



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

21Z00016

4090 Aurora Pines LLC (Michael Gray)

Mobile Home Park (TR-3) to Single-Family Mobile Home (TR-1-A)

Tax Account Number: 2702879
Parcel I.D.: 27-36-14-76-E
Location: North side of Aurora Rd. approx. 704 feet west of Turtle Mound Rd.
(District 5)
Acreage: 6.21 acres

Planning and Zoning Board: 07/12/2021

Board of County Commissioners: 08/05/2021

Consistency with Land Use Regulations

- Current zoning cannot 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	TR-3	TR-1-A
Potential*	Nonconforming mobile home park	Existing nonconforming mobile home park with 22 units and 10 additional single-family homes**
Can be Considered under the Future Land Use Map	NO, requires RES 6	YES, RES 6***

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

**Based on concept plan provided by applicant on June 4, 2021

***The applicant has submitted a companion Small Scale Comprehensive Plan Amendment application to change the Future Land Use Map (FLUM) from RES 4 (Residential 4) to RES 6 (Community Commercial) under **21PZ00030**.

Background and Purpose of Request

The applicant is seeking a change of zoning classification from TR-3 (Mobile Home Park) to TR-1-A (Single-family Mobile Home) in order to retain the existing mobile home park and eventually add ten site-built single-family residences. The existing mobile home park is a nonconforming mobile home

park per Sec. 62-1186. Per the nonconforming mobile home park file (**NMH-8**), the mobile home park is nonconforming in regards to size, as it is 6.21 acres while the minimum size for a mobile home park in TR-3 is ten acres. The park has been in operation since at least 1958, prior to the adoption of the zoning code on May 22, 1958.

The original zoning of the property was RU-1. The property was rezoned to Trailer Park zoning, the predecessor to TR-3 zoning, on June 29, 1964 as part of zoning action **Z-1479**.

In order to divide part of the parcel into new lots, the applicant would be required to submit a plat should this request be approved. The retained nonconforming mobile home park would need to meet the requirements in Sec. 62-1186, including structures being 15 feet from the property lines of the park.

Land Use

The subject property retains the RES 4 (Residential 4) Future Land Use designation. The existing zoning classification TR-3 is not consistent with the Future Land Use Designation. The proposed zoning classification of TR-1-A is not consistent with the current RES 4 Future Land Use Designation.

The applicant has submitted a Small Scale Comprehensive Plan Amendment application to change the FLU designation from RES 4 to RES 6 under **21PZ00030**. Should the proposed Future Land Use designation of RES 6 be approved, then this request to TR-1-A can be considered to be consistent with Exhibit A of Section 62-1255.

Applicable Land Use Policies

Proposed Future Land Use: FLUE Policy 1.6 – The Residential 6 land use designation affords a transition in density between the higher urbanized areas and lower intensity land uses. This land use designation permits a maximum density of up to six (6) units per acre, except as otherwise may be provided for within this element. The Residential 6 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- A. Areas adjacent to existing Residential 6 land use designation; or
- B. Areas which serve as a transition between existing land uses or land use designations with density greater than six (6) units per acre and areas with density of less than six (6) units per acre; or
- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 6.
- D. Up to a 25% density bonus to permit up to 7.5 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to

maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

FLUE Policy 1.2.D – Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.

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.

This parcel is located on the north side of Aurora Road, 700 feet west of Turtle Mound Road. The parcels to the west and east both have a Future Land Use (FLU) designation of RES 4. The parcel to the north across White Road also contains a nonconforming mobile home park with a FLU designation of RES 4, while the parcels to the south across Aurora Road have FLU designations of RES 6 and RES 15.

1. The historical land use pattern in the area is characterized by the development of single-family homes surrounding mobile home parks. Three of the four mobile home parks in the area are nonconforming, indicating they were developed prior to the zoning code in 1958, while much of single-family residential uses have emerged more recently.
2. There has been no development over the past three years, with much of the single-family residential uses developed in the 2000's. Most of the parcels have been developed, leaving few vacant parcels.
3. There has not been any development approved within the past three years that has not been constructed.

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

The developed character of the surrounding area is a mix of mobile homes, both in parks and on individual lots, and single-family homes. The proposed additional single-family homes can be considered consistent with the pattern of development in the area, but will result in an increase in density. The addition of ten single-family homes is not projected to introduce traffic that would create a drop in the Level of Service (LOS).

Surrounding Area

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

The zoning to the west is a combination of TR-1 and RR-1 lots containing single-family homes. To the east is an RR-1 lot with a single-family home. The subject parcel is bordered by White Road to the north and Aurora Road to the south. Across White Road is a nonconforming mobile home park zoned TR-3; across Aurora Road are two RR-1 lots containing single-family homes, as well as a single-family home on an AU lot and a church zoned Institutional (IN(L)). If this request is granted, it would be an introduction of a new zoning classification.

The proposed TR-1-A is a single family residential mobile home zoning classification which permits mobile homes or residences of standard construction on lots of 5,000 square feet (minimum) with a lot width of 50 feet and a lot depth of 100 feet.

TR-1 is a single family residential mobile home zoning classification which permits mobile homes or residences of standard construction on lots of 7,500 square feet (minimum) with lot width of 65 feet and lot depth of 100 feet.

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.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils/Wetlands
- Aquifer Recharge Soils
- Floodplain
- Protected and Specimen Trees
- Protected Species

The subject parcel contains mapped hydric soils, an indicator that wetlands may be present on the property. 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. A wetland determination will be required. The applicant is encouraged to contact NRM at (321) 633-2016 prior to any to any land clearing activities, site plan design or building permit submittal.

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.

The subject property contains a mapped polygon of SJRWMD FLUCCS code 4110-Pines Flatwoods forest. Per Section 62-4341(18), Protected and Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. A tree survey will be required a time of site plan submittal. Land clearing is not permitted without prior authorization by NRM.

Preliminary Transportation Concurrency

The closest concurrency management segment to the subject property is Aurora Road, between John Rhodes Boulevard and Turtle Mound Road, which has a Maximum Acceptable Volume of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 45.51% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of

MAV utilization from 45.51% to 46.12% (LOS C). The proposal is not anticipated to create a deficiency in LOS.

A school concurrency letter from the Brevard County School Board dated May 12, 2021, indicates there is enough capacity for the total of projected and potential students from the Aurora Pines development.

The subject property is served with potable water by the City of Melbourne. There is a sewer line run by the City of Melbourne along Aurora Road that the applicant states he will connect to. In order to obtain residential density over four units an acre, connection to central sewer is required.

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 # 21Z00016

Applicant: Moia for Gray

Zoning Request: TR-3 to TR-1-A

Note: Applicant wants to retain trailer park use and include a single-family residence.

P&Z Hearing Date: 07/12/21; **BCC Hearing Date:** 08/05/21

Tax ID No: 2702879

- 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:

- Hydric Soils/Wetlands
- Aquifer Recharge Soils
- Floodplain
- Protected and Specimen Trees
- Protected Species
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The subject parcel contains mapped hydric soils, an indicator that wetlands may be present on the property. 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. A wetland determination will be required. The applicant is encouraged to contact NRM at (321) 633-2016 prior to any to any land clearing activities, site plan design or building permit submittal.

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.

The subject property contains a mapped polygon of SJRWMD FLUCCS code 4110-Pines Flatwoods forest. Per Section 62-4341(18), Protected and Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. A tree survey will be required a time of site plan submittal. Land clearing is not permitted without prior authorization by NRM.

Land Use Comments:

Hydric Soils/Wetlands

The subject parcel contains mapped hydric soils (Eau Gallie sand and Valkaria sand) as shown on the USDA Soil Conservation Service Soils Survey map, an indicator that wetlands may be present on the property. 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. A wetland determination will be required. The applicant is encouraged to contact NRM at (321) 633-2016 prior to any to any land clearing activities, site plan design or building permit submittal.

Aquifer Recharge Soils

Valkaria sand may also function as an aquifer recharge soil. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Floodplain

Portions of the subject parcel are located within a mapped isolated floodplain as identified by FEMA, and as shown on the FEMA Flood Map. 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 prior to any grading, filling or land alteration activities.

Protected and Specimen Trees

The subject property contains a mapped polygon of SJRWMD FLUCCS code 4110-Pines Flatwoods forest. 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 may be found on the property. Per 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. A tree survey will be required a time of site plan submittal. Per Section 62-4339, parcels greater than 2.5 acres shall meet canopy preservation requirements. 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. The applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

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.