



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

20Z00035

Tammy McCoy

AU (Single-Family Agricultural) to EU-1 (Estate Use Residential)

Tax Account Number: 2103412
Parcel I.D.: 21-35-17-00-763
Location: No address assigned, on the south side of E. Main Street 795 feet east of Harry T. Moore Avenue, in the Mims area (District 1)
Acreage: 0.50 acre

Planning and Zoning Board: 01/11/2021
Board of County Commissioners: 02/04/2021

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	EU-1
Potential*	0 units, requires 2.5 acres	1 single-family unit
Can be Considered under the Future Land Use Map	Yes, RES 4	Yes, RES 4

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

Background and Purpose of Request

The applicant is requesting a change of zoning classification from AU (Agricultural Residential) to EU-1 (Estate Use Residential) on 0.50 acres for the purpose of legitimizing the parcel and to build a single-family home on the parcel.

The applicant has not provided a site plan showing the location and size of a future home.

The AU zoning is the original zoning for the parcel as established by Brevard County in 1958. The parent parcel was subdivided into two parcels on March 13, 1963 per Official Records Book 574, Page 860 which created two 0.50 acres parcels including the abutting parcel to the south. The parent parcel had a single-family home that was built in 1962 before the parcel was subdivided. In 1963, AU zoning required a minimum lot size of one acre with a minimum lot width and lot depth of 125 feet. This subdivision of the lot in 1963 created two lots that are substandard to the AU minimum lot size

requirement. The subject parcel has a 25 feet wide ingress/egress access easement across the west 25 feet of the parcel for accessing the abutting developed parcel to the south.

Land Use

The subject property retains the RES 4 (Residential 4) FLU designation. The current zoning of AU on the subject property is consistent with the RES 4 FLU per 62-1255 (2). The proposed zoning of EU-1 is consistent with the RES 4 FLU per 62-1255 (2).

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Land Clearing and Landscape Requirements
- 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.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway 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 40.58% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.03%. With the maximum development potential from the proposed rezoning, the corridor is anticipated to operate at 40.61% 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 along the east side of Highway US-1 approximately 2,315 feet west of the westerly property line of the subject parcel as measured along Main Street.

The parcel can be serviced by Brevard County water. The closest available Brevard County water line is located across from the parcel along the north side of E. Main Street.

Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 through 8 of the Future Land Use Element, outlined in the Administrative Policies.

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

The abutting parcels to the east, south and west all have FLU designation of RES 4 (Residential 4). The proposed zoning change from AU to EU-1 is consistent with the RES 4 FLU designation.

Policy #3C Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development approved within the past three year, but not yet constructed.

There has not been any approved development in the surrounding area within the last three years. Although there is no EU-1 zoning in the immediate area it appears the developing trend in this area is moving away from Agricultural uses to single-family residential use.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

The subject parcel is currently undeveloped with AU zoning that abuts E. Main Street to the north.

The abutting parcel to the east is zoned AU and is undeveloped. The abutting parcel to the south is zoned AU and is developed with a 2,476 sq. ft. single-family home. The parcels to the west along the south side of E. Main Street are substandard AU zoned parcels that are developed with single-family homes along with undeveloped substandard AU zoned parcels. The parcel 390 feet west of the subject parcel is zoned RU-2-30 (High-Density Multi Family Residential) and is a multi-family residential development.

All the area around the subject parcel has a FLU (Future Land Use) designation of RES 4 which is consistent with the AU and proposed EU-1 zoning classifications. The surrounding developed and undeveloped AU zoned parcels are not being used for agricultural pursuit.

Surrounding Properties

There has been one zoning action within a half-mile of the subject property within the last three years.

On November 05, 2020, application **20Z00023** requests were heard by the County Commission to a change of zoning classification from RU-1-9 and BU-1 to BU-1-A on 0.98 acres; and a BDP limited to 4 units per acre on 2.29 acres on the RU-1-9 portion. This parcel is located on the south side of E. Main Street, approximately 843 feet west of the subject property.

The current 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 proposed EU-1 zoning classification is an estate single family residential zoning classification. The minimum lot size is 12,000 square feet with minimum lot width and lot depth of 100'. The minimum living area is 1,800 square feet.

For Board Consideration

The Board may wish to consider whether this request for EU-1 is consistent and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item # 20Z00035

Applicant: Tammy McCoy

Zoning Request: AU to EU-1

Note: Applicant wants to legitimize lot size.

P&Z Hearing Date: 01/11/21; **BCC Hearing Date:** 02/04/21

Tax ID No: 2103412

- 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.**

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Land Use Comments:

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (Pomello 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.

Land Clearing and Landscape Requirements

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. Specifically, gopher tortoises can be found in areas of aquifer recharge soils. 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.