



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

**21Z00001
 SDDL, LLC**

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

Tax Account Number: 2501422 & 2501421
 Parcel I.D.: 25-36-02-00-266.3 & 25-36-02-00-266.4
 Location: West side of S Tropical Trail, approximately 759 feet south of River Cliff Lane (District 2)
 Acreage: 0.99 acre
 Planning and Zoning Board: 03/08/2021
 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	AU	EU
Potential*	0 single-family units	0 single-family units**
Can be Considered under the Future Land Use Map	RES 15	RES 15

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. ** The lot currently does not have access to a county-maintained road.

Background and Purpose of Request

The applicant is requesting a change of zoning classification from AU (Agricultural Residential) to EU (Estate Use Residential) on two lots totaling 0.99 acres. The lots do not meet the minimum lot size for the AU zoning district. The applicant submitted building permit applications for each lot, but the permits cannot be approved until rezoning. The minimum lot size in the EU zoning classification is 15,000 sq. ft., which both lots meet.

In addition to rezoning, the applicant must show how the lots satisfy the access requirements in Sec. 62-102 to obtain a building permit. The lots are located adjacent to a 30' wide easement that extends from the riverfront parcel to the west also owned by the applicant out to South Tropical Trail. The existing homes along the easement obtained building permits before the effective date of this ordinance.

The AU zoning is the original zoning for the parcel as established by Brevard County in 1958.

Land Use

The subject property retains the RES 15 (Residential 15) FLU designation. The current zoning of AU on the subject property is consistent with the RES 15 FLU per 62-1255 (2). The proposed zoning of EU is consistent with the RES 15 FLU per 62-1255 (2).

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 south have a FLU designation of RES 6 (Residential 6). The abutting parcels to the east, west, and north have a FLU designation of RES 15. The proposed zoning change from AU to EU is consistent with the RES 15 FLU designation, as well as the adjacent RES 6 FLU designation.

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

The subject parcels are currently undeveloped with AU zoning.

The abutting parcels to the south are part of a subdivision zoned RU-1-13. The abutting parcels to the north, east, and west are zoned AU. The AU zoned parcels do not meet the minimum lot requirement for the AU zoning classification.

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 EU classification permits detached single-family residential land uses on minimum 15,000 sq. ft. lots, with a minimum width and depth of 100 feet. The minimum house size is 2,000 square feet.

Sec. 62-102 establishes the criteria for issuance of a residential building permit for lots without direct access to a county-maintained road. Access by easement or license allows for building permits to be obtained on parcels created before January 1, 2011, when it can be shown that the lot has access to a public street through a county approved access easement. The subject lots do not have county approved access easement.

Unpaved road agreements occur when the board of county commissioners and a single or multiple property owners whose property abuts a right-of-way which is not maintained by the county may enter into an agreement to allow the issuance of a permit to construct an unpaved road within country right-of-way and obtain a permit for the consideration of one or more single-family residences.

Surrounding Properties

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

The most recent construction along the easement was the house built in 1973. The existing homes that use the access along the easement were built before zoning review of access was required as established by Ordinance No. 80-50 on December 10, 1980. Prior to this ordinance, owners of the lots were required to appear before the Board of County Commissioners for approval to build, with no specific cap on the number of lots that could be developed. Ordinance No. 80-50 established that no more than two building permits may be issued along an easement and did not include a grandfathering provision. The current code Sec. 62-102(a)5 states “[t]hat the access easement is for the exclusive use of the parcel for which the building permit is to be issued.”

Environmental Constraints

No noteworthy land use issues were identified. 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 South Tropical Trail, between South Courtenay and SR 520, which has a Maximum Acceptable Volume (MAV) of 12,480 trips per day, a Level of Service (LOS) of D, and currently operates at 10.61% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.15%. With the maximum development potential from the proposed rezoning, the corridor is anticipated to operate at 10.76% 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 parcels are not serviced by Brevard County sewer or the City of Cocoa sewer.

The parcels are serviced by City of Cocoa water.

For Board Consideration

The Board may wish to consider whether this request for EU is consistent and compatible with the surrounding area, given the surrounding lots are zoned AU and RU-1-13.

NATURAL RESOURCES MANAGEMENT DEPARTMENT Zoning Review & Summary

Item # 21Z00001

Applicant: SDLD, LLC

Zoning Request: AU to EU

Note: Applicant wishes to fix lot size in order to build a single-family home.

P&Z Hearing Date: 03/08/21; **BCC Hearing Date:** 04/15/21

Tax ID Nos: 2501422

- 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
- Protected and Specimen Trees
- Protected Species

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

Land Use Comments:

Aquifer Recharge Soils

The entire parcel contains mapped aquifer recharge soils (Paola fine 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. If adequate sewer for the development is not available, then the use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Protected and Specimen Trees

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. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific landscape 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.