



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

21Z00021

Joseph A. Calderone

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

Tax Account Number: 2315419
Parcel I.D.: 23-36-14-00-517
Location: Northeast corner of Whaley Road and Mangrove Drive (District 2)
Acreage: 0.14 acres

North Merritt Island Board: 08/12/2021
Planning & Zoning Board: 08/23/2021
Board of County Commissioners: 09/02/2021

Consistency with Land Use Regulations

- Current zoning cannot be considered under the Future Land Use Designation, Section 62-1255.
- The proposed zoning cannot 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*	0 units	One single-family unit
Can be Considered under the Future Land Use Map	No	Yes, RES 1**

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

**Nonconforming lots of record are allowed to use a zoning classification consistent with lot dimensions even if inconsistent with the FLU designation per Sec. 62-1188(7).

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) for the purpose of placing a home on the property.

The subject parcel was determined to be a nonconforming lot of record. The lot received verification of nonconforming status on July 1, 2021, as part of zoning action **21AA00043**. The lot was recorded in Official Records Book 1068, Page 456 in March 1969 excluding Official Records Book 1329, Page 901 recorded in April 1973, prior to the existence of the County's Comprehensive Plan in 1988. The subject lot is 5,971 square feet in size.

Section 62-1188(7) of the code allows nonconforming lots of record to use a zoning classification consistent with the lot dimensions even if inconsistent with the FLU designation.

The subject lot was a part of the adjacent mobile home park prior to March 1969, when it was recorded as a separate lot. This resulting lot does not meet the minimum lot size of 10 acres in TR-3, a classification intended for mobile home parks. The proposed TR-1-A zoning classification requires a minimum lot size of 5,000 square feet.

The owner of the lot has also requested a variance of 28 feet to the 100 feet of lot depth required in TR-1-A (**21PZ00034**). This request is scheduled to be heard by the Board of Adjustment (BOA) on July 21, 2021, and must be approved in order for the rezoning request to be heard.

The original zoning of the property was Agricultural Use, the predecessor to Agriculture Residential (AU) zoning. The property was rezoned to Trailer Park & Trailer Subdivision zoning, the predecessor to TR-3 zoning, on February 24, 1964 as part of zoning action **Z-1303**.

Land Use

The subject property is currently designated as RES 1 (Residential 1). The proposed TR-1-A zoning classification can be considered with RES 1 FLU as the lot is a nonconforming lot of record per zoning action **21AA00043**.

Applicable Future Land Use Policies

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.

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 parcel retains a FLU designation of RES 1, which is consistent with other parcels in the area. The abutting parcels to the north, east, and south have a FLU designation of RES 1. Bordering the subject parcel on the west is a road (Whaley Road), the other side of which contains parcels with RES 1 FLU.

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

The parcel to the east and south is occupied by the Colony Park Mobile Home Village, a 27.24-acre mobile home park zoned TR-3 that is nonconforming in regards to its FLU designation of RES 1 (**NMH-17**). The parcel to the north and the parcels across Whaley Road to the west also contain manufactured homes.

Apart from the adjacent mobile home park zoned TR-3, the developed character of the area along Whaley Road consists primarily of parcels zoned TR-1 developed with single-family residential homes. The applicant is seeking TR-1-A zoning instead of TR-1 due to the minimum lot size requirement in TR-1 being 7,500 square feet, which this lot does not meet.

The current TR-3 classification is intended for lands devoted for mobile home parks, with a minimum lot size of 10 acres.

The proposed TR-1-A classification permits both site-built and mobile or manufactured single-family residential land uses on lots of at least 5,000 square feet in size, with a minimum lot width of 50 feet and depth of 100 feet.

The TR-1 classification also permits both site-built and mobile or manufactured single-family residential land use, but requires a minimum lot size of 7,500 square feet with a minimum lot width of 65 feet and depth of 100 feet.

There have been no rezoning applications in the surrounding area in the past 5 years.

Surrounding Area

The abutting parcel to the north is zoned TR-1 with a manufactured home. The abutting parcel to the east and south is zoned TR-3 and is developed as a mobile home park. The parcel to the west across Whaley Road is zoned TR-1 and developed with a manufactured home. Should this rezoning request be granted, this would be an introduction of TR-1-A to the surrounding area.

The subject property is located within the 2018 North Merritt Island Small Area Study (SAS) boundary.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Indian River Lagoon Nitrogen Reduction Overlay
- Floodplain
- Land Clearing and Landscape Requirements
- Protected Species

The parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. If sewer is not available, then the use of alternative septic systems designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required.

The subject parcel is located north of Hall Road in Merritt Island and may be subject to Section 62-3724(4) of the floodplain ordinance should it be determined that any area of the parcel is within the floodplain.

Preliminary Concurrency

The closest concurrency management segment to the subject property is N. Courtenay Parkway, between N. Tropical Trail and Space Commerce Way, which has a Maximum Acceptable Volume of 40,300 trips per day, a Level of Service (LOS) of D, and currently operates at 22.28% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.03%. The corridor is anticipated to continue to operate at 22.31% 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. The closest available Brevard County sewer line is located approximately 2.4 miles southwest of the parcel. The parcel can be serviced by City of Cocoa water.

For Board Consideration

The Board may wish to consider whether the request to TR-1-A is consistent and compatible with the surrounding area given the surrounding area consists of TR-1 zoning.

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

Item # 21Z00021

Applicant: Joseph Calderone

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

Note: Applicant wants to conform a substandard lot.

NMI Hearing Date: 8/12/21; **P&Z Hearing Date:** 8/23/21; **BCC Hearing Date:** 9/2/21

Tax ID Nos: 2315419

- 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:

- Indian River Lagoon Nitrogen Reduction Overlay
- Floodplain
- Land Clearing and Landscape Requirements
- Protected Species

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The subject parcel is located north of Hall Road in Merritt Island and may be subject to Section 62-3724(4) of the floodplain ordinance should it be determined that any area of the parcel is within the floodplain.

Land Use Comments:

Indian River Lagoon Nitrogen Reduction Overlay

The parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If sewer is not available, then the use of alternative septic systems designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required. If a septic system is required, the applicant shall contact the Florida Department of Environmental Health at 321-633-2100. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts at time of building permit.

Floodplain

If it is determined that any area of the parcel is within the floodplain, then 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. Delineation of floodplains, shall use best available pre-alteration ground elevation data. 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. 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. Any engineered compensatory storage shall be maintained by the owner in perpetuity. Please call NRM at 321-633-2016 prior to any grading, filling or land alteration activities.

Land Clearing and Landscape 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 or tree removal 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. A Scrub Jay Occupancy polygon is mapped across the street from the subject parcel.

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.