



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.4.

11/7/2024

Subject:

Michael & Bonita Osborne requests a change of zoning classification from RU-1-9 to TR-3. (24Z00038) (Tax Account 2409628) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from RU-1-9 (Single-Family Residential) to TR-3 (Mobile Home Park).

Summary Explanation and Background:

The applicant is requesting to change the zoning classification from RU-1-9 (Single-family Residential) to TR-3 (Mobile Home Park) on 10.09 acres. The subject property is vacant and has access from Robeson Rd.

TR-3 mobile home park zoning classification permits mobile homes and modular coaches, exclusive of travel trailers and recreation vehicles. TR-3 zoning classification requires a minimum site size of 10 acres for the development of a mobile home park. The minimum density is six units per acre. The minimum size of the mobile home sites is 4,000 square feet with a minimum lot width of 40 feet. A 50 ft. perimeter setback is required from all property lines. A tiny house or a THOW is permitted with conditions.

North of the subject property is a 16.5 acre parcel zoned AU. It is developed with 58 duplexes owned by the Housing Authority of Brevard County. South of the subject property is the Catalina Village, a single-family subdivision. It is zoned RU-1-11 and is constructed with 170 single family homes. East of the subject property is the Poinsette Villas single-family subdivision. It is zoned RU-1-9 and is constructed with 185 single family homes. West of the subject property is a retention pond owned by the State of Florida Department of Transportation and zoned RU-1-9

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

On October 14, 2024, the Planning and Zoning Board heard the request and unanimously recommended approval with a BDP to include a 50 ft. buffer on the east side of the property.

Clerk to the Board Instructions:

Once resolution is received, please execute and return a copy to Planning and Development.

Resolution 24Z00038

On motion by Commissioner Feltner, seconded by Commissioner Tobia, the following resolution was adopted by a unanimous vote:

WHEREAS, Michael & Bonita Osborne request a change of zoning classification from RU-1-9 (Single-Family Residential) to TR-3 (Mobile Home Park), on property described as Tax Parcel 508, as recorded in ORB 7947, Page 2259, of the Public Records of Brevard County, Florida. **Section 36, Township 24, Range 35.** (10.09 acres) Located on the north side of Robeson Rd., south side of Parrish Rd., and east of Interstate 95. (No address assigned. In the Cocoa area.); and

WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved; and

WHEREAS, the Board, after considering said application and the Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved as recommended; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from RU-1-9 to TR-3, be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of November 07, 2024.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

Rita Pritchett, Vice Chair
Brevard County Commission

As approved by the Board on November 07, 2024.

ATTEST:

RACHEL SADOFF, CLERK.

(SEAL)

P&Z Board Hearing – October 14, 2024

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the Director of the Planning and Development, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County planning and zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan amendments, vested rights, or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For development applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:
 - 1. historical land use patterns;
 - 2. actual development over the immediately preceding three years; and
 - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 - 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 - 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the

use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application."

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in

support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.
 - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

“The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.”

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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

STAFF COMMENTS

24Z00038

Michael & Bonita Osborne

RU-1-9 (Single-Family Residential) to TR-3 (Mobile Home Park)

Tax Account Number's: 2409628
Parcel I.D: 24-35-36-00-508
Location: North terminus of Robeson Rd and Southside of Parrish Rd
between I-95 and Burnett Rd (District 1)
Acreage: 10.09 acres
Planning & Zoning Board: 10/14/2024
Board of County Commissioners: 11/07/2024

Consistency with Land Use Regulations

- Current zoning can be considered under the current Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the proposed Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	RU-1-9	TR-3
Potential*	70 Single-family homes	100 Mobile homes*
Can be Considered under the Future Land Use Map	YES RES 15	YES RES 15

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

Background and Purpose of Request

The applicant is requesting to change the zoning classification from RU-1-9 (Single-family Residential) to TR-3 (Mobile Home Park) on 10.09 acres. The subject property is vacant and has access on Robeson Rd., a two (2) lane county-maintained roadway. TR-3 zoning requires a minimum of 10 acres.

The subject property was created in January 1956 as recorded in ORB 754, Pg 817. The following actions occurred on the subject property.

- **Z-1661** changed zoning from GU to RU-1 and RU-3 on March 4, 1965.
- **Z-2980** changed zoning from RU-1 to RU-1-9 June 6, 1972
- **16PZ00077** denied rezoning request on the subject from RU-1-9 to AU, November 3, 2016

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Duplexes	AU	RES 15
South	Single-family residences	RU-1-11	RES 15
East	Single-family residences	RU-1-9	RES 15
West	FDOT Retention Pond	RU-1-9	RES 15

North of the subject property is a 16.5 acre parcel zoned AU. It is developed with 58 duplexes owned by the Housing Authority of Brevard County.

South of the subject property is the Catalina Village, a single-family subdivision. It is zoned RU-1-11 and is improved with 170 single family homes.

East of the subject property is the Poinsette Villas single family subdivision. It is zoned RU-1-9 and is improved with 185 single family homes.

West of the subject property is a retention pond owned by the State of Florida Department of Transportation. It is zoned RU-1-9 and has a FLU of RES 15.

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.

RU-1-9 classification permits single family residential development on lots of 6,600 square feet (minimum). The minimum house size is 900 square feet.

RU-1-11 classification permits single family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

TR-3 mobile home park zoning classification requested by this application permits mobile homes and modular coaches, exclusive of travel trailers and recreation vehicles. TR-3 zoning classification requires a minimum site size of 10 acres for the development of a mobile home park. The minimum density is six units per acre. The minimum size of the mobile home sites is 4,000 square feet with a minimum lot width of 40 feet. A 50 ft

perimeter setback is required from all property lines. A tiny house or a THOW is permitted with conditions.

Future Land Use

The subject property has a RES 15 FLUM designation. Both the existing RU-1-9 zoning and TR-3 zoning can be considered consistent with the RES 15 FLUM designation.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

Public Facilities and Services Requirements

FLUE Policy 1.2

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

Criteria:

In the Residential 30 Directive, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.

Centralized potable water and sanitary sewer are available to the subject property. Potable water is through the city of Cocoa and sanitary sewer is available through Brevard County. Based on the TR-3 zoning minimum lot size of 4,000 sq.ft. the potential density for the subjects is 10 units per acre or 100 units.

Policy 2.2 - The zoning process regulates the types and intensities of uses for a parcel of land. Criteria which aid in assessing zoning compatibility, shall include consideration of the following standards:

Criteria:

- A. Permitted/prohibited uses;

TR-3 zoning is a mobile home park zoning classification which allows both mobile homes and site built home.

Existing residential zoning trends in the area;

Residential zoning trends in the area include established single-family subdivisions, multi-family housing and a mobile home park. Across Parish Rd is a vacant parcel recently rezoned to RU-2-10. A site plan for 240 townhomes is currently being reviewed.

- B. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;

The proposed TR-3 rezoning action may be considered compatible with surrounding residential land uses. There is a TR-3 trailer park located 1,300 feet east of the subject property and a second park located 1,600 feet west of the subject property and west of Interstate 95.

- C. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;

The preliminary concurrency analysis did not indicate that the proposed development has the potential to cause a deficiency in the transportation adopted level of service.

- D. Impact upon natural resources, including wetlands, floodplains, and endangered species;

The following land use issues were identified:

- **Floodplain Protection**
- **Hydric Soils**

Natural Resources has reported that the subject property is within a SFHA (Special Flood Hazard Area) AE. Potential development cannot impact flooding on neighborhood properties.

- E. Other issues which may emerge specific to a particular property which may be addressed through performance-based zoning criteria.

The proposed use is not anticipated to require performance standards beyond the zoning criteria.

FLUE Administrative Policy 3 - Compatibility between this site and the existing or proposed land uses in the area. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

The proposed development must meet concurrency and performance standards.

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development;

Only a certified MAI appraisal can determine if material reduction has or will occur due to the proposed use.

C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns;

The developed character of this portion of Brevard is predominantly single-family site-built homes.

RES 15 is the one FLU designation within 500 feet of the subject property.

actual development over the immediately preceding three years; and

There has been no new development within the last three years.

development approved within the past three years but not yet constructed.

24SP00007- a site plan for 240 townhomes was approved June 27, 2023 on a 27 acre parcel located north of the subject property across Parrish Rd.

Whether the proposed use(s) would result in a material violation of relevant policies, in any elements of the Comprehensive Plan.

No material violation of relevant policies has been identified.

FLUE Administrative Policy 4 - Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

The proposed use would not be considered a new use in the proximate area. There are two mobile home parks in the area. The first is approximately 1,300 feet east and the second one is approximately 1,600 feet west. Preliminary traffic concurrency indicated a 0.20% upward change in traffic volume when comparing single family development to a mobile home park.

In determining whether an established residential neighborhood exists, the following factors must be present:

1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

The subject property is located in a residential area. The surrounding zoning classifications include single-family, multi-family and mobile home park residential uses.

Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

The proposed use is not a commercial use.

An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial, or other non-residential uses have been applied for and approved during the previous five (5) years.

There have not been multiple commercial, industrial, or other non-residential uses approved in this area during the previous five (5) years. This area should not be considered transitional.

Administrative Policy 7 – Proposed use(s) shall not cause or substantially aggravate any (a) substantial drainage problem on surrounding properties; or (b) significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

The property is mapped within a FEMA Special Flood Hazard Area (SFHA) AE, as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. The floodplain is considered Riverine per Section 62-3721. Thus, the applicant shall use best available data to delineate the 100-year, 25-year, 10-year, and annual floodplains. Best available data includes local flood studies; the Flood Insurance Study for Brevard County, Florida and Unincorporated Areas, April 3, 1989, prepared by the Federal Emergency Management Agency; and the Mean Annual, 10-Year, 25-Year and 100-Year Profiles for the Upper St. Johns River Under the Existing Conditions, prepared by Dr. Donthamesetti V. Rao, P.E., St. Johns River Water Management District (March 1985).

The subjects location on within a Special Flood Hazard Area may impact potential development.

Preliminary Concurrency

The closest concurrency management segment to the subject property is SR 520, from I-95 to Burnette Rd, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 51.78% of capacity

daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.20%. The corridor is anticipated to operate at 51.98% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

The parcel will be serviced by City of Cocoa for potable water and Brevard County for sewer.

A school concurrency determination letter has been provided the School Board staff indicating that the proposed development of 100 units would generate twenty-five (25) students and that there is adequate capacity at the elementary, middle school and senior high school levels to accommodate the potential and projected student demand.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- **Floodplain Protection**
- **Hydric Soils**
- **Protected and Specimen Trees**
- **Protected Species**

Land Use Comments:

Floodplain Protection

The property is mapped within a FEMA Special Flood Hazard Area (SFHA) AE, as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. The floodplain is considered Riverine per Section 62-3721. Thus, the applicant shall use best available data to delineate the 100-year, 25-year, 10-year, and annual floodplains. Best available data includes local flood studies; the Flood Insurance Study for Brevard County, Florida and Unincorporated Areas, April 3, 1989, prepared by the Federal Emergency Management Agency; and the Mean Annual, 10-Year, 25-Year and 100-Year Profiles for the Upper St. Johns River Under the Existing Conditions, prepared by Dr. Donthamesetti V. Rao, P.E., St. Johns River Water Management District (March 1985).

The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. **These criteria include compensatory storage requirements and density restrictions.** Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

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prior to any plan or permit submittal, or performing any land clearing or land alteration activities.

A 2014 environmental assessment report provided by the applicant indicates the property is comprised solely of uplands.

For Board Consideration

The Board should consider if the request is consistent and compatible with the surrounding area. And recognize the FEMA Special Flood Hazard Area may limit the development potential of the subject property.

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

Item No. 24Z00038

Applicant: Michael and Bonita Osborne (Owners: Michael and Bonita Osborne)

Zoning Request: RU-1-9 to TR-3

Note: for multi-family housing (50 units)

Zoning Hearing: 09/16/2024; **BCC Hearing:** 10/03/2024

Tax ID No.: 2409628

- 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:

- **Floodplain Protection**
- **Hydric Soils**
- Protected and Specimen Trees
- Protected Species

Land Use Comments:

Floodplain Protection

The property is mapped within a FEMA Special Flood Hazard Area (SFHA) AE, as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. The floodplain is considered Riverine per Section 62-3721. Thus, the

applicant shall use best available data to delineate the 100-year, 25-year, 10-year, and annual floodplains. Best available data includes local flood studies; the Flood Insurance Study for Brevard County, Florida and Unincorporated Areas, April 3, 1989, prepared by the Federal Emergency Management Agency; and the Mean Annual, 10-Year, 25-Year and 100-Year Profiles for the Upper St. Johns River Under the Existing Conditions, prepared by Dr. Donthamesetti V. Rao, P.E., St. Johns River Water Management District (March 1985).

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Hydric Soils

The entire subject parcel contains mapped hydric soils (EauGallie sand); an indicator that wetlands may be present on the property. However, a 2014 environmental assessment report provided by the applicant indicates the property is comprised solely of uplands. Confirmation of no on-site wetlands will be required prior to any land clearing activities, site plan design, or building permit submittal.

Per Section 62-3694(c)(1), 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 renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. **For residential parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 62-3694(c)(6).** 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 plan or permit submittal.**

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the

design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. 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. 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. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

Protected Species

Federally and/or state protected species may be present on properties with wetlands. If applicable, 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 prior to any plan, permit submittal, or development activity, including land clearing.

School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699
Dr. Mark Rendell, Ed.D., Superintendent



September 12, 2024

Ms. Sandra Collins, Planner I
Planning & Development Department
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, Florida 32940

**RE: Proposed Parrish Project Development
School Impact Analysis – Capacity Determination CD-2024-12**

Dear Ms. Collins,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account 2409628 (Parcel ID: 24-35-36-00-508), containing a total of approximately 10.0 acres in District 1, Brevard County, Florida. The proposed development includes a maximum of 150 mobile homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 and Amended Appendix "A"-School District Student Generation Multiplier (approved April 11, 2022) of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2023-24 to 2028-29 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2024-25 to 2028-29* which is attached for reference.

Mobile/Manufactured Homes		150	
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students Generated
Elementary	0.11	16.5	17
Middle	0.02	3	3
High	0.03	4.5	5
Total	0.16		25

Planning & Project Management
Facilities Services
Phone: (321) 633-1000, ext. 11418



School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699

Dr. Mark Rendell, Ed.D., Superintendent



FISH Capacity (including relocatable classrooms) from the Financially Feasible Plan (FFP) Data and Analysis for School Years 2024-25 to 2028-29

School	2024-25	2025-26	2026-27	2027-28	2028-29
Saturn	998	998	998	998	998
McNair	616	616	616	616	616
Rockledge	1,836	1,836	1,836	1,836	1,836

Projected Student Membership

School	2024-25	2025-26	2026-27	2027-28	2028-29
Saturn	614	634	638	632	644
McNair	290	284	281	299	330
Rockledge	1,601	1,675	1,671	1,660	1,623

Students Generated by Newly Issued SCADL Reservations Since FFP

School	2024-25	2025-26	2026-27	2027-28	2028-29
Saturn	-	-	-	-	-
McNair	-	-	-	-	-
Rockledge	-	-	-	-	-

Cumulative Students Generated by Proposed Development

School	2024-25	2025-26	2026-27	2027-28	2028-29
Saturn	-	6	11	17	17
McNair	-	1	2	3	3
Rockledge	-	2	3	5	5

Total Projected Student Membership (includes Cumulative Impact of Proposed Development)

School	2024-25	2025-26	2026-27	2027-28	2028-29
Saturn	614	640	649	649	661
McNair	290	285	283	302	333
Rockledge	1,601	1,677	1,674	1,665	1,628

Projected Available Capacity = FISH Capacity - Total Projected Student Membership

School	2024-25	2025-26	2026-27	2027-28	2028-29
Saturn	384	359	349	350	338
McNair	326	331	333	314	283
Rockledge	235	160	162	172	209

At this time, Saturn Elementary School, Ronald McNair Middle School and Rockledge Senior High School are projected to have enough capacity for the total of projected and potential students from the Parrish Project development.

Planning & Project Management
Facilities Services
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School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699

Dr. Mark Rendell, Ed.D., Superintendent



This is a **non-binding** review; a *Concurrency Determination* must be performed by the School District prior to a Final Development Order and the issuance of a Concurrency Evaluation Finding of Nondeficiency by the Local Government.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,

Karen M. Black, AICP

Manager – Facilities Planning & Intergovernmental Coordination
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2023-24 to 2028-29*

Copy: Susan Hann, AICP, Assistant Superintendent of Facility Services
File CD-2024-12

David G. Lindemann, AICP, Director of Planning & Project
Management, Facilities Services
File CD-2024-12

Planning & Project Management
Facilities Services
Phone: (321) 633-1000, ext. 11418



PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, October 14, 2024**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Voting Board members present were Henry Minneboo, Vice-Chair (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Erika Orriss (D3); Mark Wadsworth, Chair (D4); Ana Saunders (D5), and John Hopengarten (BPS).

Staff members present were John Denninghoff, Assistant County Manager; Edward Fontanin, Director (Utility Services); Ian Golden, Director (Housing and Human Services); Darcie McGee, Assistant Director (Natural Resources Management); Tad Calkins, Director (Planning and Development); Alex Esseeesse, Deputy County Attorney; Jeffrey Ball, Zoning Manager; Trina Gilliam, Planner; and Desirée Jackson, Planner.

Excerpt of complete agenda.

Item H.3. Michael & Bonita Osborne requests a change of zoning classification from RU-1-9 to TR-3. (24Z00038) (Tax Account 2409628) (District 1)

Trina Gilliam read the application into the record.

Michael Osborne spoke to this item. He stated that he and his wife grew up in the community and have desires of future planning to bring something to the community whether it be a mobile home park or affordable housing, whether it be trailers or condos, they just want to give back to the community where they both grew up and played as kids.

No public comment.

Ron Bartcher asked about the requirement for a 50' setback on the east side and if the applicant was aware of it. The applicant said "yes". He asked "would the applicant be willing to use a 50' vegetative buffer within that 50' setback?". The applicant said "yes".

The 50' buffer is for the east property line per Jeffrey Ball. Mr. Bartcher asked if the 50' setback is needed all the way around.

John Hopengarten asked how they would get access to the site.

Speaker 1, Mrs. Osborne, stated that one already exists on Robeson and the other from Parish Road.

Jeffrey Ball stated there is no access right now through Parish Road and the only access to the property is to the south.

Speaker 1, wife of Michael Osborne, stated she has a document from Mr. Michael who is the engineer with the County that says that they can access it from Lakeview Blvd that leads to Parish on a 100-yard spike. Jeffrey Ball noted that access will be addressed during the subdivision site plan process.

John Denninghoff commented that there is access from Robeson and Short Drive.

Motion to recommend approval of item H.3. by Ron Bartcher, seconded by Robert Sullivan, with a BDP for the 50' buffer on the east side of the property. The motion passed unanimously.

BOUNDARY SURVEY

LEGAL DESCRIPTION: PART OF THE NORTH $\frac{3}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 36, TOWNSHIP 24 SOUTH, RANGE 35 EAST, COUNTY, FLORIDA, AS DESCRIBED IN OFFICIAL RECORDS BOOK 754, PAGE 817, LESS AND EXCEPT THE LANDS DESCRIBED IN 20, AGE 53 AND OFFICIAL RECORDS BOOK 5668, PAGE 4427, BOTH OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

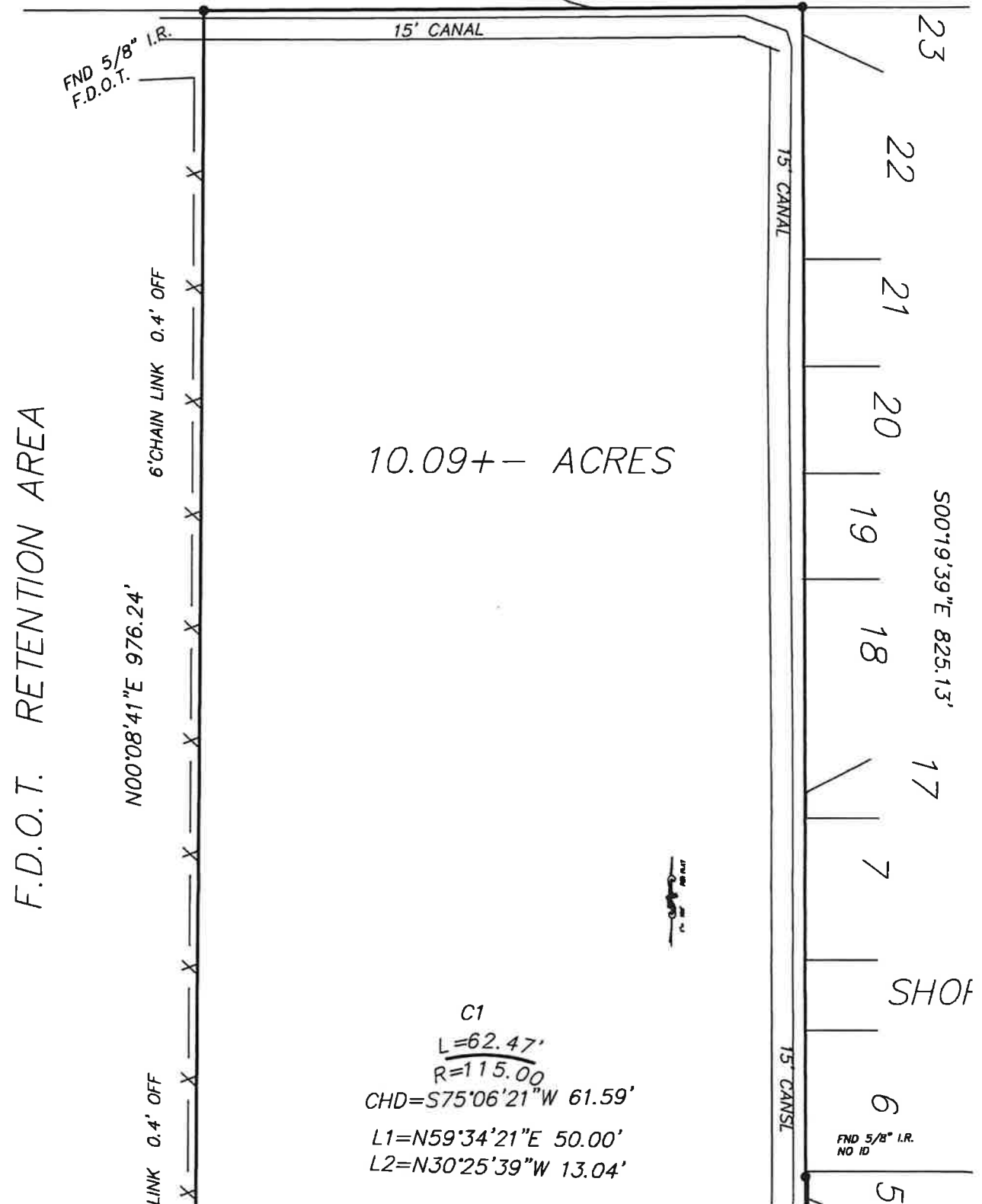
PART OF THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE 'AE', AREA OF 100 YEAR FLOODING, WITH A BASE FLOOD OF 17.0 FEET, WITH THE BALANCE OF SAID PROPERTY BEING LOCATED IN ZONE 'X', AREA OF 0.2% CHANCE OF ANNUAL FLOODING PER F.I.R.M. COMMUNITY PANEL NO. 12009C0425 G, BREVARD COUNTY, FLORIDA. MAP DATED MARCH 17, 2014.

NOT PLATTED

N89°39'49"E 422.16'

PARRISH RO

FND 5/8" I.R.
NO ID

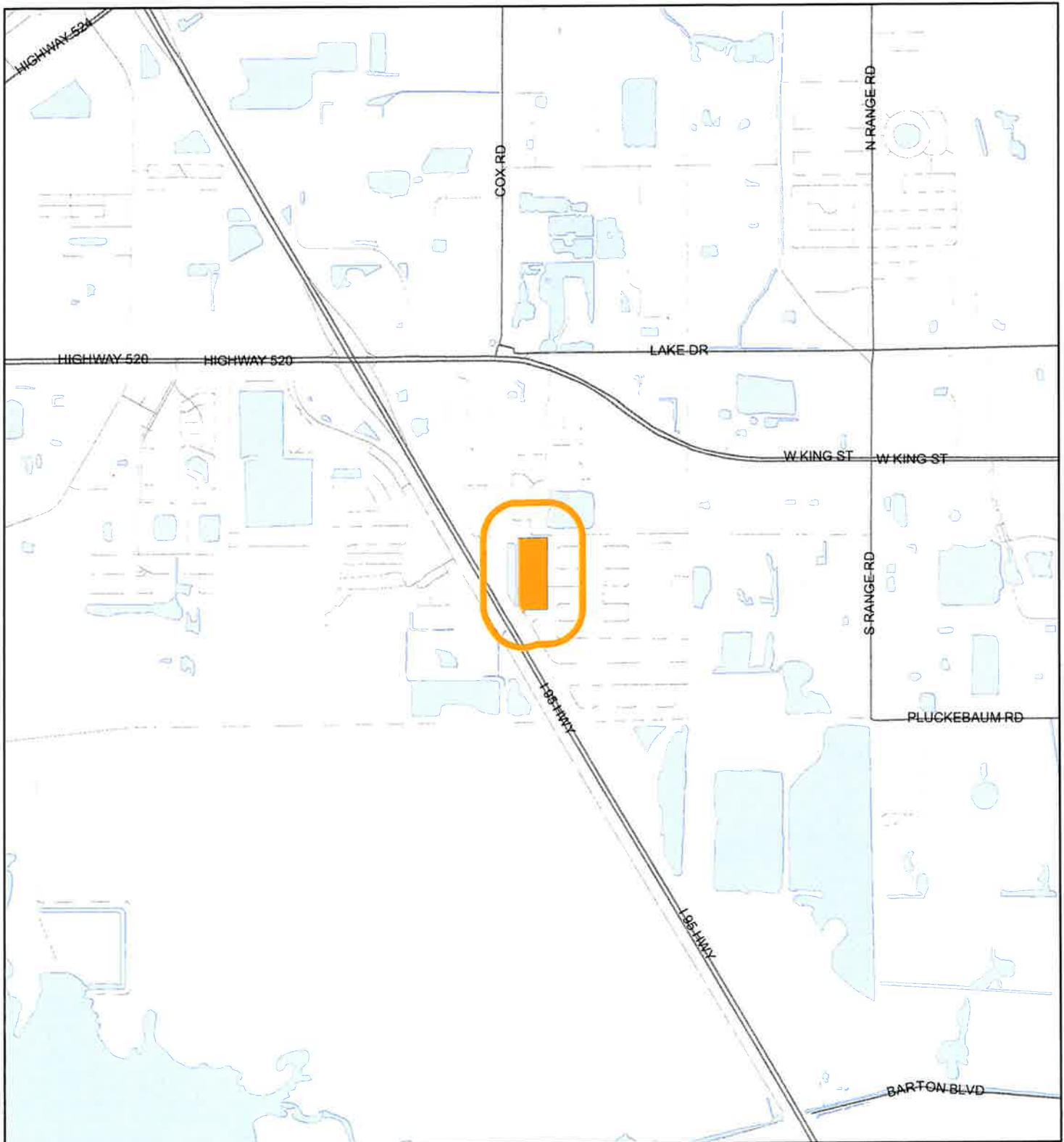


EASTERLY RIGHT

LOCATION MAP

Osborne, Michael & Bonita

24Z00038





1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

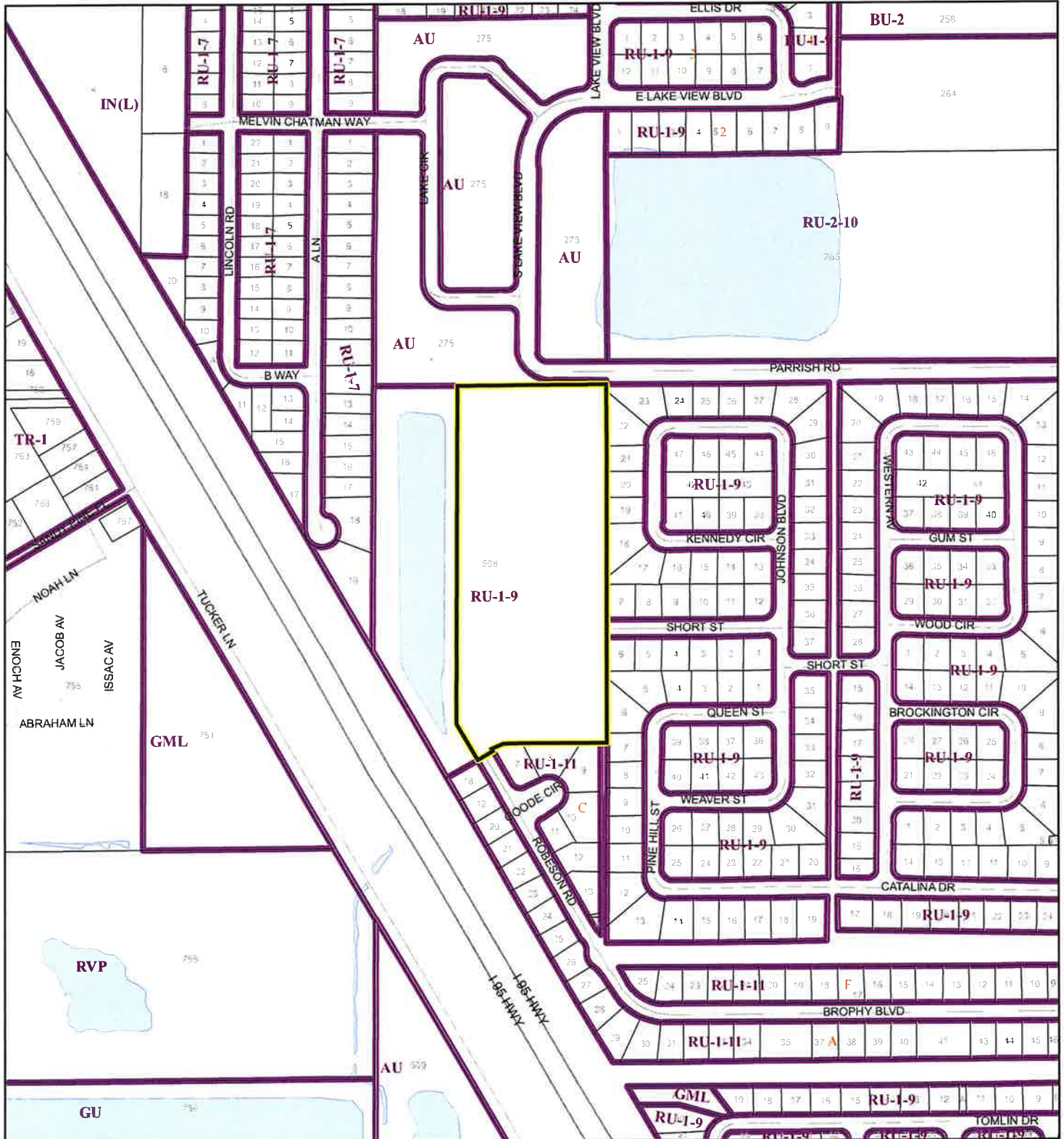
Produced by BoCC - GIS Date: 8/6/2024

-  Buffer
-  Subject Property

ZONING MAP

Osborne, Michael & Bonita

24Z00038



1:4,800 or 1 inch = 400 feet

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Subject Property

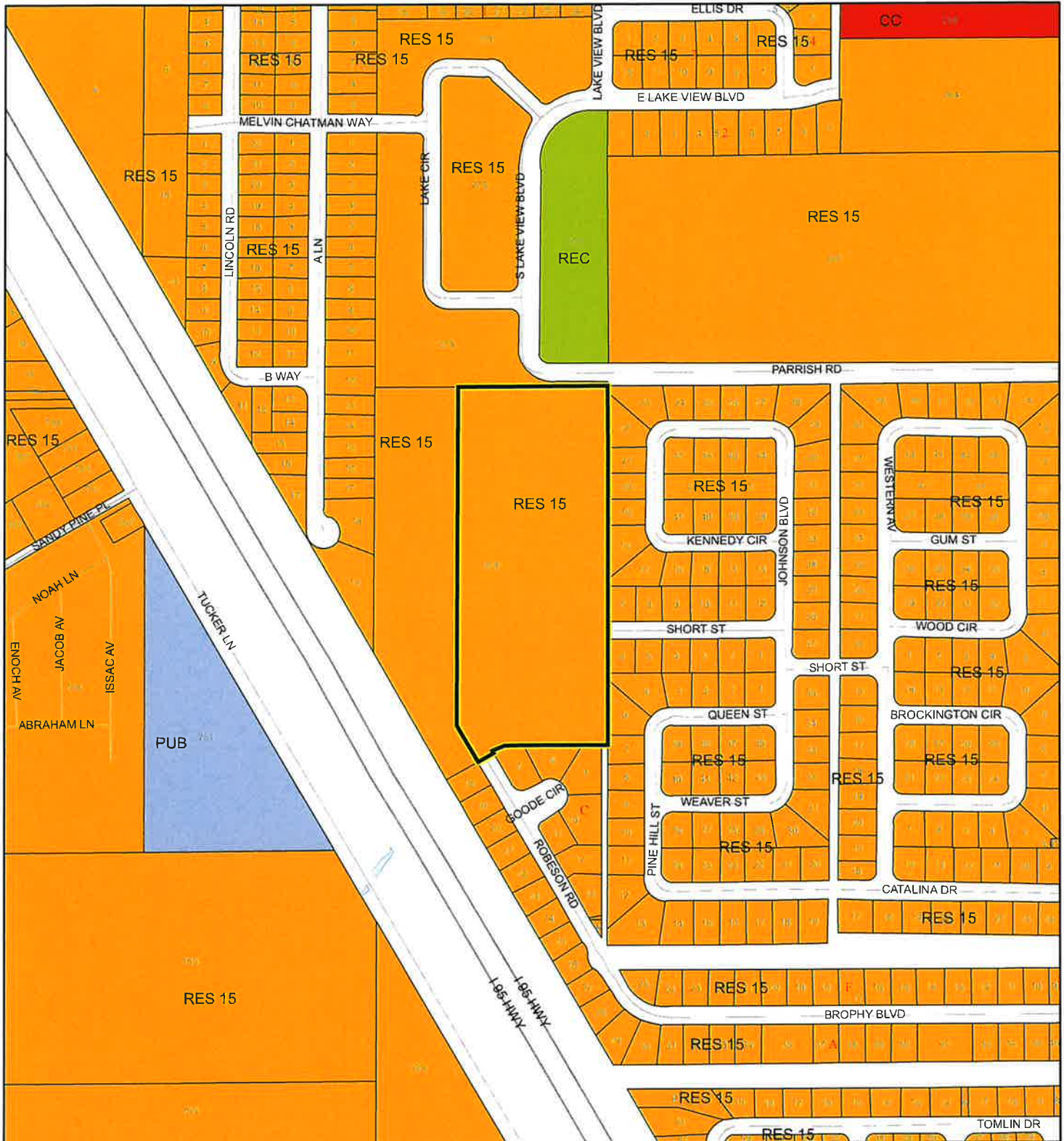
Parcels

Zoning

FUTURE LAND USE MAP

Osborne, Michael & Bonita

24Z00038



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

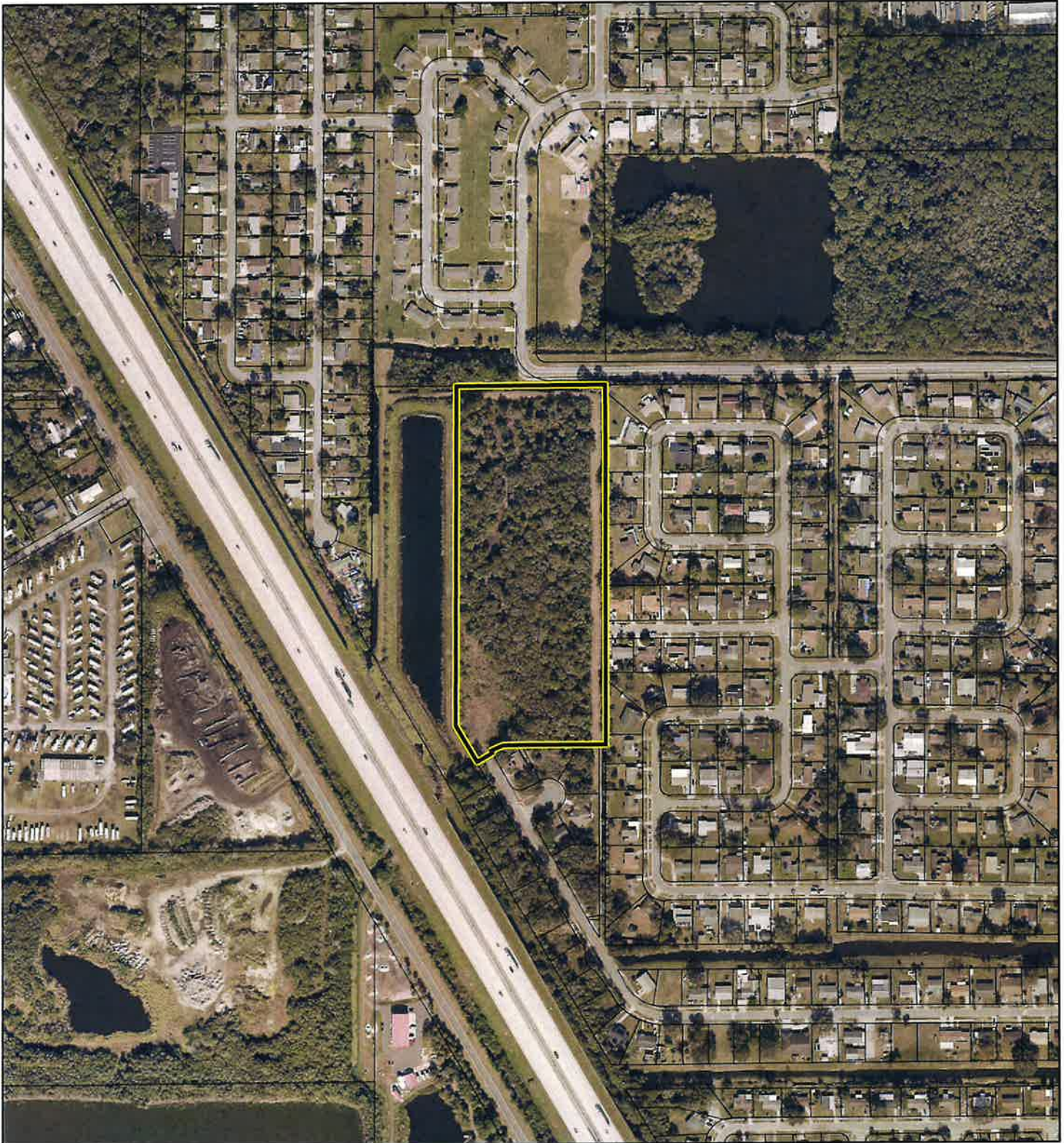
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AERIAL MAP

Osborne, Michael & Bonita

24Z00038



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2024

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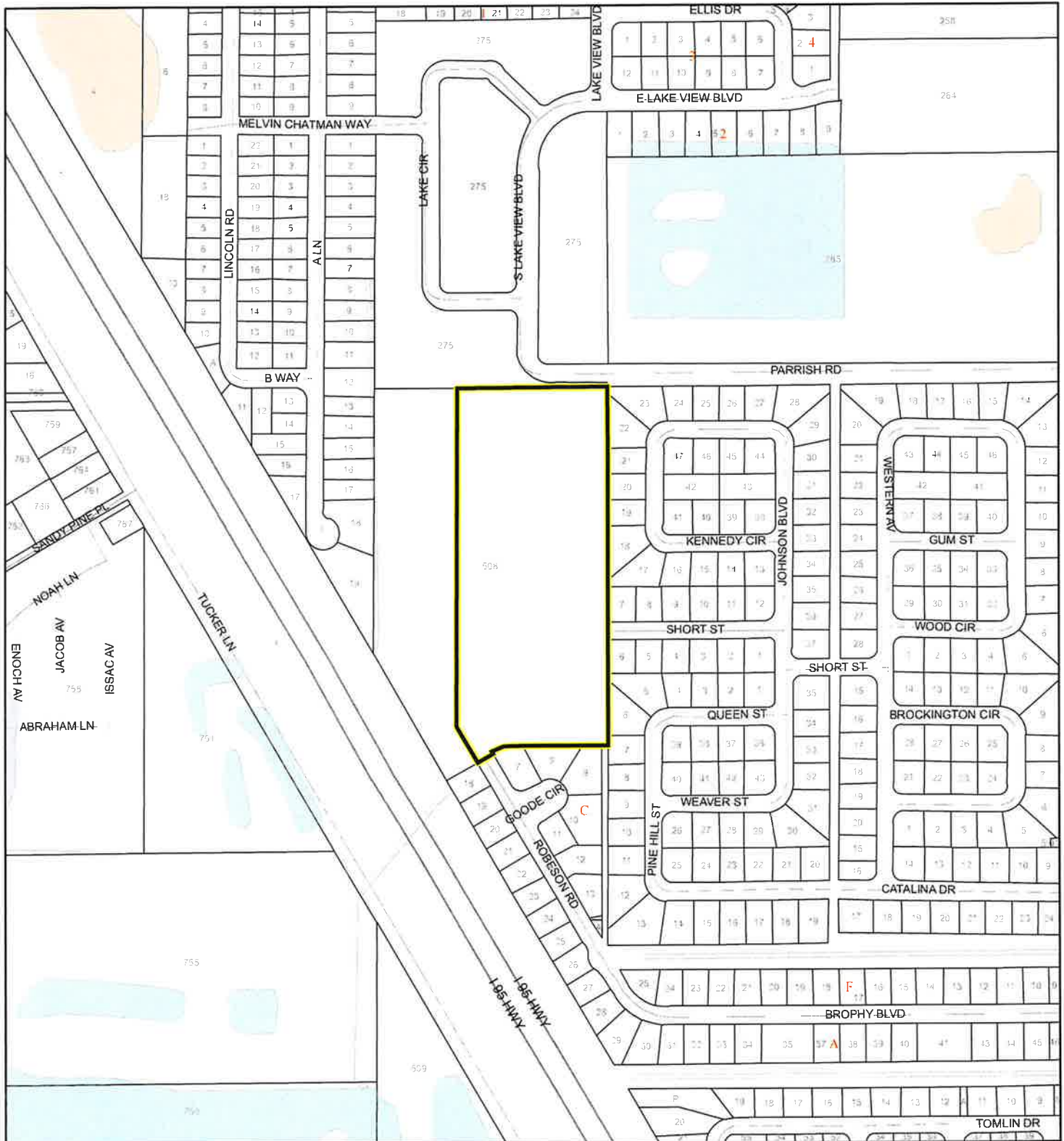
 Subject Property

 Parcels

NWI WETLANDS MAP

Osborne, Michael & Bonita

24Z00038



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/6/2024

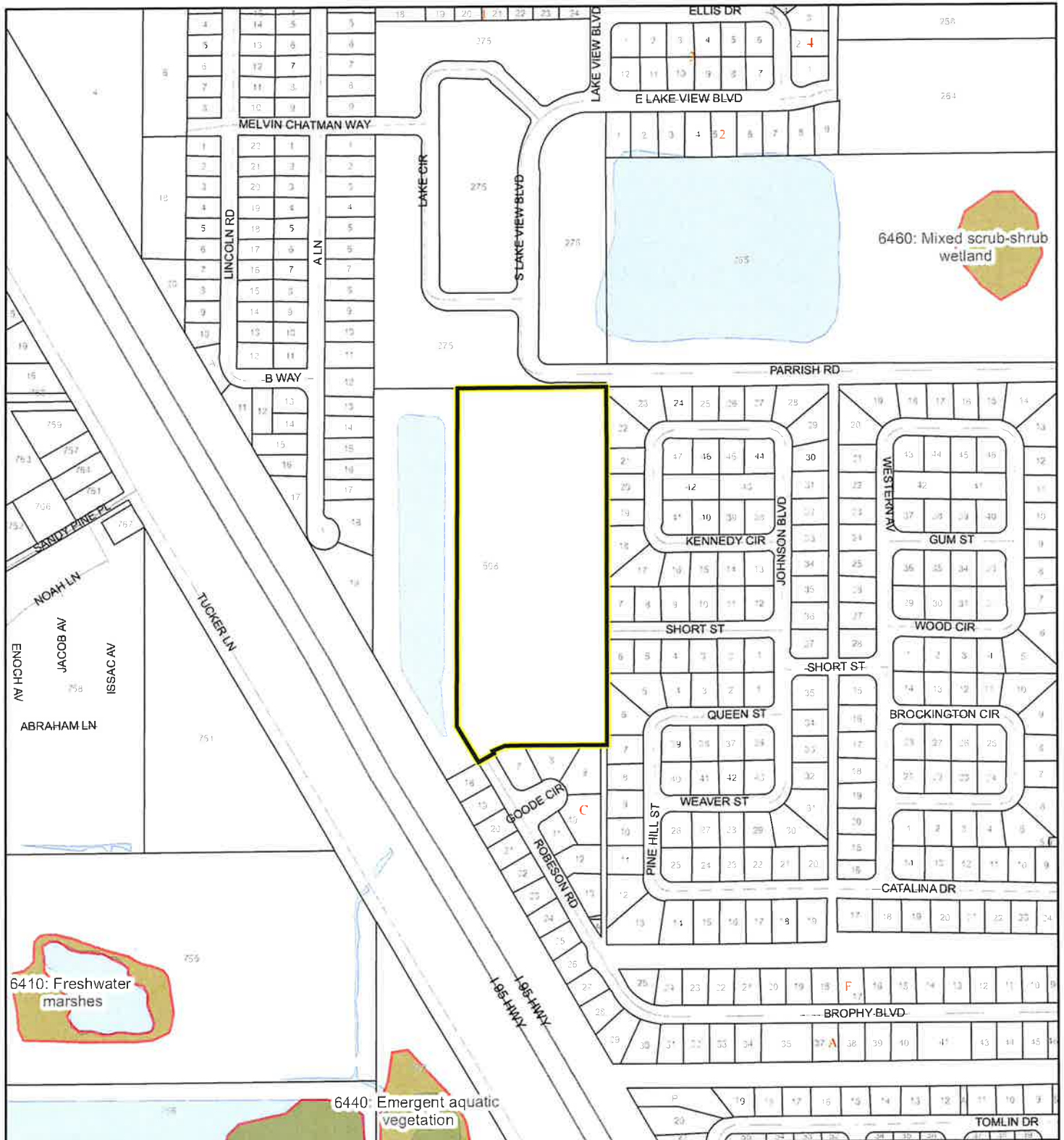
National Wetlands Inventory (NWI)

- | | |
|-----------------------------------|-----------------|
| Estuarine and Marine Deepwater | Freshwater Pond |
| Estuarine and Marine Wetland | Lake |
| Freshwater Emergent Wetland | Other |
| Freshwater Forested/Shrub Wetland | Riverine |
| Subject Property | |
| Parcels | |

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

Osborne, Michael & Bonita

24Z00038



1:4,800 or 1 inch = 400 feet



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Produced by BoCC - GIS Date: 8/6/2024

SJRWMD FLUCCS WETLANDS

- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

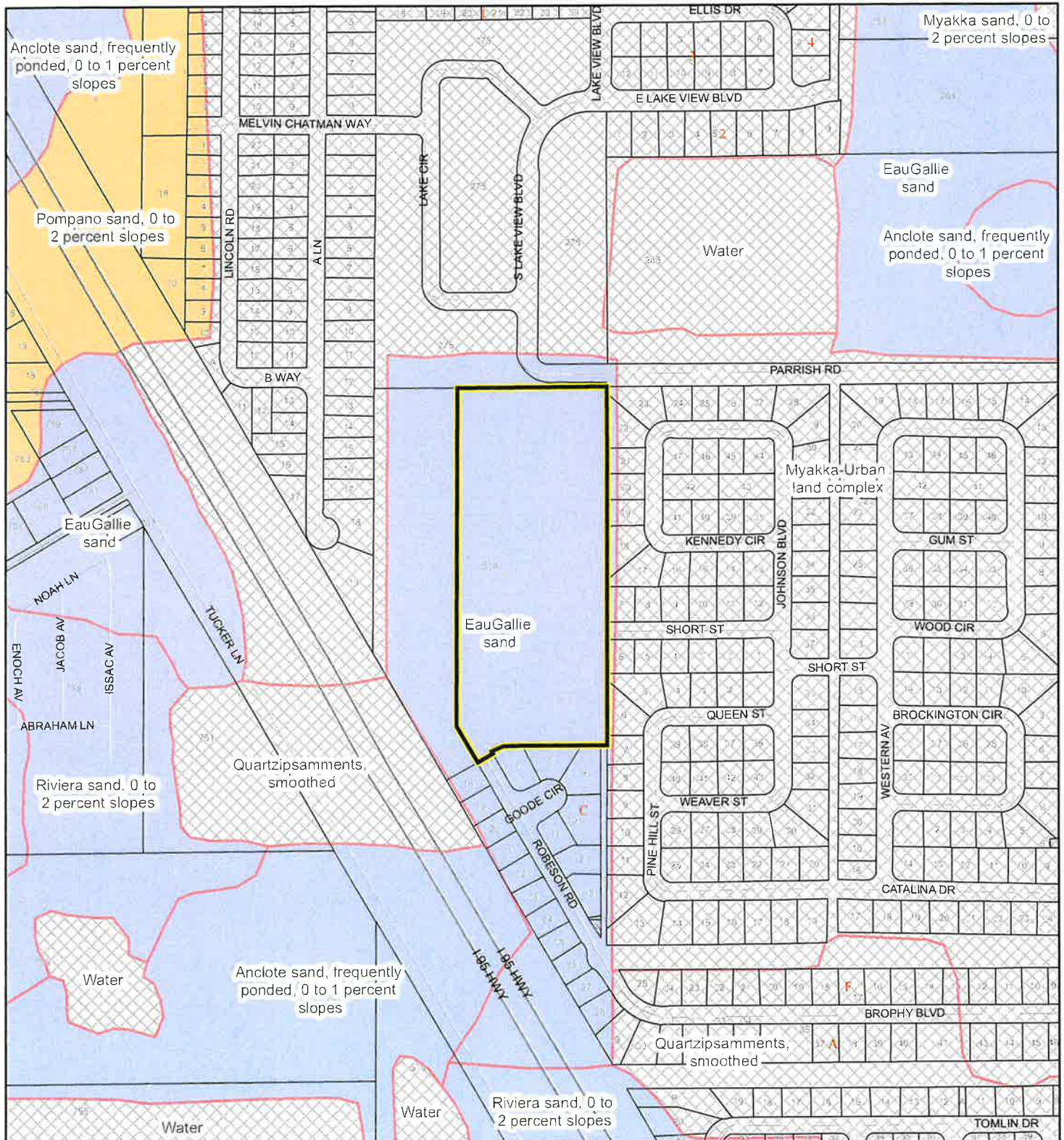
Subject Property

Parcels

USDA SCSSS SOILS MAP

Osborne, Michael & Bonita

24Z00038



1:4,800 or 1 inch = 400 feet

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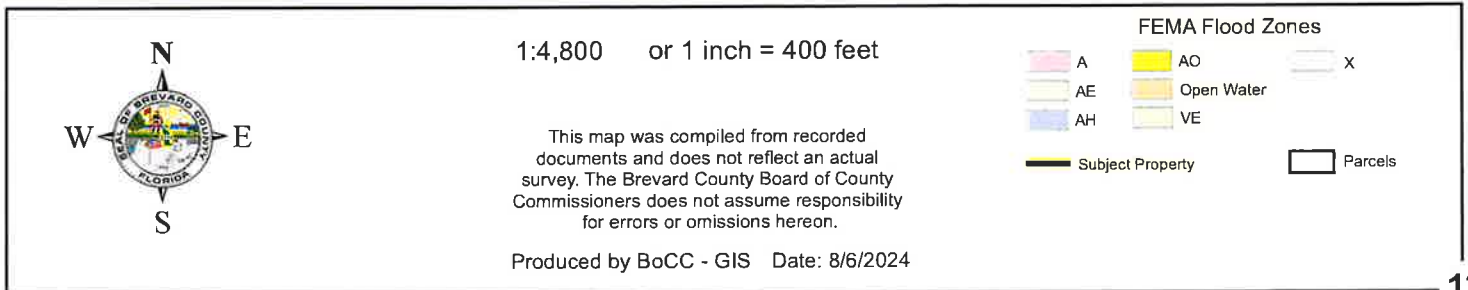
Produced by BoCC - GIS Date: 8/6/2024

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

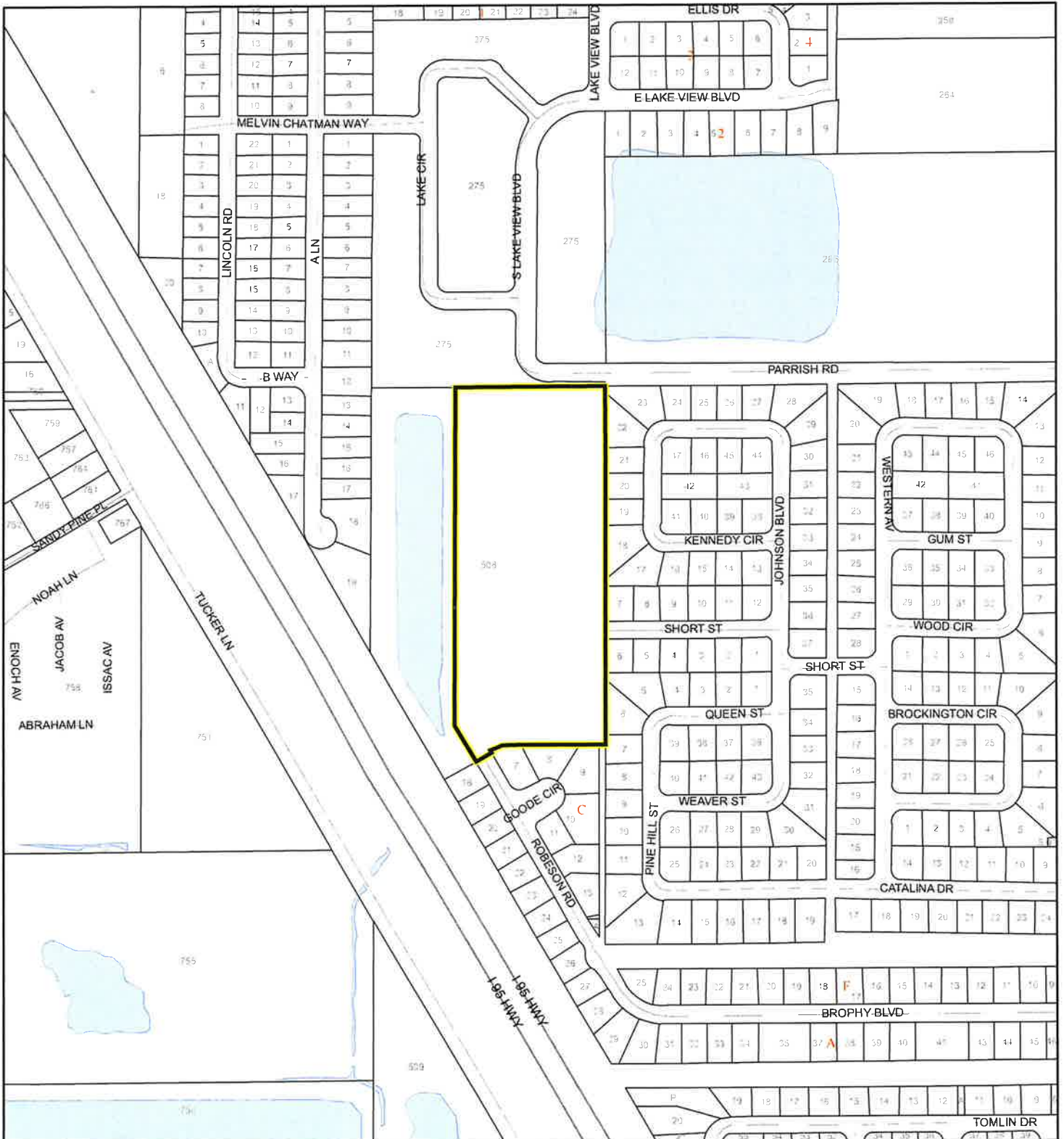
Osborne, Michael & Bonita
24Z00038



COASTAL HIGH HAZARD AREA MAP

Osborne, Michael & Bonita

24Z00038



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/6/2024

 Subject Property

 Parcels

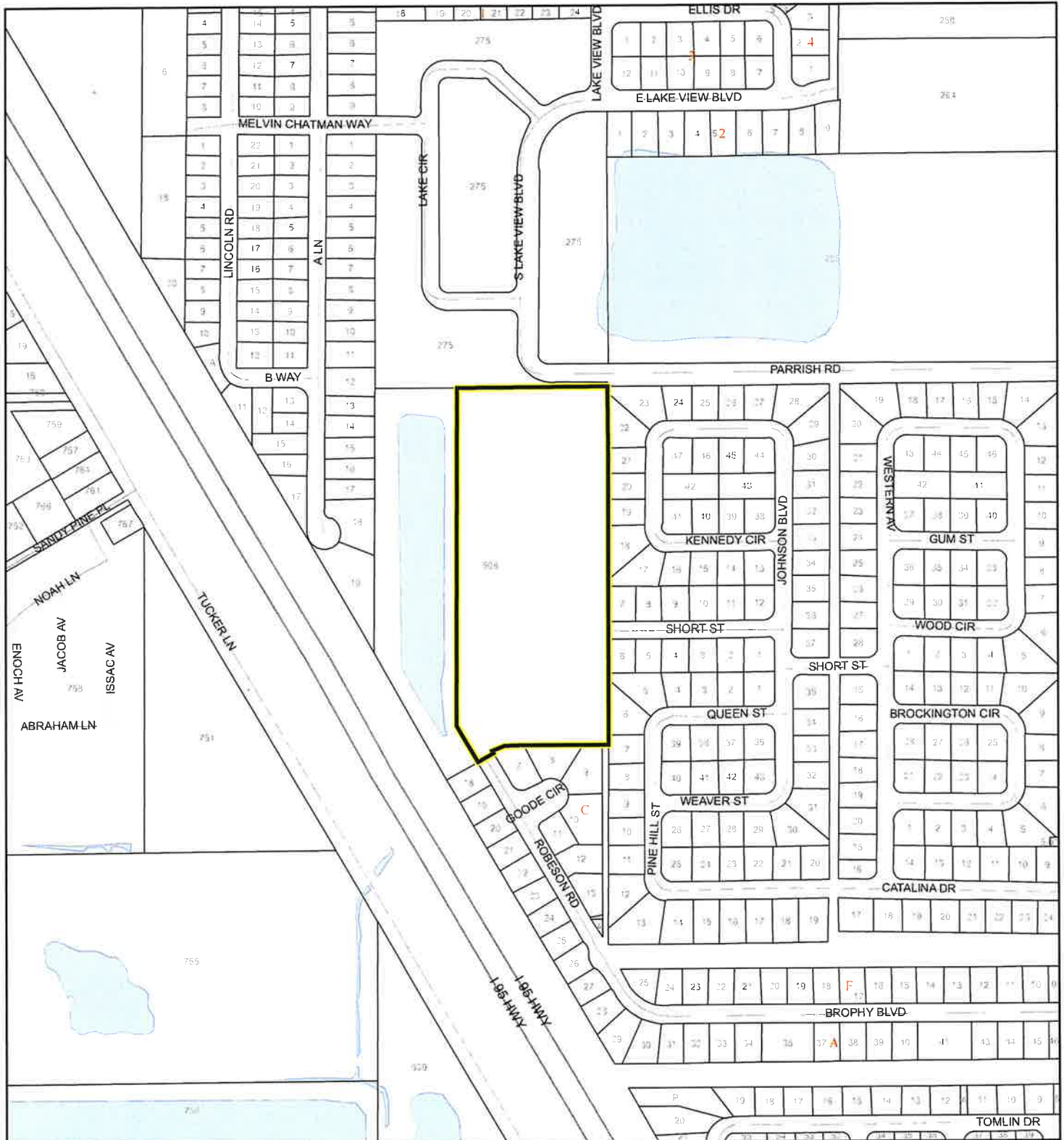
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

Osborne, Michael & Bonita

24Z00038



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

Septic Overlay

■ 40 Meters

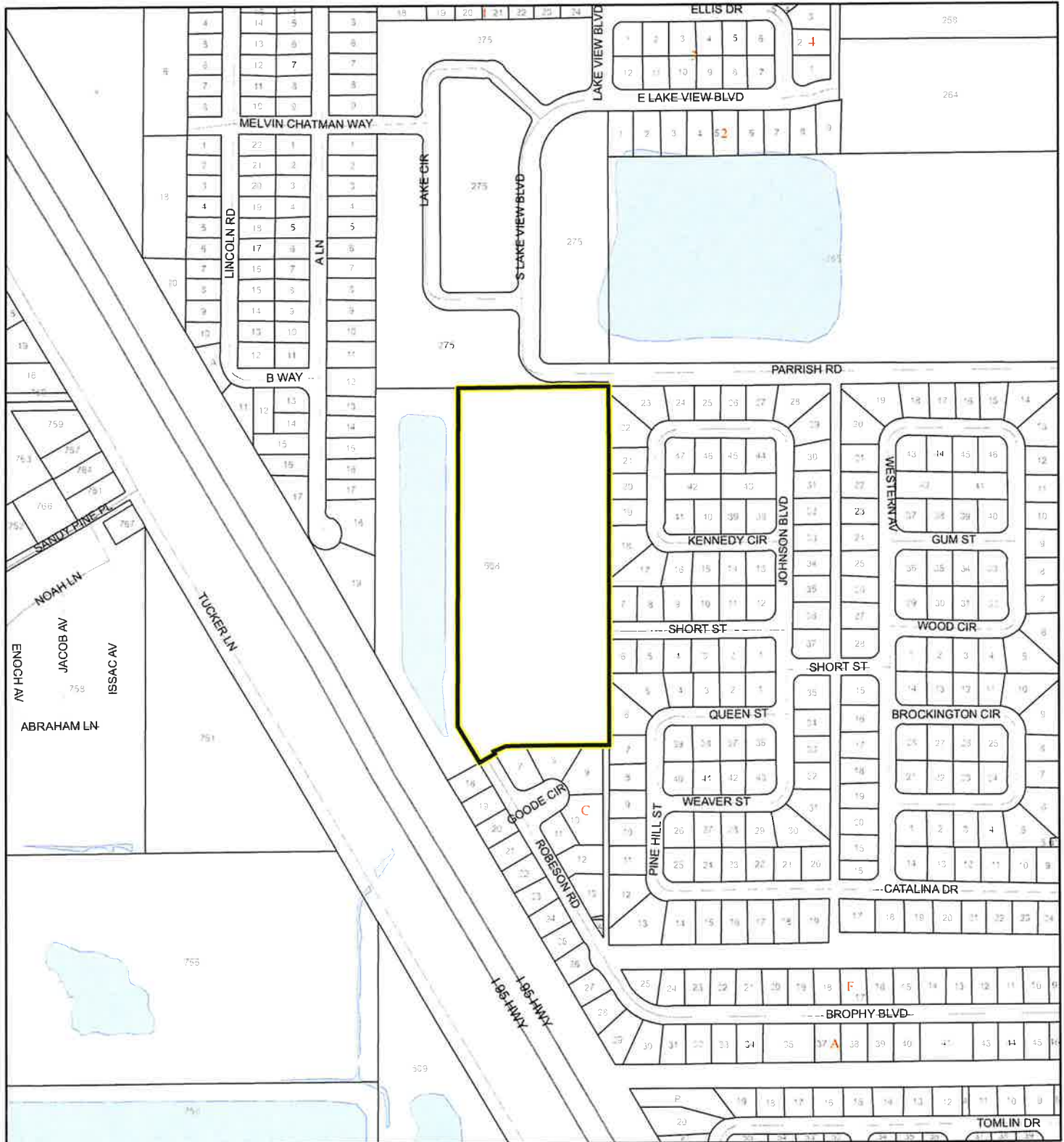
■ 60 Meters

■ All Distances

EAGLE NESTS MAP

Osborne, Michael & Bonita

24Z00038



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/6/2024

 Subject Property

 Parcels



Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

Osborne, Michael & Bonita

24Z00038



1:4,800 or 1 inch = 400 feet

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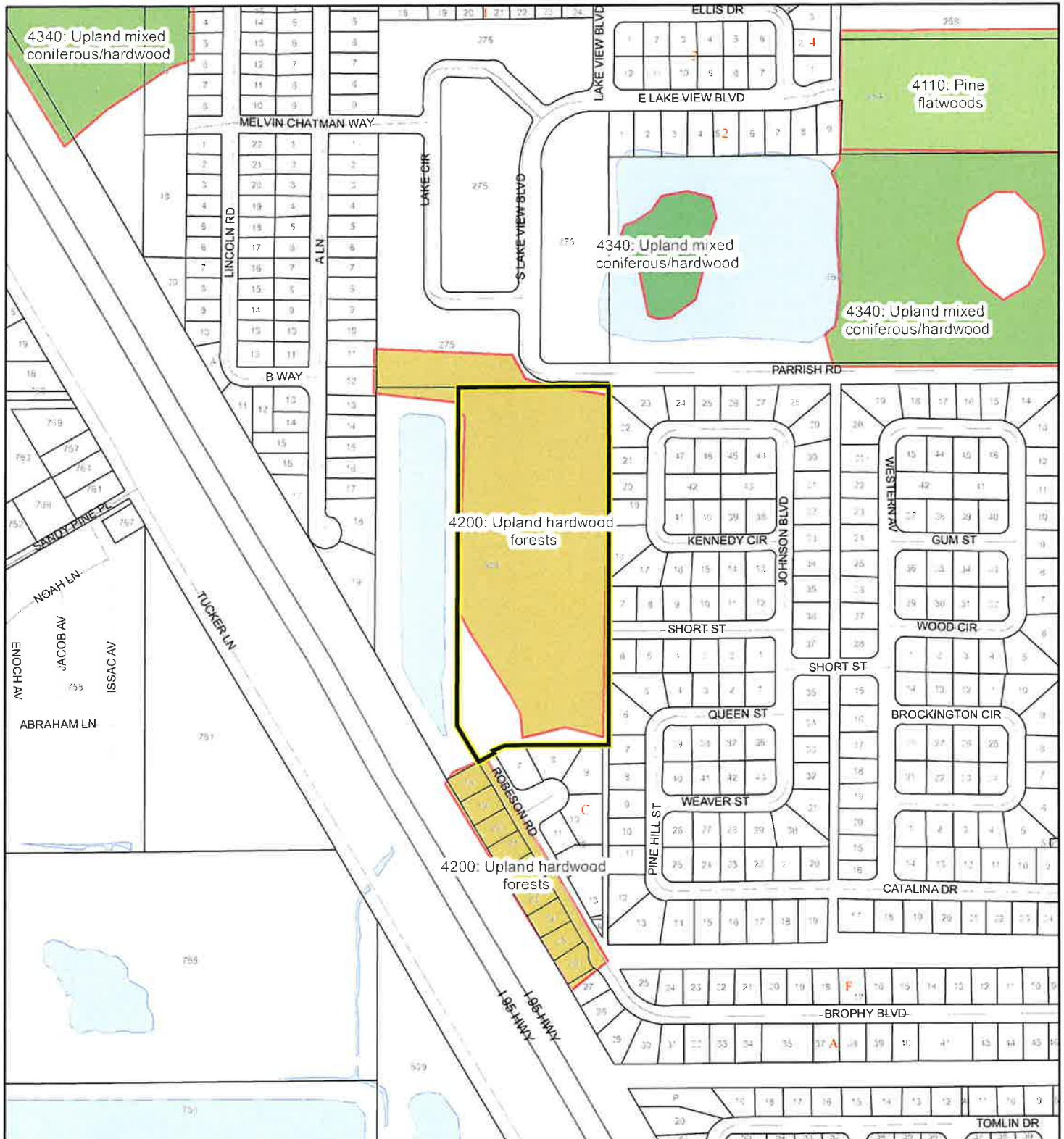
Produced by BoCC - GIS Date: 8/6/2024

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

Osborne, Michael & Bonita

24Z00038



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/6/2024

SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

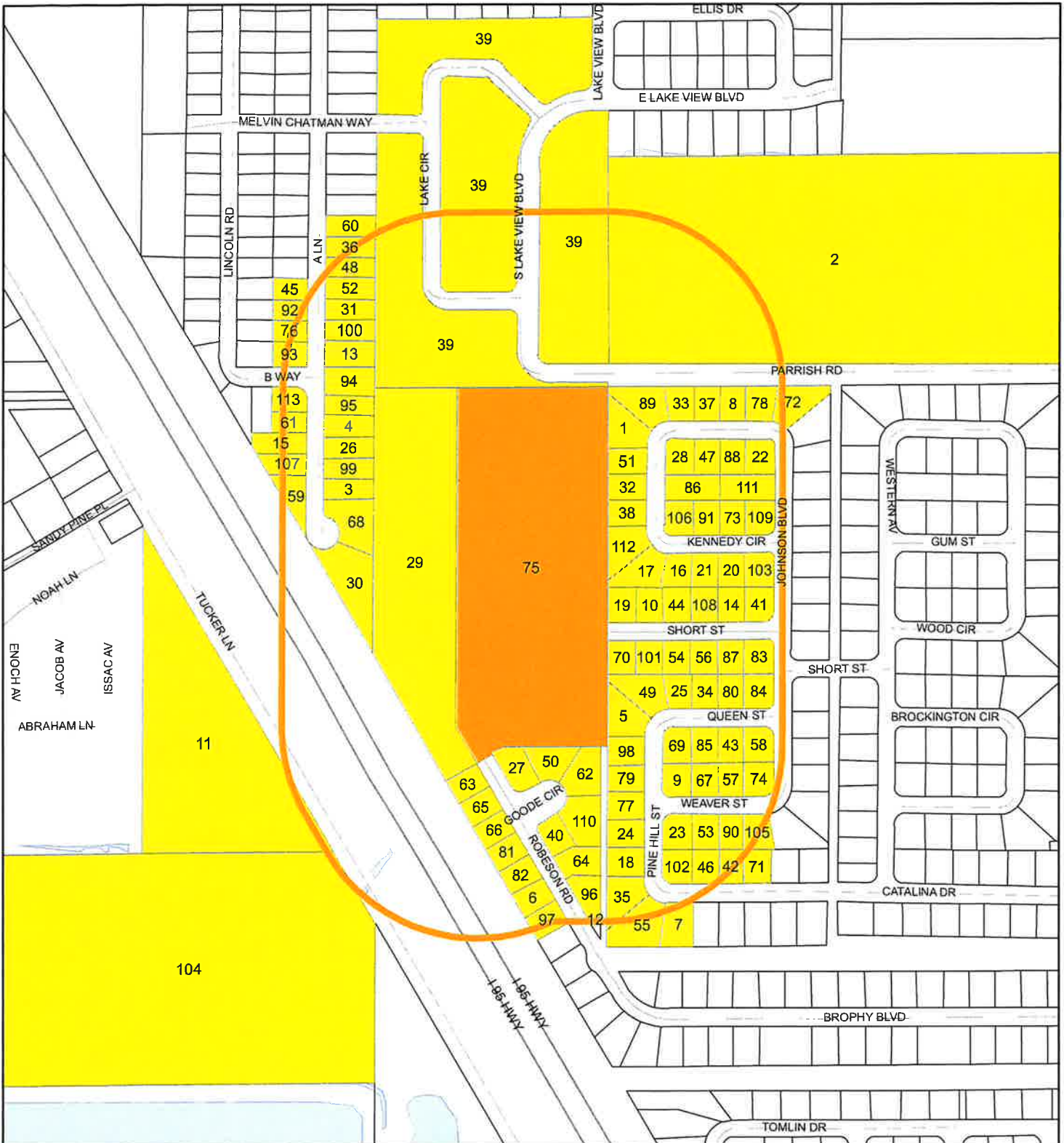
Subject Property

Parcels

RADIUS MAP

Osborne, Michael & Bonita

24Z00038



1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

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Produced by BoCC - GIS Date: 8/6/2024

- Buffer
- Subject Property
- Notify Property
- Parcels