



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

19PZ00158

Theodore C. Goodenow

AU (Agricultural Residential) to RU-1-9 (Single-Family Residential) with a BDP (Binding Development Plan) limited to 62 lots

Tax Account Number: 2105262
Parcel I.D.: 21-35-21-00-501
Location: 1930 Hammock Road, Titusville (District 1)
Acreage: 31.43 acres

Planning and Zoning Board: ~~05/04/20~~ 6/15/20

Board of County Commissioners: ~~05/28/20~~ 7/9/20

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	RU-1-9 with BDP
Potential*	12 Single-Family Units	62 Single-Family Units
Can be Considered under the Future Land Use Map	NO RES 2 and PI	YES** RES 2***

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. ** A BDP limiting the density of the property to Residential 2 (RES 2) is required for this action to establish consistency with the Future Land Use Map. *** A small scale comprehensive plan amendment application from Planned Industrial (PI) to RES 2 is being reviewed concurrently with this application for the portion of the site designated PI east of Hammock Road.

Background and Purpose of Request

The applicant is seeking a change of zoning classification from Agricultural Residential (AU) to Single-Family Residential (RU-1-9) in order to develop a residential subdivision of up to 62 single-family lots. The request is accompanied by a Binding Development Plan (BDP) limiting the project density to two units per acre and committing to connection to City of Titusville central water and sewer.

The subject property is located at the intersection of Parrish Road and Hammock Road between North U.S. Highway 1 and the Indian River. It is split by Hammock Road with the majority of the property being located between Hammock Road and US 1. At the closest point, the property is

approximately 1,250 feet from the Indian River Lagoon. At this point, staff anticipates this property to be developed in two separate projects, as there is no interconnectivity between the two parcels. Also, based on the design, there maybe a need to have two separate stormwater ponds. This will be determined at a later stage of development.

The property has been AU zoned since 1958. There have been no prior zoning requests on the subject property.

Land Use

This site retains split Future Land Use (FLU) designation of RES 2, which allows residential development with a maximum gross density of up to two (2) units per acre, and Planned Industrial (PI). A companion Small Scale Comprehensive Plan Amendment application 20S.02 (20PZ00024) was submitted accompanying this rezoning request to amend the FLU designation on the 4.85 portion of the project site located east of Hammock Road from PI to RES 2. The requested change of zoning from AU to RU-1-9 with a BDP is consistent with the proposed Future Land Use Map (FLUM), but is not consistent with the current FLUM of PI for the portion of the property east of Hammock Road. Neither AU nor RU-1-9 zoning is permitted in PI FLU designation. 20PZ00024 would have to be approved by the Board in order for the requested rezoning from AU to RU-1-9 to be considered. The applicant is requesting this zoning in order to tailor lot dimensions and area to obtain the maximum gross density of 2 units per acre permitted by RES 2 FLU.

Residential 2 (maximum of 2 dwelling units per acre)

Policy 1.8

The Residential 2 land use designation permits lower density residential development with a maximum density of up to two (2) units per acre, except as otherwise may be provided for within this element. The Residential 2 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

The subject parcel does not serve as a transition between land uses with a density greater than two (2) units per acre and areas with lesser density. The subject parcel is surrounded by PI land use on three sides. The portion of the subject property located to the east, is separated by Hammock Road.

A portion of the southern boundary of subject parcel to the west of Hammock Road is located adjacent to an incorporated area and retains a Residential Two (RES 2) FLU designation and PUDZ zoning which requires a minimum 6,000 sq.ft lot. On the west side of Hammock Road is the City of Titusville boundary is located approximately 200 feet to the south, where a developed parcel with Heavy Industrial Zoning and Industrial Future Land Use currently exists.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands/Hydric soils
- Indian River Lagoon Septic Overlay
- Protected Species

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

Preliminary Concurrency

The closest concurrency management segment to the subject property is US-1, between Dairy Road and State Road 46, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 40.05% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 1.41%. The corridor is anticipated to continue to operate at 41.46% of capacity daily (LOS C). The proposal is not anticipated to create a deficiency in LOS.

According to the School Impact Analysis Capacity Determination (CD-2019-18) dated November 20, 2019, the proposed development for the subject property is projected to generate 17 elementary students, 5 middle school students, and 10 high school students. CD-2019-18 concludes: "At this time, Mims Elementary School, Madison Middle School and Astronaut High School are projected to have enough capacity for the total of projected and potential students from the [proposed development on the subject property]."

The subject property is neither served by county nor city potable water. The nearest county potable water is approximately 3,000 feet east northeast of the property. The closest city potable water provided by City of Titusville Utilities is approximately 900 feet south of the property on the west side of Hammock Road.

The subject property is neither served by county nor city sanitary sewer. The nearest sanitary sewer is provided by City of Titusville Utilities and is located on Truman Scarborough Way, approximately 2,800 feet south of the property. The nearest county sewer is approximately 1.6 miles to the west of the property at the intersection of Parrish Road and Briarcliff Way.

The applicant's BDP states the project will connect to City of Titusville water and sewer. If centralized potable water is not provided, centralized sanitary sewer must be provided for densities greater than 2 units per acre per Future Land Use Element (FLUE) Policy 1.2 E that states: "Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system."

Applicable Land Use Policies

The 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.

The RU-1-9 classification permits single-family residences on minimum 6,600 square foot lots with minimum widths of 66 feet and depth of 100 feet. The minimum house size is 900 square feet.

The adjacent properties to the north across Parrish Road retain Rural Residential Mobile Home (RRMH-1) and Single-Family Mobile Home (TR-1 and TR-2) zoning classifications and are currently developed with lot sizes ranging from 0.52 to 1.4 acres. The adjacent property to the south is 0.52 acres, retains TR-1 zoning, and is developed with a single-family manufactured home. The other property abutting to the south is a 45.29 acre undeveloped parcel in the City of Titusville that retains City of Titusville Planned Unit Development Zone (PUDZ) zoning. The properties to the east and across Hammock Road (northern half) of the east lot line are developed under the TR-2 zoning classification with lots ranging in size from 0.5 to 0.59 acres. The abutting property to the east (southern half) of the east lot line is undeveloped and retains Planned Industrial Park (PIP) zoning. The seven properties abutting the subject property to the west all retain RR-1 zoning and are all developed with single-family homes with lot sizes ranging from 1.03 to 1.64 acres. The developed character of the area is half-acre to one-acre developed single family sites.

In review of Administrative Policy 3 (c), concerning the compatibility of the proposed rezoning with adjacent and surrounding historical and actual land use patterns, the fact that there have been no zoning actions within ½ mile of the subject property within the last three years, and the most recent request 14PZ-00061 approved September 4, 2014 downzoned the property from Rural Residential (RR-1) with a BDP to Agricultural Residential (AU), the RU-1-9 zoning classification is neither an established nor emerging zoning classification within the surrounding area. Further, Administrative Policy 4 states: "The character of the area must not be materially or adversely affected by the proposed rezoning or land use application." The neighboring lots are one-half acre or larger in size and have a rural neighborhood character. Although the required BDP limits the potential density to 62 single-family lots with central water and sewer connection, which allows RU-1-9 to be considered within the RES 2 FLU per Section 62-1255, RU-1-9 is not an established zoning classification in the neighborhood. Compatibility can be achieved by increasing the minimum lot size to ½ acre.

For Board Consideration

The applicant is seeking a change of zoning classification from Agricultural Residential (AU) to Single-Family Residential (RU-1-9) in order to develop a residential subdivision of up to 62 single-family lots. The request is accompanied by a Binding Development Plan (BDP) limiting the project density to two units per acre and committing to connection to central water and sewer. This rezoning request is accompanied by a companion SSCPA from PI to RES 2 20S.02 (20PZ00024) that would need to be approved by the Board in order for this rezoning to be considered.

The Board may wish to consider if introducing RU-1-9 zoning classification is consistent and compatible with the surrounding RRMH-1 and TR-2 zoning classifications. The Board may wish to consider whether the proposed BDP helps mitigate the potential impacts to the surrounding area and the proximity to the Indian River Lagoon.

The Board should note: the Code requires a landscaping & wall buffer when residential abuts a commercial or industrial zoning classification. The burden of the improvement is on the commercial/industrial zoned properties. The Board may wish to consider requiring the applicant provide the buffering at the time of development.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary

Item # 19PZ00158

Applicant: Theodore Goodenow, Chad Genoni

Zoning Request: Applicant wants to build a 62-unit subdivision on 31.43 acres.

P&Z Hearing Date: 03/09/20; **BCC Hearing date:** 04/02/20

Tax ID No: 2105262

- 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.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands/Hydric soils
- Indian River Lagoon Septic Overlay
- Protected Species

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

Land Use Comments:

Wetlands/Hydric Soils

The subject parcel contains 100% hydric soils (Copeland-Bradenton-Wabasso complex, and Riviera sand), and a small area of mapped SJRWMD wetlands along the southern property boundary, as shown on the USDA SCSSs soils, and SJRWMD FLUCCS Wetlands maps, respectively; indicators that wetlands may be present on the property. 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 subdivisions 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 Section 62-3696.

Indian River Lagoon Septic Overlay

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

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.