



BOARD OF COUNTY COMMISSIONERS

## Planning and Development Department

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

### STAFF COMMENTS

20Z00039

Nichelle King

#### AU (Single-Family Agricultural) to RRMH-1 (Rural Residential Mobile Home)

Tax Account Number: 2410958

Parcel I.D.: 24-36-07-00-10

Location: 3620 West Railroad Avenue, Cocoa 32922, on the west side of West Railroad Avenue, 540 feet north of Harry T. Cidco Road, in the North Cocoa area (District 1)

Acreage: 3.16 acre

Planning and Zoning Board: 02/08/2021

Board of County Commissioners: 04/04/2021

#### 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
<b>Zoning</b>	AU	RRMH-1
<b>Potential*</b>	1 single-family unit	1 single-family unit
<b>Can be Considered under the Future Land Use Map</b>	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 RRMH-1 (Rural Residential Mobile Home) on 3.16 acres. The applicant states that her mother previously had a house on the parcel and the house has been removed. The applicant requests the zoning change for the purpose of placing a single-family mobile home on the parcel. A mobile home may be used as the principal residential dwelling in the AU zoning classification if the property has a minimum lot size of ten acres.

The AU zoning is the original zoning for the parcel as established by Brevard County in 1958. The parcel is a Flag Lot configuration which has been in this configuration before Brevard County zoning was established in 1958.

## **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 RRMH-1 is consistent with the RES 4 FLU per 62-1255 (2).

## **Environmental Constraints**

The subject parcel contains a large mapped area of NWI wetlands, SJRWMD wetlands, and hydric soils. A wetland delineation will be required prior to any site plan design, land clearing activities, or building permit submittal. 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. 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) including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any land clearing activities or permit submittal.

## **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Highway US-1, between Highway 528 and Canaveral Groves Blvd., which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 78.54% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.02%. With the maximum development potential from the proposed rezoning, the corridor is anticipated to operate at 78.56% 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 or the City of Cocoa sewer.

The parcel can be serviced by City of Cocoa water.

## **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 parcel to the north, east and south have FLU designation of RES 4 (Residential 4). The abutting parcel to the west has a FLU designation of IND (Industrial) and an abutting parcel to the west in the City limits of Cocoa. The proposed zoning change from AU to RRMH-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.

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

The subject parcel is currently undeveloped with AU zoning.

The abutting parcel to the north is zoned RRMH-1 and is developed with a 1,550 sq. ft. single-family home. The abutting parcel to the east is West Railroad Avenue and the Florida East Coast Railway. There is a TR-1 zoned subdivision, Vanguard Estates, east of the Florida East Coast Railway. Also, there are three substandard sized AU zoned parcels abutting to the east that are undeveloped. The abutting parcel to the southeast is zoned AU and is used for a railway and owned by the Florida East Coast Railway. The southwesterly abutting parcel is an undeveloped substandard sized IU-1 (Heavy Industrial) zoned parcel. The northwest abutting parcel is an undeveloped IU (Light Industrial) zoned parcel. The abutting parcel to the southwest is in the City of Cocoa and is used for light manufacturing.

The abutting IU parcel to the northwest FLU (Future Land Use) has a designation of IND (Industrial).

The current AU zoning classification permits a single-family residence 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 RRMH-1 classification permits either a single-family mobile home or a detached single-family residential land uses on minimum one acre lots, with a minimum width and depth of 125 feet. This classification permits horses, barns and horticulture as accessory uses. The minimum house size is 600 square feet.

### **Surrounding Properties**

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

On February 07, 2019, application **18PZ00117** changed the zoning classification from BU-1 to BU-2. This parcel is located on the east side of N. Highway US-1, approximately 753 feet northeast of the subject property.

### **For Board Consideration**

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

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

**Item # 20Z00039**

**Applicant:** Teresa Davis for Nichelle King

**Zoning Request:** AU to RRMH-1

**Note:** Applicant wants a mobile home on property.

**P&Z Hearing Date:** 02/08/21; **BCC Hearing Date:** 03/04/21

**Tax ID No:** 2410958

- 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:**

- National Wetlands Inventory (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 NWI wetlands, SJRWMD wetlands, and hydric soils. A wetland delineation will be required prior to any site plan design, land clearing activities, or building permit submittal. 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. 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) including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any land clearing activities or permit submittal.

### **Land Use Comments:**

#### **Wetlands/Hydric Soils**

The subject parcel contains a large mapped area of NWI wetlands (Freshwater emergent and Freshwater forested/shrub wetland), SJRWMD wetlands (Mixed scrub-shrub wetland), and hydric soils (Tomoka muck – undrained), as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes, and USDA Soil Conservation Service Soils Survey maps, respectively; indicators that wetlands may be present on the property. A wetland delineation will be required prior to any site plan design, land clearing activities, or building permit submittal. 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. 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) including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any land clearing activities or permit submittal.

#### **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.

#### **Floodplain**

The western half of the parcel is mapped as being within an isolated floodplain as identified by the Federal Emergency Management Agency 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 that which will provide an upland buildable area within an isolated floodplain greater than one third (1/3) acre in size. 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. 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.