



BOARD OF COUNTY COMMISSIONERS

## Planning and Development Department

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

### STAFF COMMENTS

20Z00033

#### Tropical Manor Holdings LLC

#### **RU-1-7 (Single-Family Residential) and RU-2-30 (High Density Multiple-Family Residential) to RU-2-12 (Medium Density Multiple-Family Residential) with a Binding Development Plan (BDP)**

Tax Account Number: 2417034

Parcel I.D.: 24-36-22-00-783

Location: West side of Jordan Road, approximately 1,900 feet west of the intersection of Grove Boulevard and Courtenay Parkway (District 2)

Acreage: 8.47 acres

Planning and Zoning Board: 11/09/2020

Board of County Commissioners: 12/03/2020

#### **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>	RU-1-7 and RU-2-30	RU-2-12 w/ BDP
<b>Potential*</b>	127 multiple-family units	85 multi-family units**
<b>Can be Considered under the Future Land Use Map</b>	YES (RU-1-7) and NO (RU-2-30) Residential 15	YES Residential 15

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

\*\*Based on existing development.

#### **Background and Purpose of Request**

The applicant is requesting a change of zoning classification from Single-Family Residential (RU-1-7) and High Density Multiple-Family Residential (RU-2-30) to Medium Density Multiple-Family Residential (RU-2-12) with a Binding Development Plan (BDP) limiting density of the property to 85 units to recognize the existing apartment units.

The purpose of this rezoning is to make the property's zoning consistent with the Residential 15 (RES 15) Future Land Use Designation. In addition, the request will correct the zoning for two of the existing multi-family buildings partly located in the RU-1-7 zoning classification, which is limited to single-family use. The subject property currently consists of 85 apartment units, and the contract

purchaser proposes to improve the condition of the property with no proposed increase in the number of dwelling units. A draft BDP was provided with the application limiting density to 10.05 units per acre (not to exceed 85 units).

The original zoning of the property was Single Family Residential (RU-1), adopted May 22, 1958. On December 19, 1963, a portion of the property was rezoned to RU-3 by zoning action **Z-1249** and on May 25, 1964, a further portion was rezoned RU-3 by zoning action **Z-1408**. The Zoning Ordinance adopted February, 1988 refers to the RU-3 zoning classification as “high density multiple-family residential” - this classification was officially changed to High Density Multiple Family Residential (RU-2-30) with the Zoning Regulation adopted March, 1990. Resolution **Z-2980** administratively rezoned the remaining RU-1 portion to RU-1-7.

## **Land Use**

The property retains the RES 15 (Residential 15) Future Land Use (FLU) designation. One of the existing zoning classifications, RU-1-7, is consistent with the RES 15 FLU designation, while the existing RU-2-30 zoning classification is not consistent with the RES 15 FLU designation. The proposed zoning classification, RU-2-12, is consistent with the current FLU designation.

## **Environmental Constraints**

No noteworthy land use issues were identified. Natural Resources Management (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 N. Courtenay Pkwy., between Lucas Road and Crockett Blvd., which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of C, and currently operates at 73.17% of capacity daily. The maximum development potential from the proposed rezoning does not increase the percentage of MAV utilization because no additional units are permitted. Therefore, the corridor is anticipated to continue to operate at 73.17% of capacity daily. The proposal is not anticipated to create a deficiency in LOS C.

Per an email from Karen M. Black, Manager – Facilities Planning & Intergovernmental Coordination for the School Board of Brevard County, “...due to the fact that this is a request for rezoning with no site plan or plat and the number of units is decreasing from the current allowable number of units in the RU-2-30 classification, and the site does not require a large scale comprehensive plan amendment – we do not require a preliminary school concurrency application. However... if at any time, a site plan or plat is submitted which generates one student or more based on the student generation multipliers for any school type, a school concurrency application would be required.”

The parcel is serviced by City of Cocoa water and Brevard County sewer.

### **Applicable Land Use Policies**

**FLUE Policy 1.4** – The Residential 15 Future Land Use designation affords the second highest density allowance, permitting a maximum residential density of up to fifteen (15) units per acre. This land use category allows single and multi-family residential development.

**Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.** This request may be considered consistent with the proposed RES 15 FLUM as an 8.47-acre site. The property is bordered by RES 15 FLU designation on its north and west sites, while a FLU designation of RES 6 borders the property to the south. The FLU designations to the east across the right-of-way (Jordan Road) are Public Facilities (PUB) and RES 6. Development and zoning actions in the recent past in the surrounding area points to a shift from single-family homes with larger lots to single-family homes with smaller lots. There is a similar development located approximately 1,430 feet away that is zoned RU-2-15 with a FLU designation of Community Commercial and Neighborhood Commercial.

**Analysis of Administrative Policy #4 - Character of a neighborhood or area.** The existing multi-family residential use was built in 1968. There is another multi-family residential use with RU-2-15 zoning approximately 1,430 feet away on Lucas Road. The immediate surrounding area is a combination of single-family residences, public facilities, and institutional uses. There is no net increase in the number of units being proposed as part of this request.

The RU-2-12 zoning classification permits multifamily dwellings with a maximum density of 12 units per acre on 7,500 sq. ft. lots with a minimum lot width and depth of 75 feet.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 of the Future Land Use Element.

### **Surrounding Area**

This lot abuts a roadway on its east perimeter; across this roadway is an unused elementary school owned by the School Board of Brevard County. To the north is a 5.22 acre parcel containing a church zoned IN(L). To the south is a single-family residential subdivision zoned RU-1-9. To the west are several single-family residential lots zoned RU-1-7. Zonings of the immediate area are: Single-Family Residential (RU-1-7), Single-Family Residential (RU-1-9), Agricultural Residential (AU), Institutional Use – Low Intensity (IN(L)), and Government Managed Lands – Institutional (GML(I)). Medium-Density Multiple Family Residential (RU-2-15) is located approximately 434 feet to the north of the subject property.

The RU-2-15 zoning classification permits multifamily dwellings with a maximum density of 15 units per acre on 7,500 sq. ft. lots with a minimum lot width and depth of 75 feet.

The RU-1-7 zoning classification permits single-family dwellings on 5,000 sq. ft. lots, with a minimum lot width of 50 feet and a minimum depth of 100 feet. The minimum house size in RU-1-7 is 700 square feet.

The RU-1-9 zoning classification permits single-family dwellings on 6,600 sq. ft. lots, with a minimum lot width and depth of 100 feet. The minimum house size in RU-1-9 is 900 square feet.

The IN(L) zoning classification permits low intensity institutional uses such as community centers and churches on 7,500 sq. ft. lots with a minimum lot width and depth of 75 feet.

The GML(I) zoning classification permits government managed institutional uses such as public schools on 7,500 sq. ft. lots with a minimum lot width and depth of 75 feet.

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

On September 9, 2019, zoning action **19PZ00092** changed the zoning from AU (Agricultural Residential) to SR (Suburban Residential) on a 0.95 acre parcel located approximately 1,967 feet south of the subject property.

On January 7, 2019, zoning action **18PZ00123** changed the zoning from AU (Agricultural Residential) and RU-1-9 (Single-Family Residential) to RU-1-7 (Single-Family Residential) on a 0.69 acre parcel located approximately 1,210 feet south of the subject property.

On May 6, 2019, zoning action **18PZ00130** changed the zoning from RU-1-9 (Single-Family Residential) and EU (Estate Use Residential) to all RU-1-9 on a 2.92 acre parcel located approximately 377 feet west of the subject property.

On January 8, 2018, zoning action **17PZ00138** changed the zoning from AU (Agricultural Residential) to RU-1-11 (Single-Family Residential) on a 0.83 acre parcel located approximately 833 feet south of the subject property.

### **For Board Consideration**

The Board may wish to consider whether the requested RU-2-12 zoning classification is consistent and compatible with the surrounding area given the fact that the property will be downzoned to meet the density limitations of Res 15. In addition, the Board may also consider if the proposed limitation on number of units proposed by the BDP mitigates impact.

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

**Item # 20Z00033**

**Applicant:** Metcalf for Jones

**Zoning Request:** RU-1-7 & RU-2-30 to RU-2-12

**Note:** Applicant wants to conform zoning with Future Land Use so that the 85 existing units can be remodeled.

**P&Z Hearing Date:** 11/09/20; **BCC Hearing Date:** 12/03/20

**Tax ID No:** 2417034

- 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/Wetlands
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- Protected Species

No noteworthy land use issues were identified. Natural Resources Management (NRM) reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

**Land Use Comments:**

## **Hydric Soils/Wetlands**

The subject parcel contains mapped hydric soils (Ancloze sand) along the western boundary as shown on the USDA Soil Conservation Service Soils Survey map; an indicator that wetlands may be present on the property. A wetland delineation will be required prior to any site plan design, permit submittal or land clearing activities.

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 multi-family parcels 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 Sec. 62-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696.

## **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 adequate sewer for the development is not available, then the use of alternative septic systems designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required.

## **Protected and Specimen Trees**

Aerials indicate that Protected (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) 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.