



Planning and Development Department

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BOARD OF COUNTY COMMISSIONERS

**STAFF COMMENTS
 20Z00024**

Clarence Coomer

GU (General Use) to RRMH-2.5 (Rural Residential Mobile Home)

Tax Account Number: 2001246 & 2001250
 Parcel I.D.: 20g-34-15-AI-6-4.01 & 4.05
 Location: South side of Lloyd Street, approximately 2,190 feet west of Meadow Green Road (District 1)
 Acreage: 3.56 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
Zoning	GU	RRMH-2.5
Potential*	One Single Family Unit	One Single Family Unit
Can be Considered under the Future Land Use Map	YES Agriculture	YES** Residential 1:2.5

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. **If the companion Small Scale Future Land Use Amendment, **20PZ00080**, is changed from Agriculture (1 unit/ 5 acres) to Residential 1:2.5, this zoning action can be heard.

Background and Purpose of Request

The applicant is requesting a change of zoning classification from GU (General Use) to RRMH-2.5 (Rural Residential Mobile Home) for the purpose of building a mobile home. Based upon minimum lot area, the applicant is combining both of his properties together to create one single 3.56-acre lot. The parcels are currently inconsistent with the Agriculture Future Land Use designation and are not considered to be non-conforming lots of record because both parcels were created after 1988 and fail to meet the minimum area required both for the GU zoning and the Agriculture FLUM designation.

The GU zoning is original to the lots adopted May 22, 1958. The property consists of two substandard lots which the applicant will combine into one lot for development purposes.

Land Use

The subject property is currently designated as Agriculture with residential development limited to one unit per 5.0-acre lot. The companion application **20PZ00080** proposes to change this FLUM to the Residential 1:2.5 (Residential 1:2.5) Future Land Use designation.

The existing GU zoning can be considered with both Future Land Use designations (Agriculture and RES 1:2.5), however, the property does not meet the minimum 5.0 lot size required to meet code. Should the companion FLUM amendment be approved, the applicant is requesting to change the zoning to RRMH-2.5 which is consistent with this smaller lot size FLUM designation. The applicant's property totals 3.56 acres.

Environmental Constraints

The subject parcel contains a large mapped area of National Wetlands Inventory (NWI) wetlands, SJRWMD wetlands, and hydric soils. Information available to NRM indicates that impacts to wetlands may have occurred between 2018 and 2019 when a portion of the site was cleared. A wetland determination/delineation will be required prior to any site plan design, land clearing activities, or building permit submittal. The discovery of unpermitted wetland impacts may result in enforcement action. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Highway 1, between Burkholm Road to Volusia County, which has a Maximum Acceptable Volume (MAV) of 40,300 trips per day, a Level of Service (LOS) of C, and currently operates at 10.65% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 0.03%. The corridor is anticipated to continue to operate at 10.68% of capacity daily. 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 public water or sewer. The closest available Brevard County potable water line is approximately 3 miles southeast of the subject property.

Applicable Land Use Policies

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.

This request is within the Mims Area Small Area Study, approved by the Board on April 10, 2007. The results of this SAS suggested no changes in the Agriculture designation at this time." This study also recognized, "Above all, "Mims should remain Mims" – a special place, rural and small-town in nature, with a history and future all its own."

The applicant can apply for this zoning. The proposed RRMH-2.5 zoning may be considered to be consistent with the proposed Future Land Use designation RES 1:2.5, if adopted under the companion Small-Scale Comprehensive Plan amendment # **20PZ00080**.

The Indian River Park Subdivision recorded on May 28, 1914, has been subsequently divided from the initial recording size of 10-acre tract/lot size to mostly 1.25-acre lots. Some of these lots are nonconforming to zoning and are vested (1+ acre minimum lot area) for their creation prior to May 20, 1975. Other lots in this area were not created before this date but may have received Board approval for a change in zoning to make that specific property usable during the period from 1975 to the adoption of the Comprehensive Plan in 1988. This area of the county also contains substandard lots which fail to meet current zoning criteria and were never recognized to be non-conforming to either zoning standards or the Comprehensive Plan. Such is the case with the 1+ acre RRMH-1 zoned properties lying to the north of the subject property, across Lloyd Street.

For those lots, which fail to meet code and are not considered to be non-conforming, relief can currently be obtained by the assemblage of additional lands to comply with the Agriculture FLUM density limitation of one unit per 5.0 acres.

The Board should determine whether future development in this area should be limited to 5-acre parcels or should a smaller lot area designation such as RES 1:2.5 (one unit per 2.5 acres) be allowed and to recognize the existing development patterns. This request essentially mimics the existing development pattern.

This applicant will join his two parcels into one 3.56-acre tract

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The developed character of the surrounding area is a mix of undeveloped land, single family detached dwellings and mobile homes on lots of 1+ acres zoned GU, AU, RRMH-5, RR-1 and RRMH-1. The subject parcel and the surrounding area have a Future Land Use (FLU) designation of Agriculture. The developed neighboring lots zoned RR-1, RRMH-1 and AU were all rezoned prior to the 1988 Comprehensive Plan and are considered non-conforming to the Comprehensive Plan.

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.

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

The abutting parcels to the west and south are undeveloped and zoned GU. The surrounding area is zoned GU, AU, RRMH-5, RR-1 and RRMH-1. Some of those properties are considered non-conforming while others may be substandard.

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

For Board Consideration

The Board may wish to consider whether the request is consistent and compatible with the surrounding neighborhood. The board may also wish to consider the existing development trends of the surrounding area. In addition, the Board may wish to consider the recommendations of the 2007 Mims SAS.

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

Item # 20Z00024

Applicant: Clarence Coomer

Zoning Request: GU to RRMH 1:2.5

Note: Applicant wants a mobile home.

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

Tax ID Nos: 2001250 & 2001246

- 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:

- NWI Wetlands
- SJRWMD Wetlands
- Hydric Soils
- Aquifer Recharge Soils
- Floodplain
- Protected and Specimen Trees
- Protected Species

The subject parcel contains a large mapped area of National Wetlands Inventory (NWI) wetlands, SJRWMD wetlands, and hydric soils. Information available to NRM indicates that impacts to wetlands may have occurred between 2018 and 2019 when a portion of the site was cleared. A wetland determination/delineation will be required prior to any site plan design, land clearing activities, or building permit submittal. The discovery of unpermitted wetland impacts may result in enforcement action. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

Land Use Comments:

Wetlands

The subject parcel contains mapped NWI (Freshwater forested shrub wetlands), SJRWMD (Wetland Mixed Forest), and hydric soils (Samsula muck-frequently ponded and St. Johns sand) as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes, and USDA Soil Conservation Service Soils Survey maps, respectively. All are indicators 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. The preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts as described in Section 65-3694(c)(1)a above. 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 Section 65-694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696. A wetland delineation will be required prior to any land clearing activities.

Aquifer Recharge Soils

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

Floodplain

The entire property is mapped as being within an isolated floodplain as identified by FEMA and as shown on the FEMA Flood Zones Map. The portion of the property located within the floodplain is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of one third (1/3) acre in size, that would provide an upland buildable area within an isolated floodplain. Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

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.