a previous rezoning application **Z-7749** for the entrance to a proposed Mobile Home Park with a Binding Site Plan that was never developed.

The Board may wish to consider whether the request is consistent and compatible with the AU and GU parcels to the east, south and west.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary**

Item # 19PZ00136

Applicant: Thomas & Shannon Harmony

Zoning Request: TR-3 & AU to AU

Note: Applicant wants to combine parcels for boarding of horses

P&Z Hearing Date: 01/13/20; **BCC Hearing Date:** 02/06/20

Tax ID No: 3013762

- 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
- Floodplain
- Protected Species

Land Use Comments:

Hydric Soils

The subject parcel contains mapped hydric soils (Holopaw sand) as shown on the USDA Soil Conservation Service Soils Survey map; an indicator that wetlands may be present on the property. 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 and should be contacted at 321-264-5393 for further requirements related to obtaining this classification.**

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. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and Section 62-3696.

Per Section 62-3694(c)(2), 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 would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. The preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts as described in Sec. 65-3694(c)(1)a above. Application of the one-unit-per-five-acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property as defined in Sec. 65-694(c)(6).

A wetland delineation may be required prior to any site planning or land clearing activities.

Floodplain

The entire property is mapped as being within the riverine floodplain, as identified by FEMA and as shown on the FEMA Flood Zones Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(1) & (3)(d): There shall be no net change in the rate and volume of floodwater discharged from the pre-development 100-year, 25-year, 10-year or mean annual riverine floodplain. Compensatory storage may be required. Additional impervious area 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."

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.

Landscape/Land Clearing

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.