



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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

STAFF COMMENTS

20PZ00042

Matthew Wilson and Erin Leray Coris

AU (Agricultural Residential) to EU (Estate Use Residential)

Tax Account Number: 2511208
Parcel I.D.: 25-36-23-00-756.2
Location: 120 McIver Lane, Rockledge (District 4)
Acreage: 1.2 acre

Planning and Zoning Board: 06/15/20

Board of County Commissioners: 07/09/20

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	EU
Potential*	Lot is inadequate in size for AU	2 Single Family Units
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 EU (Estate Use) for the purpose of legitimizing a parcel that does not meet the minimum lot area. The applicant desires to demo the existing single-family home and replace it with a new single-family home. The subject parcel is developed with a 3,389 sq. ft. single-family house with 2,633 sq. ft. of living area. The single-family home was built in 1901.

The parcel was split into its current configuration per Official Records Book (ORB) 3121, Page 831 in November 1990 by a previous owner. When the subject parcel was created, AU required a minimum lot width and depth of 125 feet with a minimum lot size of one acre. On March 6, 1975, AU went to a minimum lot width and depth of 150 feet with a minimum lot size of two and one half acre. The parcel is inadequate to the AU lot width or lot area requirements at the time it was split. The current owners purchased the parcel in June 2018, and propose to demo the existing single-family home and replace it with a new single-family home.

Land Use

The subject property retains the RES 4 (Residential 4) Future Land Use designation. The existing zoning classification AU and the proposed EU are consistent with the RES 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.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Indian River Lagoon Septic Overlay
- Coastal High Hazard Area
- Surface Water Classification
- Floodplain
- Protected Species
- Heritage 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.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway US-1, between Barnes Boulevard and Viera Boulevard, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 62.79% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 0.02%. The corridor is anticipated to continue to operate at 62.81% of capacity daily (LOS D). 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 not serviced by Brevard County sewer. The closest available Brevard County sewer line is approximately 1.75 miles south of Mclver Lane located along the east side of Highway US-1. The property lies within the Indian River Lagoon Septic overlay.

The parcel is serviced by City of Cocoa water.

Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 through 8 of the Future Land Use Element, outlined in the Administrative Policies

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area. The subject property is currently developed with a single-family residence and lies within the Residential 4 Future Land Use designation. The parcel abuts EU and RU-1-13 zoning along its northern boundaries and abuts EU along the easterly boundaries of the parcel. The abutting parcel to the South is McIver Lane. The parcels south across McIver Lane are zoned EU and the abutting parcel to the west is zoned EU and AU. The proposed EU zoning may be considered to be consistent with the Residential 4 Future Land Use designation.

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The developed character of the surrounding area along McIver Lane and Rockledge Drive is developed with single-family houses. The subject parcel and the surrounding area along McIver Lane and Rockledge Drive have a Future Land Use (FLU) designation of RES 4 which may be considered to be consistent with the EU and RU-1-13 zonings. The proposed EU zoning may be considered to be consistent with the Future Land Use designation RES 4.

Surrounding Properties

The developed character of the surrounding area along both sides of McIver Lane and along the west side of Rockledge Drive is EU zoning and are developed with single-family houses. The parcel and the surrounding area along McIver Lane and Rockledge Drive have a Future Land Use (FLU) designation of RES 4 which may be considered to be consistent with the AU and proposed EU zonings.

The current AU classification permits single-family residences and agricultural pursuits on 2 ½ 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.

The proposed EU zoning classification is an estate single family residential zoning classification. The minimum lot size is 15,000 square feet with a minimum lot width and depth of 100 feet. The minimum living area is 2,000 square feet.

The abutting parcels to the north are zoned EU and RU-1-13 (single-family residential) and are developed with a single-family home. The abutting parcels to the east are zoned EU and are developed with a single-family home. The abutting parcel to the South is McIver Lane. The parcels south across McIver Lane are zoned EU and developed with single-family home. The abutting parcel to the west is zoned EU and AU and is developed with a single-family home that lies in the EU portion of the parcel.

RU-1-13 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.

There have been no zoning actions within a half-mile of the subject property within the last ten years.

For Board Consideration

The applicant is seeking a change of zoning classification from AU (Agricultural Residential) to EU (Estate Use) for the purpose of legitimizing a parcel that does not meet minimum lot area. The applicant desires to demo the existing single-family home and replace it with a new single-family home.

The Board may wish to consider whether the request is consistent and compatible with the abutting RU-1-13 parcels to the north and the surrounding EU parcels.

The proposed single-family home may require an advance septic system.

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

Item # 20PZ00042

Applicant: Matthew Wilson and Erin Leray Coris

Zoning Request: AU to EU

Note: Applicant wants to legitimize lot in order to demolish old house and build new one

P&Z Hearing Date: 06/15/20; **BCC Hearing date:** 07/09/20

Tax ID No: 2511208

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management (NRM) Department 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.**
- The applicant is encouraged to contact NRM at 321-633-2016 prior to any land clearing activities, plan, or permit submittal.

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Indian River Lagoon Septic Overlay
- Coastal High Hazard Area
- Surface Water Classification
- Floodplain
- Protected Species
- Heritage 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:

Indian River Lagoon Septic Overlay

A portion of the site is mapped within the Indian River Lagoon Septic Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If sewer is not available, the use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required. If not done so already, the applicant shall contact the Florida Department of Environmental Health at 321-633-2100.

Coastal High Hazard Area

A portion of the property is in the Coastal High Hazard Area (CHHA). The Coastal Management Element of the Comprehensive Plan, Objective 7.0, limits densities within the coastal high hazard zone and directs development outside of this area. A permit application for construction of a three-story home is in the review process under permit number 19BC24861.

Surface Water Classification

The property is located on Class II Surface Waters as designated by the State. A 50-foot surface water protection buffer (Buffer) is required. Except as allowable under Section 62-3668 (7), primary structures shall be located outside the buffer. Accessory structures within the buffer are permittable with conditions (e.g., stormwater management provided, avoidance/minimization of impacts, maximum 30% impervious). The removal of native vegetation located within the Buffer is prohibited without a development order.

Floodplain

A portion of the property is mapped as being within the floodplain as identified by the Federal Emergency Management Agency; and is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance.

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.

Heritage Specimen Trees

Aerials indicate that Heritage Specimen Trees (greater than or equal to 24 inches in diameter) may reside on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), a purpose and intent of the ordinance is to encourage the protection of Heritage Specimen Trees. In addition, per Section 62-4341(18), Specimen and Protected 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 preservation and canopy coverage requirements.