



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

21Z00026

Scott Minnick

AU (Agricultural Residential) to all SR (Suburban Residential)

Tax Account Number: 3023195
 Parcel I.D.: 21-35-07-00-112
 Location: West side of U.S. 1, approx. 497 feet north of Glenn Road (District 1)
 Acreage: 0.5 acres

Planning & Zoning Board: 10/11/2021
 Board of County Commissioners: 11/04/2021

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposed zoning 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	SR
Potential*	0 units	One single-family unit
Can be Considered under the Future Land Use Map	YES, NC	Yes, NC

* 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 SR (Suburban Residential) for the purpose of legitimizing a substandard lot and constructing a single-family residence on the property.

The subject parcel was recorded in its current configuration in Official Records Book 2099, Page 48 in October 1979. The resulting lot is 0.5 acres in size with a width of 104.5 feet. The parcel is therefore substandard in regards to lot size and width for the AU zoning classification. AU requires a minimum lot size of 2.5 acres and a width of 150 feet. The applicant does not own any adjacent property that could resolve the substandard status.

AU is the original zoning of the lot.

Land Use

The subject property retains a FLU designation of Neighborhood Commercial (NC). The proposed SR zoning classification can be considered with NC FLU per Policy 2.13 of the Future Land Use element, which states: "Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map." The closest residential FLU designation to this property is RES 4, which SR is compatible with.

Applicable Future Land Use Policies

FLUE Objective 15 – Brevard County shall eliminate inconsistencies between the Comprehensive Plan and the zoning regulations of the Land Development Regulations, and thereafter, shall reduce the number of existing land uses which are non-conforming to the Comprehensive Plan.

FLUE Policy 2.13 – Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map. Residential development is permissible in these commercial land use designations at density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street. Increases in density beyond this allowance may be considered through a public hearing.

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.

In the future, the applicant will be constructing a single-family home on the subject 0.5-acre parcel, which has a FLU designation of Neighborhood Commercial. FLUE Policy 2.13 permits residential/mixed-use development in NC, provided these developments are compatible with the scale and density/intensity in the area. The parcels abutting the subject property to the north and south both retain commercial FLU designations, consistent with the role of Highway 1 as a commercial corridor. The abutting residential land use is a 13-acre parcel containing a single-family home and had an agricultural exemption until April 2021.

The two parcels to the south of the subject property have the FLU designation of CC. The parcel directly adjacent to the south contains a shed without a single-family residence. Two parcels to the south is a single-family residence. To the north is a vacant parcel with NC FLU designation. In general, this area of Highway 1 contains a mix of Community Commercial (CC) and NC FLU designations on the parcels on the west side of the highway, all CC on the east side of the highway, and RES 4 FLU designations on the lots to the west of the lots fronting Highway 1.

The request for a residential use is consistent with the existing development in the area. Despite the commercial land use designations, the majority of developed parcels on the western side contain single-family homes or are vacant rather than containing commercial uses. Directly across Highway 1 to the east of the subject property are additional parcels with CC FLU that are developed with single-family homes. In addition to parcels with CC FLU, one property is being used for wholesale/distribution, light manufacturing, and retail.

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

The 0.5-acre subject property currently has a zoning classification of AU. The parcels to the north and west are also zoned AU and have lot sizes of 4.97 acres and 13 acres respectively. The parcel to the south has a zoning classification of BU-1 on 0.5 acres. Across Highway 1 to the east is a 0.8-acre parcel with BU-1 zoning.

Lot sizes vary in the surrounding area but the majority are half an acre in size or greater. Many of the parcels with commercial zoning classifications on the west side of Highway 1 are occupied by single-family residential uses, including the two parcels to the south of the subject property. On the east side of Highway 1, parcels with commercial zoning contain a mix of single-family residences and commercial uses.

The trend for the parcels in the surrounding area has been the gradual rezoning of larger AU parcels to commercial and residential zoning classifications that require a smaller minimum lot size, then splitting these parcels into smaller lots. These commercial zoning classifications include BU-1 and BU-2, and the residential zoning classifications include RR-1 and EU-2. AU is still present in the area on lots above the 2.5 acre minimum lot size, including the lots directly to the west and to the north.

The request would be an introduction of SR zoning to the surrounding area. The applicant chose to apply for the SR zoning classification due to the minimum lot size being half an acre, while the minimum lot size for EU-2 is 9,000 sq. ft. and the minimum lot size for RR-1 is 1 acre. There are seven parcels zoned EU-2 on the south side of Glenn Road that range in size from 0.59 acres to 1.18 acres.

The BU-1 and BU-2 zoning classifications allow retail commercial land uses in addition to single-family residential uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling, while BU-2 does. The applicant does not wish to do commercial activities.

Surrounding Area

The abutting parcel to the north is vacant and has a FLU designation of NC and a zoning classification of AU. The property is adjacent to Highway 1 on the east, across which is a parcel with Community Commercial (CC) FLU designation and BU-1 zoning being used as a single-family residence. The parcel to the south also has a FLU designation of CC, BU-1 zoning, and contains a single-family residence. The property to the west has a FLU designation of RES 4, AU zoning, and has a single-family residence in addition to accessory agricultural uses.

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.

The proposed 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.

There have been no rezoning applications in the surrounding area in the past 3 years.

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 Highway 1, between State Road 46 and Lionel, which has a Maximum Acceptable Volume of 41,790 trips per day, a Level of Service (LOS) of E, and currently operates at 24.89% of capacity daily. The maximum development potential from the proposed rezoning does increase the level of MAV utilization by 0.2%. 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. The closest sewer line to the parcel is approximately 1.25 miles to the south at the intersection of Highway 1 and Stanley Street. The parcel is adjacent to a water line supplied by Brevard County.

For Board Consideration

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

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

Item # 21Z00026

Applicant: Scott Minnick

Zoning Request: AU to SR

Note: Applicant wants to conform the substandard lot.

P&Z Hearing Date: 10/11/21; **BCC Hearing Date:** 11/04/21

Tax ID No: 3023195

- 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:

- Protected Species
- Land Clearing and 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.

Land Use Comments:

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 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 is not permitted without prior authorization by NRM.