



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

21Z00008

J.W. Dunn Lodge No. 37, Inc.

IN(L) to RR-1

Tax Account Number: 2718745
Parcel I.D.: 27-37-17-27-7 (northern/western part – future flag lot)
Location: 960 feet west of Steward Road on north side of Julia Drive
(District 4)
Acreage: 3.03 acres

Planning and Zoning Board: 5/03/2021
Board of County Commissioners: 5/27/2021

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	IN(L)	RR-1
Potential*	4,261 square feet of existing private club	Create one single-family lot
Can be Considered under the Future Land Use Map	YES RES 15	YES RES 15

* 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 IN(L) (Institutional Use Low - Intensity) to RR-1 (Rural Residential) zoning for the purpose of developing a single residential lot. If the zoning request is approved, the applicant will then need to apply for a flag lot administrative approval to approve the minimal road frontage for access. The flag lot provision, Section 62-102 (b) is only for use of residential building permits and can't be applied for while the property is zoned IN(L). The RR-1 zoning requires a minimum lot width of 125 feet. The proposed zoning request only provides 30.36 feet of road frontage.

The applicant also owns the adjacent lot to the west. That parcel is zoned RU-1-11. The applicant wishes to develop this new parcel with horticulture uses and beehives separate from the existing lot that they own. The applicant has been advised that agricultural uses are accessory uses and that a residence is first needed before these accessory uses could be performed. The applicant states he

may come back for a conditional use permit in the future to allow the beehives/beekeeping use under Section 62-1927.

The 1-acre remnant parcel (southern part) is developed with a 4,261 square foot private club for the Fraternal Order of the Police. The legal description / survey provided depicts that the outparcel will retain the required on-site 50-foot setback from residential use to the north and west pursuant to Section 62-2121 (d) of Brevard County Code to buffer the proposed residential lot.

The current IN(L) zoning was adopted on February 1, 2007 under zoning action **Z-11317(30)**. That zoning request changed the zoning from AU (Agricultural Residential Use) to IN(L) zoning. The original Police Lodge approval was granted under **Z-2508** on October 2, 1969 under a Special Use Permit.

Land Use

The subject property is currently designated as Residential 15 (RES 15). Both the IN(L) and proposed RR-1 zoning classifications are consistent with the RES 15 FLU designation.

Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 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.

This parcel is located with frontage along the north side of Julia Drive, a distance of 960 feet west of Steward Road. The vicinity contains multiple land use designations. To the north is the City limits of Melbourne. To the east is the Residential 6 FLU designation. To the south and west there are two designations, Residential 6 and Residential 15. This parcel carries the Residential 15 FLU designation and is currently undeveloped.

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

This request, RR-1, would introduce a new zoning classification into the area. The developed character of the surrounding area is residential. The applicant's plan is to add the area under their ownership, to preserve it, as they also own the land (4.39 acres in area) adjacent to the west side of this site.

The RU-1-11 classification permits single family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

The SR suburban residential zoning classification encompasses lands devoted to single-family residential development of relatively spacious land character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. The SR classification permits single family residences on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 square feet.

The RR-1 classification permits single-family residential land uses on a minimum one-acre lot, 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. The minimum house size is 1,200 square feet. Keeping of horses and agricultural uses are accessory to a principle residence within the RR-1 zoning district.

The AU classification is divided into two types, AU and AU(L). The AU is the standard agricultural residential classification, while the AU(L) is a low intensity sub-classification more suited to smaller lots where the neighborhood has a more residential than agricultural character. The 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.

IN(L) is an Institutional (Light) zoning classification, intended to promote low impact private, nonprofit, or religious institutional uses to service the needs of the public for facilities of an educational religious, health or cultural nature. The classification is divided into two types, low intensity and high intensity. Low intensity uses are those that are of such limited scale and impact that they are compatible with residential uses in residential land use designations, or neighborhood commercial uses in neighborhood commercial land use designations.

The GU general use zoning classification encompasses rural single-family residential development, or unimproved lands for which there is no definite current proposal for development, or land in areas lacking specific development trends. GU zoning requires five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

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

Surrounding Area

Zoning to the north, under the jurisdiction of the City of Melbourne, is developed as single-family housing under the R-1A (Single-Family Low-Density Residential District). To the east is a mixture of zonings which are also developed for single-family use. Starting at the NE corner and moving south along the east property line are the following zoning classifications: RU-1-11 (Single-family Residential), SR (Suburban Residential) and GU (General Use). To the south is the remnant IN(L) police lodge and to the west are the RU-1-11 and AU (Agricultural Residential) zoning classifications. The RU-1-11 portion is developed with a single-family residence while the AU portion is undeveloped.

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 Wickham Road, between Aurora and Lake Washington, which has a Maximum Acceptable Volume (MAV) of 33,800 trips per

day, a Level of Service (LOS) of E, and currently operates at 98.47% 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 operate at 98.50% 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 Brevard County or the City of Melbourne potable water or sewer.

For Board Consideration

The Board may wish to consider whether the request is consistent and compatible with the surrounding area.

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

Item # 21Z00008

Applicant: Patrick Meyer

Zoning Request: IN(L) to RR-1

Note: Applicant wants to rezone and split off a portion of the parcel to create a residential lot.

P&Z Hearing Date: 05/03/21; **BCC Hearing Date:** 05/27/21

Tax ID No: 2718745

- 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
- Protected Species
- Protected and Specimen Trees

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 is mapped with 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.

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.

Protected and Specimen Trees

A majority of the subject parcel is mapped within the SJRWMD FLUCCS code 4340-Upland Mixed Coniferous/Hardwood 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 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 and Protected 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. A tree survey will be required at time of site plan submittal, and is recommended prior to any site plan design. 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.