



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>

BOARD OF COUNTY COMMISSIONERS

STAFF COMMENTS

21Z00002

Scott W. Speer and Debora A. Speer

RR-1 (Rural Residential) to AU (Agricultural Residential)

Tax Account Number: 2316763
 Parcel I.D.: 23-36-25-75-*-1
 Location: South side of Bishop Road, approximately 305 feet west of Board Acres Street (District 2)
 Acreage: 2.50 acres

North Merritt Island Board: 03/11/2021
 Board of County Commissioners: 04/15/2021

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	RR-1	AU
Potential*	Two single-family units	One single-family unit
Can be Considered under the Future Land Use Map	YES RES 1	YES RES 1

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

Background and Purpose of Request

The applicants are seeking a change of zoning classification from RR-1 (Rural Residential) to AU (Agriculture Residential) for the purpose of having a few farm animals (2 pigs and two donkeys) and a small orchard. The parcel is developed with a 3,294 sq. ft. single-family home that is the applicants' single family residence. The portion of Bishop Road that the parcel abuts is paved and maintained by Brevard County Public Works Department. The applicant did not provide staff with a proposed development plan submitted with this application for the location of the proposed orchard or where the farm animals will be located. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence but does not permit other farm animals.

July 6, 1987, zoning action **Z-7850** changed the zoning from AU to RR-1 along with the approval of one flag lot pursuant to Section 61. Although one flag lot was approved with this rezoning application, the parcel has been recombined to the original configuration of Lot 1 as recorded in the plat "The North Forty" Plat Book 28, Page 75.

Land Use

The subject property retains the RES 1 (Residential 1) Future Land Use designation. The existing zoning classification RR-1 and the proposed AU are consistent with the RES 1 Future Land Use designation.

Applicable Land Use Policies

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.

The subject property is developed with a 3,324 sq. ft. single-family residence and lies within the Residential 1 Future Land Use designation. The abutting parcels and the surrounding area have a Residential 1 Future Land Use 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 been one rezoning application (**20Z00005**) in the surrounding area, approximately 350 feet west of the subject parcel, approved on October 09, 2020 which changed the zoning from RR-1 to AU with a Binding Development Plan (BDP) limiting the business use to a plant nursery.

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

The subject parcel is zoned RR-1 and developed with a 3,324 sq. ft. single-family residence.

The developed character of the surrounding area along Bishop Road is RR-1 (Rural Residential) and AU which are developed with single-family houses. The subject parcel and the surrounding area along Bishop Road have a Future Land Use (FLU) designation of RES 1 which is compatible with the current RR-1 zoning and the proposed AU.

The parcels to the north directly across Bishop Road are zoned RR-1 and are developed with single-family residence. The abutting parcels to the east are zoned RR-1 and are developed with single-family residence. The parcels to the south and west are two flag lots with AU zoning and are developed with single-family residence. The parcels west of the flag lots are zoned RR-1 and are developed with single-family residence.

The current 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 but does not permit other farm animals. The minimum house size is 1,200 square feet.

The proposed 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, plant nurseries and all agricultural pursuits, including the packing, processing, and sales of commodities raised on the premises are a permitted use in AU zoning.

Surrounding Area

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

On October 06, 2020, application **20Z00005** changed the zoning classification from RR-1 to AU with a Binding Development Plan (BDP) waving any and all Developer/Owner claims to Agritourism, and limiting the business use to a plant nursery. This parcel is a Flag Lot located on the south side of Bishop Road, approximately 350 feet west of the subject parcel.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

Per Section 62-3724(4) of the floodplain ordinance, the parcel may be subject to compensatory storage for fill brought onto the parcel. Please see floodplain section in NRM comments for more information.

Preliminary Transportation Concurrency

The closest concurrency management segment to the subject property is North Courtenay Parkway, between Hall Road and North Tropical Trail, which has a Maximum Acceptable Volume of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 35.49% 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 35.49% 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 directly across North Courtenay Parkway along the west side of North Courtenay Parkway approximately 1.8 miles west of the parcel.

The parcel is serviced by City of Cocoa water.

For Board Consideration

The Board may wish to consider whether the request is consistent and compatible with the surrounding RR-1 single-family residences and AU zoning Classifications.

The Board may also wish to consider the effect of Agritourism adjacent to single-family residential and waving any and all Developer/Owner claims to Agritourism.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item # 21Z00002

Applicant: Scott and Debora Speer

Zoning Request: RR-1 to AU

Note: Applicant wants farm animals and a small orchard.

NMI Hearing Date: 03/11/21; **BCC Hearing Date:** 04/15/21

Tax ID No: 2316763

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

Per Section 62-3724(4) of the floodplain ordinance, the parcel may be subject to compensatory storage for fill brought onto the parcel. Please see floodplain section in NRM comments for more information.

Land Use Comments:

Aquifer Recharge Soils

The entire 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.

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. Upon further development of the parcel for which the ordinance is applicable, the use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required, if sewer is not available.

Floodplain

Per Section 62-3724(4) of the floodplain ordinance, any development, land alteration, or grading on North Merritt Island in the area from Hall Road, north to State Road 405, herein after referred to as "Area," is subject to compensatory storage, and written certification from the engineer of record that there will be no adverse flooding impacts upon properties within the Area resulting from the proposed development. The engineer shall provide a report that includes full engineering data and analysis, including the hydraulic and hydrologic modelling and analysis demonstrating that there is no impact. Sealed pre-existing topographic survey or engineered site plan delineating floodplain limits on the property, if any, with base flood elevation using best available flood elevation data. Delineation of floodplains shall use best available pre-alteration ground elevation data. Any engineered compensatory storage shall be maintained by the owner in perpetuity. Please call NRM at 321-633-2016 prior to any grading, filling or land alteration activities.

Protected and Specimen Trees

The entire parcel is overlaid within a mapped polygon of SJRWMD FLUCCS code 4340-Upland Mixed Coniferous/Hardwood Native trees. Protected Trees (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) are included in this FLUCCS code 4340 and are likely found on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen trees. In addition, per Section 62-4341(18), 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. The applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities. 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.