



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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

STAFF COMMENTS

21Z00010

Habitat for Humanity of Brevard County, Inc. (Kimberly B. Rezanka)
AU (Agricultural Residential) to RU-1-13 (Single-Family Residential)

Tax Account Number: 2802066
Parcel I.D.: 28-36-12-00-5
Location: East side of Hoover Lane, 150 feet south of Henry Avenue (District 5)
Acreage: 0.67 acres

Planning and Zoning Board: 05/03/2021
Board of County Commissioners: 05/27/2021

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	AU	RU-1-13
Potential*	No units, parcel size is sub-standard	Two single-family units
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 seeking a change of zoning classification from AU (Agricultural Residential) to RU-1-13 (Single-Family Residential) for the purpose of legitimizing the parcel and to be able to split the parcel into two units and build one single-family home on each lot. The parcel is vacant. The applicant did not provide staff with a proposed development plan submitted with this application for the proposed single-family homes.

The AU zoning is the original zoning of the parcel adopted May 22, 1958. The parcel was subdivided into its current configuration on May 01, 1972, per Official Records Book 1246, Page 455. When this parcel was subdivided, AU zoning required a parcel to be one acre in size, 125 feet wide and 125 feet deep.

Land Use

The subject property retains the RES 4 (Residential 4) Future Land Use designation. The existing zoning classification AU and the proposed RU-1-13 are consistent with the RES 4 Future Land Use designation.

Applicable Land Use Policies

FLUE Policy 1.7 – The Residential 4 Future land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units 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 vacant land and lies within the Residential 4 Future Land Use designation. The abutting parcels and the surrounding area have a Residential 4 Future Land Use designation which is compatible with the current AU zoning and the proposed RU-1-13.

Properties along Hoover Ln. are primarily residential in nature. There have been no Future Land Use changes within the past 20 years.

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

The subject parcel is zoned AU and is vacant.

The developed character of the surrounding area along Hoover Lane is AU, RR-1 (Rural Residential), RU-1-13 and RU-1-9 (Single-Family Residential) zoned parcels which are developed with single-family houses. Although there are parcels zoned AU (Agricultural Residential) along Hoover Lane, it appears that these parcels are not being used for agricultural pursuits.

The AU agricultural residential zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character. The 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 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, 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.

The RU-1-13 single-family residential zoning classifications encompass lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. The proposed RU-1-13 permits

single-family residences on minimum 7,500 square foot lots, with minimum widths and depths of 75 feet. The minimum house size is 1,300 square feet.

The RR-1 rural residential zoning classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings, and at the same time permits uses which are conducted in such a way as to minimize possible incompatibility with residential development. The RR-1 classification permits single family residences on minimum 1 acre lot, with a minimum width and depth of 125 feet. 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.

There have been no rezoning applications in the surrounding area in the past 10 years.

Surrounding Area

The abutting parcels to the north are zoned AU and RR-1 and are developed with single-family residences. The AU zoned parcel to the north was subdivided into its configuration before the zoning code was established in Brevard County on May 22, 1958. The abutting RR-1 parcel to the north appears to be sub-standard to the RR-1 zoning size requirement. The abutting parcels to the east are in the city limits of West Melbourne and are developed with commercial buildings and uses. The abutting parcel to the south is zoned AU and is undeveloped and is sub-standard to the AU zoning size requirement. The parcels along the west side of Hoover Lane are zoned AU, RR-1 and RU-1-13 and are developed with single-family residences. The parcels on the west side of Hoover Lane zoned AU and RR-1 appear to be sub-standard to their zoning size requirements.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils/Wetlands
- Protected Species
- Protected and Specimen Trees

The subject parcel contains mapped hydric soils, an indicator that wetlands may be present on the property. A wetland determination will be required prior to any land clearing activities, site plan design 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 acreage. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at (321) 633-2016 prior to any site plan design.

Preliminary Transportation Concurrency

The closest concurrency management segment to the subject property is Minton Road, between Milwaukee Avenue and Henry Avenue, which has a Maximum Acceptable Volume of 39,800 trips per

day, a Level of Service (LOS) of D, and currently operates at 87.99% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.05%. The corridor is anticipated to continue to operate at 88.04% 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 water. The closest available Brevard County sewer line is located approximately 6.4 miles north of the parcel. The closest available Brevard County water line is located approximately 14.7 miles southeast of the parcel.

For Board Consideration

The Board may wish to consider whether the request is consistent and compatible with the surrounding area given the fact that RU-1-13 zoning has been established.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item # 21Z00010

Applicant: Kim Rezanka

Zoning Request: AU to RU-1-13

Note: Applicant wants to build two homes on 0.67 acres.

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

Tax ID No: 2802066

- 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:

Hydric Soils/Wetlands

The entire parcel is mapped with hydric soils (Riviera sand) as shown on the USDA Soil Conservation Service Soils Survey map; an indicator that wetlands may be present on the property. A wetland determination will be required prior to any land clearing activities, site plan design 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 acreage. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at (321) 633-2016 prior to any site plan design.

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. 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

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 exist on subject property. 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 requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.