



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

20Z00019

St. Luke's Episcopal Church of Courtenay Fla, Inc. (John Campbell) IN(L) (Institutional Use Low Intensity) to RR-1 (Rural Residential)

Tax Account Number: 2317060 (portion of parcel east of North Tropical Trail)
Parcel I.D.: 23-36-27-00-256
Location: East side of North Tropical Trail, approximately 257 feet south of Church Road (District 2)
Acreage: 1.50 acres

North Merritt Island Board: 10/08/2020
Local Planning Agency Board: 10/19/2020
Board of County Commissioners: 11/05/2020

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal cannot 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	IN(L)	RR-1
Potential*	One single-family unit	One single-family unit
Can be Considered under the Future Land Use Map	YES RES 1:2.5	No requires RES 1**

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

**The applicant has submitted a companion Small Scale Comprehensive Plan Amendment application to change the Future Land Use Map (FLUM) from RES 1:2.5 (Residential 1:2.5) to RES 1 (Residential 1) under 20Z00018.

Background and Purpose of Request

The applicant is seeking a change of zoning classification from IN(L) (Institutional Use Low Intensity) to RR-1 (Rural Residential) on the portion of the parcel located on the east side of North Tropical Trail.

This application is to change the IN(L) zoning in order to sell the portion of the parcel east of North Tropical Trail. It has an existing single-family home used as the Pastor's residence for the church across the street. A single-family residence uses for a Pastor's house is permissible as accessory to a Place of Worship. However single-family residences are not permitted in IN(L) zoning. The RR-1

zoning will allow the existing residential house to remain on the property with or without being accessory to the church.

The subject parcel was Administratively rezoned from AU to IN(L) per zoning action **Z-10985(69)** on December 02, 2004.

Land Use

The subject property retains the RES 1:2.5 (Residential 1:2.5) Future Land Use designation. The existing zoning classification IN(L) is consistent with the Future Land Use Designation. The proposed zoning classification of RR-1 is not consistent with the current RES 1:2.5 Future Land Use Designation.

The applicant has submitted a Small Scale Comprehensive Plan Amendment application to change the FLUM from RES 1:2.5 to RES 1 under **20Z00018**. Should the proposed Future Land Use designation of RES 1 be approved, then this request to RR-1 can be considered.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Floodplain
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- Protected Species

Please see NRM comments at the end of this report for further details.

Preliminary Transportation Concurrency

The closest concurrency management segment to the subject property is North Tropical Trail, between Hall Road and West Crisafulli Road, which has a Maximum Acceptable Volume of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 10.96% of capacity daily. The maximum development potential from the proposed rezoning does not increase the percentage of MAV utilization. The corridor is anticipated to continue to operate at 10.96% of capacity daily (LOS E). The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development potential is considered de minimis and is 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 sewer line is located 865 feet east along the west side of North Courtenay Parkway.

The parcel is serviced by City of Cocoa water.

Applicable Land Use Policies

Current Future Land Use: FLUE Policy 1.10 – The Residential 1:2.5 Future land use designation. The Residential 1:2.5 land use designation, which establishes the lowest density of all the residential future land use designations, permits a maximum density of up to one (1) unit per 2.5 acres, except as otherwise may be provided for within this element. Development in the Residential 1:2.5 land use designation should seek to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses.

Proposed Future Land Use: 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.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area. This parcel is located on the east side of North Tropical Trail, is currently developed with a single-family home that is being used as the Pastor's residence and lies within the Residential 1:2.5 Future Land Use (FLU) designation. The parcel abuts a nonconforming GU (General Use) parcel along its northern boundary with a FLU of RES 1:2.5. The abutting parcels to the east are zoned SR (Suburban Residential) with a FLU of RES 2. The parcel to the south is zoned GML(H) (Governmental Managed Lands High-Intensity) with a FLU of RES 1:2.5. This property is also bounded by North Tropical Trail along the west side. The proposed RR-1 zoning is compatible with the proposed RES 1 Future Land Use designation. The closest RR-1 zoning classification is approximately 312 feet north of the subject parcel on north side of Church Road.

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The developed character of the surrounding area: the parcel to the north is zoned GU and is developed with a single-family home with 1,984 sq. ft. of living area. The parcel to the east is zoned SR and is developed with a single-family home with 3,469 sq. ft. of living area. Although these are different zonings abutting the subject parcel, they are all single-family zonings and developed with single-family homes. The abutting property to the south is a 95.81 acre undeveloped vacant parcel that is zoned GML(H) (Governmental Managed Lands High-Intensity).

The current IN(L) is an Institutional (Light) zoning classification, intended to promote low impact private, nonprofit, or religious institutional uses to service the needs of the public for facilities of an educational religious, health or cultural nature.

The proposed 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 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 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 purpose of the GML (Government Managed Lands) zoning classification is to recognize the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations (NGOs) 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, and related entities. The GML(H) zoning classification allows heavy industrial uses.

Surrounding Area

There have been three zoning actions within a half-mile of the subject property within the last three years.

April 06, 2017, application **17PZ00006** rezoned an 8 acre parcel from IN(L) to BU-1-A located approximately 1,356 feet east of the subject property, on the west side of North Courtenay Pkwy.

April 06, 2017, application **17PZ00070** rezoned a 21.59 acre parcel from AU to BU-1 BU-1-A and changed the FLUM from NC (Neighborhood Commercial) to CC (Community Commercial) on the BU-1 portion of the parcel, located approximately 1,800 feet south east of the subject property, on the west side of North Courtenay Pkwy.

July 09, 2020, application **20PZ00017** rezoned a 2.23 acre parcel from GU to SEU located approximately 2,120 feet easterly of the subject property, on the east side of North Courtenay Pkwy.

For Board Consideration

The Board may wish to consider whether the request is consistent and compatible with the SR, GU, GML(H), AU and RR-1 zoning classifications within the area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item # 20Z00019

Applicant: St. Luke's Episcopal Church

Zoning Request: IN(L) to RR-1

Note: Applicant wants to make the lot on east side of N Tropical Trail conforming, so it can be sold as SFR.

NMI Hearing Date: 10/08/2020; **LPA Hearing Date:** 10/19/20; **BCC Hearing Date:** 11/05/20

Tax ID No: 2317060 – the portion on east side of N. Tropical Trail

- 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:

- Aquifer Recharge Soils
- Floodplain
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- Protected Species

Land Use Comments:

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (Tavares fine sand) as shown on the USDA Soil Conservation Service Soils Survey map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Floodplain

Portions of the property located are mapped as being within the floodplain as identified by the Federal Emergency Management Agency 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. 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."

Indian River Lagoon Nitrogen Reduction Overlay

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If applicable, the use of alternative septic systems designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required. Per Section 62-3666 (14), all onsite sewage treatment and disposal systems (OSTDS) shall be set back at least 100 feet from the buffer establishment line, the safe upland line, mean high water line or ordinary high-water line.

Protected and Specimen Trees

Aerials indicate that Protected (greater than or equal to 10 inches in diameter) and Specimen (greater than or equal to 24 inches in diameter) trees may reside on subject property. 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.