



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

20PZ00017

**Bud and Mary Carol Crisafulli**

**GU (General Use) to SEU (Suburban Estate Use Residential)**

Tax Account Number: 2316832 (North 485 feet)  
Parcel I.D.: 23-36-26-00-502.1 (North 485 feet)  
Location: West side of Country Lane, approximately 162 feet south of Kings Way  
(District 2)  
Acreage: 2.23 acres

North Merritt Island Board: 06/11/20

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
<b>Zoning</b>	GU	SEU
<b>Potential*</b>	One single-family unit	Two single family 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.

### Background and Purpose of Request

The applicants are seeking a change of zoning classification from GU (General Use) to SEU (Suburban Estate Use) on the north 485 feet of their parcel for the purpose of bring the parcel into conformity with surrounding area and for future single-family home development. The remainder of the parcel to the south is zoned SR (Suburban Residential) and is developed with a single-family home that is the applicants' homestead.

The subject parcel was rezoned from AU to RU-1 (single-family residential zoning) per zoning action **Z-636** on February 8, 1962. This zoning action was reverted back to AU for not meeting the requirements of the zoning action. Zoning action **Z-2326** on August 29, 1968 rezoned the parcel from AU to EU (Estate Use). Zoning action **Z-2511** on October 2, 1969 rezoned the north 485 feet of the parcel from EU to RU-2 (Two Family Residential Zone). Ordinance **73-13** adopted on August 7, 1973 changed the zoning from RU-2 to GU.

The remainder of the parcel south of the north 485 feet was administratively rezoned per zoning action **Z-10198J** on January 28, 1999 from EU to SR.

## **Land Use**

The subject property retains the RES 1 (Residential 1) Future Land Use designation. The existing zoning classification GU and the proposed SEU are consistent with the RES 1 Future Land Use designation.

**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 Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

## **Environmental Constraints**

### **Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Hydric Soils
- Aquifer Recharge Soils
- Indian River Septic Overlay
- Floodplain
- Protected Species
- Land Alteration
- Landscape/Land Clearing

The property is mapped within the Indian River Lagoon Septic Overlay. If sewer is not available, the property will require a septic system that provides at least 65% total nitrogen reduction through multi-stage treatment processes per Chapter 46, Article II, Division IV-Nitrogen Reduction Overlay.

The parcel is subject to compensatory storage for fill required for single family parcels. Delineation of floodplain shall be determined using best available data and pre-alteration ground elevation data. The engineer shall provide a report including the hydraulic and hydrologic modelling and analysis. A topographic survey or engineered site plan delineating floodplain limits on the property is required. Please see floodplain section below for more information.

A Minor Land Alteration Permit will be required for any pre-approved land alteration activities, including excavation, filling and grading less than  $\frac{3}{4}$  acre on the subject property. If the owner/applicant has questions regarding any potential limitations, s/he is encouraged to contact NRM at 321-633-2016 prior to any design of plans and land clearing/filling activities.

## **Preliminary Transportation Concurrency**

The closest concurrency management segment to the subject property is North Courtenay Parkway, between Hall Road and North Tropical Trail, which has a Maximum Acceptable Volume of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 35.64% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 00.04%. The corridor is anticipated to continue to operate at 35.68% 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 located directly across North Courtenay Parkway along the west side of North Courtenay Parkway.

The parcel is not serviced by City of Cocoa water however the surrounding parcels are all serviced by City of Cocoa.

## **Applicable Land Use Policies**

The developed character of the surrounding area along Country Lane South of Kings Way is EU, SR (Suburban Residential) and RR-1 (Rural Residential) and developed with single-family houses. The subject parcel and the surrounding area along Country Lane have a Future Land Use (FLU) designation of RES 1 which is not compatible with the EU and SR zonings. Although the EU and SR zoning classifications are not consistent with the Future Land Use designation RES 1 these lots are nonconforming to the Comprehensive Plan and are subject to Section 62-1188 (Nonconforming lots of record). The proposed SEU zoning is consistent with the Future Land Use designation RES 1. Although there are different zonings for the abutting and surrounding parcels they are all single-family zonings.

The proposed SEU zoning permits suburban estate residential uses on lots of one acre (minimum) with a width of 125 feet and a depth of 200 feet. Minimum floor area is 2,000 square feet of living area.

The current GU 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 RR-1 classification permits single-family residential land uses on minimum one acre lots, 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.

The 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.

The 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 GU and EU and are developed with single-family homes on 0.41 acre and 0.34 acre. The east 50 feet of the parcel is Country Lane a private road maintained by the applicants and has no zoning classification. The abutting parcels along the east of Country Lane are zoned SR and RR-1 and are developed with single-family homes. The abutting parcels south of the parcel are zoned RR-1. The abutting parcel to the west is North Courtenay Parkway and has no zoning classification.

**Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.** This portion of property (North 485 feet of site) is currently undeveloped and lies within the Residential 1 Future Land Use designation. The parcel abuts GU and EU zoning along its northern boundary and against an existing private road (Country Lane) along the east of the parcel. The abutting parcels along the east of Country Lane are zoned SR and RR-1. The applicant is proposing a future single-family home. This portion of property is also bounded by North Courtenay Parkway along the west side. The proposed SEU zoning is compatible with the Residential 1 Future Land Use designation.

**Analysis of Administrative Policy #4 - Character of a neighborhood or area.** The developed character of the surrounding area along Country Lane South of Kings Way is EU, SR (Suburban Residential) and RR-1 (Rural Residential) and developed with single-family houses. The subject parcel and the surrounding area along Country Lane have a Future Land Use (FLU) designation of RES 1 which is not compatible with the EU and SR zonings. The proposed SEU zoning is consistent with the Future Land Use designation RES 1. Although there are different zonings for the abutting and surrounding parcels they are all single-family zonings.

### **For Board Consideration**

The applicants are seeking a change of zoning classification from GU (General Use) to SEU (Suburban Estate Use) on the north 485 feet of their parcel for the purpose of bring the parcel into conformity with surrounding area and for future single-family home development.

The Board may wish to consider whether the request is consistent and compatible with the surrounding EU, SR and RR-1 single-family residences along Country Lane and Kings Way.

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

**Item # 20PZ00017**

**Applicant:** Crisafulli

**Zoning Request:** GU to SEU

**Note:** Applicant wants to rezone portion of parcel to make it conform with rest of parcel

**LPA Hearing Date:** 06/15/20; **BCC Hearing Date:** 07/09/20

**Tax ID No:** 2316832 (north portion)

- 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
- Aquifer Recharge Soils
- Indian River Septic Overlay
- Floodplain
- Protected Species
- Land Alteration
- Landscape/Land Clearing

The property is mapped within the Indian River Lagoon Septic Overlay. If sewer is not available, the property will require a septic system that provides at least 65% total nitrogen reduction through multi-stage treatment processes per Chapter 46, Article II, Division IV-Nitrogen Reduction Overlay.

The parcel is subject to compensatory storage for fill required for single family parcels. Delineation of floodplain shall be determined using best available data and pre-alteration ground elevation data. The engineer shall provide a report including the hydraulic and hydrologic modelling and analysis. A topographic survey or engineered site plan delineating floodplain limits on the property is required. Please see floodplain section below for more information.

A Minor Land Alteration Permit will be required for any pre-approved land alteration activities, including excavation, filling and grading less than  $\frac{3}{4}$  acre on the subject property. If the owner/applicant has questions regarding any potential limitations, s/he is encouraged to contact NRM at 321-633-2016 prior to any design of plans and land clearing/filling activities.

### **Land Use Comments:**

#### **Hydric Soils**

The subject parcel contains a small portion of mapped hydric soils (St. Johns sand, depressional), as shown on the USDA SCSSs soils map; an indicator that wetlands may be present on the property. 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. 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). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and Section 62-3696.

#### **Aquifer Recharge Soils**

St. Johns sand may also function as an aquifer recharge soil. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

#### **Indian River Lagoon Septic Overlay**

The entire property is mapped within the Indian River Lagoon Septic Overlay. If sewer is not available, the property will require a septic system that provides at least 65% total nitrogen reduction through multi-stage treatment processes per Chapter 46, Article II, Division IV-Nitrogen Reduction Overlay.

#### **Floodplain**

Per Section 62-3724(4), any development, land alteration, or grading on North Merritt Island in the area from Hall Road, north to State Road 405, herein after referred to as "Area," is subject to compensatory storage, and written certification from the engineer of record that there will be no adverse flooding impacts upon properties within the Area resulting from the proposed development. Delineation of floodplain shall be determined using best available data. The engineer shall provide a report that includes full engineering data and analysis, including the hydraulic and hydrologic modelling and analysis demonstrating that there is no impact. A topographic survey or engineered site plan delineating floodplain limits on the property. Delineation of floodplains shall use best available pre-alteration ground elevation data.

Compensatory storage for fill in the Area shall be required for single family parcels created prior to the effective date of this ordinance. However, written certification in shall not be required. If compensatory storage is not available as a result of insufficient depth to groundwater, a compensatory storage waiver must be obtained from the county manager or designee by property

owner or designee. The amount of fill for which a waiver may be granted shall be limited to the volume necessary to construct no more than the minimum floor area designated by the applicable zoning classification, plus on-site disposal system and necessary ingress and egress. Accessory structures requiring fill within the floodplain are not permitted. Any engineered compensatory storage shall be maintained by the owner in perpetuity. Any modifications to the system require approval under Section 62-3724.

### **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.

### **Land Alteration**

Per Sec. 62-4421 (5), a Minor Land Alteration Permit is required for any land alteration activities, including excavation, filling and grading less than  $\frac{3}{4}$  acre on North Merritt Island in the area from Hall Road, north to State Road 405.

### **Landscape/Land Clearing**

Aerials indicate the subject property may contain Heritage Specimen trees (greater than or equal to 24 inches in diameter), or Protected trees (greater than or equal to 10 inches in diameter). Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen and Protected trees. In addition, per Section 62-4341(18), 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.