



BOARD OF COUNTY COMMISSIONERS

## Planning and Development Department

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### STAFF COMMENTS

**21Z00013**

**Gary E. and Joanna L. Mills**

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

Tax Account Number: 2001899  
Parcel I.D.: 20G-34-21-AI-7-2.01  
Location: South side of Arlington Avenue, approximately 1,313 feet west of  
Cushman Drive (District 1)  
Acreage: 1.26 acres

Planning and Zoning Board: 07/12/2021

Board of County Commissioners: 08/05/2021

### 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
<b>Zoning</b>	AU	RR-1
<b>Potential*</b>	1 single-family home	1 single-family home
<b>Can be Considered under the Future Land Use Map</b>	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 applicant is seeking to change the zoning classification on a 1.26 acre portion of Tax Account #2001899 from AU to RR-1. The applicant also owns the abutting property to the east (Tax Account #2005397) which is substandard to the 2.5 acres minimum lot area required for AU. The applicant has recorded two warranty deeds, creating a 1.26 acre parcel and combined the remaining 1.58 acres with adjacent lot to the east which brings the lot into compliance with the zoning standards.

The original zoning of the property was AU and RR-1. The property was rezoned to all AU on October 2, 2003 as part of zoning action **Z-10844**. This zoning action was done under previous owners who were not aware of the substandard lot size on the adjacent parcel.

## Land Use

The subject property retains the RES 1 (Residential 1) Future Land Use designation. The existing zoning classification AU is consistent with the Future Land Use Designation. The proposed zoning classification of RR-1 is also consistent with the current RES 1 Future Land Use Designation.

## Applicable Land Use Policies

**Current Future Land Use: FLUE Policy 1.9** – The Residential 1 land use designation permits low density residential development with a maximum density of up to one (1) unit per acre, except as otherwise may be provided for within this element. The Residential 1 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 1 land use designation; or
- B. Areas which serve as a transition between existing land uses or land use designations with density greater than one (1) unit per acre and areas with lesser density; or
- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 1.
- D. Up to a 25% density bonus to permit up to 1.25 dwelling units per acre may be considered with a Planned Unit Development 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 interconnectivity with surrounding uses. This density

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 south side of Arlington Avenue's westernmost edge. This site and the parcels across Arlington Avenue to the north, across the railroad ROW to the west, and to the northeast all have a Future Land Use (FLU) designation of RES 1. The other parcel to the east and the adjacent parcel to the south have a Future Land Use (FLU) designation of RES 1:2.5.

- 1. The historical land use pattern in this area has remained consistent over time, characterized by residential uses on lots ranging from an acre to 2.5 acres.
- 2. There has not been any development over the preceding three years.
- 3. There are no approved developments within the past three years that have not yet been constructed.

**Analysis of Administrative Policy #4 - Character of a neighborhood or area.** The developed character of the surrounding area can be defined as single-family homes, some with accessory agricultural uses, on lots ranging from one acre to 2.5 acres.

## **Surrounding Area**

The adjacent parcels to the east and south and the parcels across the rights-of-way to the north and west are zoned AU. Many of the AU lots are one acre nonconforming lots of record due to being platted prior to March 6, 1975, when AU required a minimum lot size of one acre. If this request is granted, it would be an introduction of a new zoning classification on Arlington Avenue.

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.

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 principal residence within the RR-1 zoning district.

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

## **Environmental Constraints**

### **Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Aquifer Recharge Soils
- Protected Species
- Land Clearing & Landscape Requirements

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 Transportation Concurrency**

The closest concurrency management segment to the subject property is US Highway 1, between Lionel and Burkholm, which has a Maximum Acceptable Volume of 40,300 trips per day, an acceptable Level of Service (LOS) of E, and currently operates at 24.49% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization from 24.49% to 24.53% (LOS C). 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 subject property is not served with potable water by the County. The closest water main is located approximately 9,500 southeast of the property at the intersection of Lionel Road and Old Dixie Highway. The subject property is not served by Brevard County sewer. The nearest sewer is located approximately 6,240 feet southwest of the subject property.

### **For Board Consideration**

The Board may wish to consider whether the introduction of RR-1 is consistent and compatible with the surrounding area.

## NATURAL RESOURCES MANAGEMENT DEPARTMENT

### Zoning Request Review & Summary

Item # 21Z00013

**Applicant:** Gary & Joanna Mills

**Zoning Request:** AU to RR-1

**Note:** Create a 1.26-acre lot from the 2.84-acre lot and rezone to RR-1.

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

**Tax ID No:** 2001899

- 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
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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 subject parcel contains mapped aquifer recharge soils (Orsino 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.

### **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.

### **Land Clearing & Landscape Requirements**

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.