



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.7.

11/7/2024

Subject:

Mannarino Family Revocable Living Trust requests a change of zoning classification from RU-1-7 and RR-1 to all RR-1. (24Z00041) (Tax Account 2802503) (District 5)

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-1-7 (Single-Family Residential) and RR-1 (Rural Residential) to all RR-1 (Rural Residential).

Summary Explanation and Background:

The applicants are requesting to rezone the subject property from RU-1-7 (Single-Family Residential Use) and RR-1 (Rural Residential) to all RR-1 (Rural Residential). They intend to make improvements to their single-family residence; however, a building permit cannot be issued until the property is brought into compliance with the Comprehensive Plan.

According to the applicant's request, the RU-1-7 portion was purchased in 2006. The 0.35 acres was recorded along with the parent parcel in ORB BK 5732, Page 459 on December 21, 2024. The RU-1-7 portion is not consistent with RES 4.

North of the subject parcel is developed with a single-family residence, zoned RR-1. South of the subject parcel is developed with a single-family residence, zoned RR-1. East of the subject property parcel developed as a single-family, zoned RU-1-11. West, lies Corey Avenue, a county-maintained road.

The Board may wish to consider whether the 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.

Clerk to the Board Instructions:

None

Resolution 24Z00041

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

WHEREAS, Mannarino Family Revocable Living Trust requests a change of zoning classification from RU-1-7 (Single-Family Residential) and RR-1 (Rural Residential) to all RR-1 (Rural Residential), on property described as Lots 1 through 8, the north 20.0 feet of Lot 9, the north 20.0 feet of Lot 36, and all of Lots 37 through 44, all in Block 33, June Park Subdivision as recorded in Plat Book 4, Page 4, of the Public Records of Brevard County, Florida. **Section 12, Township 28, Range 36.** (1.34 acres) Located on the east side of Corey Rd., approx. 600 ft. south of Milwaukee Ave. (2645 Corey Ave., Melbourne); 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-1-7 and RR-1 to all RR-1, 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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STAFF COMMENTS

24Z00041

Mark Mannarino and Ann Mannarino

RU-1-7 (Single-Family Residential) and RR-1 (Rural Residential) to RR-1 (Rural Residential)

Tax Account Number: 2802503
Parcel I.D.: 28-36-12-25-35-5
Location: East side of Corey Avenue, approx. 560.9 ft. north of the West Melbourne municipal boundary, and 580 feet south of Milwaukee Avenue (District 5)
Acreage: 1.35 acres
Planning & Zoning Board: 10/14/2024
Board of County Commissioners: 11/07/2024

Consistency with Land Use Regulations

- Only the RR-1 portion 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 |
|--|--------------------------------------|-----------------|
| Zoning | RR-1 & RU-1-7 | RR-1 |
| Potential* | 0 Single-family | 1 Single-family |
| Can be Considered under the Future Land Use Map | YES (only the RR-1 portion) RES 4 | YES RES 4 |

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

Background and Purpose of Request

The applicants are requesting to rezone the subject property from RU-1-7 (Single-Family Residential Use) and RR-1 (Rural Residential) to all RR-1 (Rural Residential). Approximately one acre of the parent parcel is zoned RR-1 which is consistent with RES 4 FLU designation. However, the remaining 0.35 acre portion of the property is zoned RU-1-7 which is not consistent with RES 4 FLU designation. The requested action will correct the inconsistency between zoning and land use.

According to the applicant's request, the RU-1-7 portion was purchased in 2006. The 0.35 acres was recorded along with the parent parcel in ORB BK 5732, Page 459 on December 21, 2024.

The following constitutes the history of zoning actions on the subject property:

- **Z2980** - a portion of the property was rezoned from RU-1 (Rural single-family residential) to RU-1-7 (Rural single-family residential), June 1972.
- **Z4846** - granted a rezoning of multiple lots in the area from RU-1-7 to RR-1, March 1979.
- **V905** - granted a variance to build on less than the 1-acre lot requirement in the RR-1 zoning classification, January 1980.
- **22Z00044** – rezoned six (6) lots from RU-1-7 to five (5) lots with an RU-1-11 zoning designation.

There are no active Code Enforcement issues at the property.

The subject property is located on the east side of Corey Road, a county-maintained roadway, approximately 600 feet south of Milwaukee Ave.

Surrounding Area

| | Existing Land Use | Zoning | Future Land Use |
|-------|---------------------------------------|--------|-----------------|
| North | Single-family residence | RR-1 | RES 4 |
| South | Single-family residence | RR-1 | RES 4 |
| East | Single-family residence | RR-1 | RES 4 |
| West | Single-family residence Across ROW | RR-1 | RES 4 |

The current RU-1-7 zoning classification is for single family residential development, together with a variety of accessory uses. The minimum lot size in the RU-1-7 is 5,000 sf, with a minimum lot width of 50 feet, and lot depth of 100 feet. The minimum floor area size is 700 square feet.

The proposed RR-1 (Rural Residential) zoning classification is devoted to single family residential development of spacious character, together with accessory uses that are either permitted or permitted by conditional use. RR-1 zoning requires a minimum lot size of one (1) acre, with a minimum width and depth of not less than 125 feet. The minimum floor area required in the zoning district is 1,200 sf.

North of the subject parcel is developed with a single-family residence. It is zoned RR-1 with a RES 4 FLUM.

South of the subject parcel is developed with a single-family residence. The property is zoned RR-1 with a RES 4 FLU designation.

East of the subject parcel is a .79-acre parcel developed as a single-family residential unit with 1,200 sf. The zoning is RU-1-11 with a RES 4 FLU designation.

To the west of the parcel lies Corey Avenue, a county-maintained road.

Future Land Use

The subject property is currently designated as RES 4 in the Future Land Use Map (FLUM) Designation. The current RU-1-7 zoning is not consistent with the existing RES 4 FLUM Designation. The current and proposed RR-1 zoning is consistent with RES 4 FLUM Designation.

The applicant's request can be considered consistent with the existing Future Land Use. 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:

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 applicants' single-family home was built in 1978. The owners intend to make renovations to their home and were informed that the proposed zoning change was required before a building permit would be issued. This request is not anticipated to diminish the enjoyment of safety or quality of life in existing neighborhood within the area.

- 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 (Master Appraiser Institute) appraisal can determine if a material reduction has or will occur due to the proposed request.

- 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 historical land use patterns can be characterized as single-family residences on properties that range in size from .25 acres to 1-acre.

RES 4 is the only FLU designation within a 0.5-mile radius of the subject property.

2. actual development over the immediately preceding three years; and

22Z00044 – this action rezoned six (6) lots from RU-1-7 (Single-family residential) to RU-1-11 (Single-family residential) within ½ mile of the subject property on Domain Court. This action reduced six (6) single-family residential lots, to five (5) single-family residential lots, allowing for larger homes to be developed on larger lots, November 3, 2022.

22Z00069 and 22FL00070 - rezoned a property on the south side of Chicago Avenue, adjacent to I-95 from RR-1 (Rural Residential) to AU (Agricultural Residential) for the purpose of having horses, fowl, and a barn. The owners were also granted a Flag Lot easement for access.

22Z00055- approved the rezoning of two adjacent lots from RR-1 (Rural Residential) to AU (Agricultural Residential) for the purpose of having horses and fowl. The 3.03 acre property is located on the east side of Maple Street, approximately 450 ft. north of Milwaukee Avenue, February 2, 2022.

23V00041 – granted a variance for an accessory structure that is 800.5 sf over the 50% of the living area of the principal building structure requirement for all detached accessory buildings (Sec. 62-2100.5(2)),

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

There has been no development proposed in the area in the last three (3) years that has yet to be constructed.

- D. 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.

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

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 is consistent with the residential neighborhood in the surrounding area. The applicant's intention is to remodel their existing home and as such will not adversely impact the area. No additional residential units will be generated from this request.

- 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.

The property is located in an existing platted residential neighborhood. There are clearly established roads and residential lot boundaries.

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.

The request is not for commercial use. It is located in an existing single-family residential neighborhood.

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.

The subject property is not requesting to be rezoned for commercial, industrial, or other non-residential uses.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Minton Road located between Milwaukee Road and Wingate Blvd., which has a Maximum Acceptable Volume (MAV) of 39,800 trips per day, a Level of Service (LOS) of D, and currently operates at 80.33% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by .08%. The corridor is anticipated to operate at 80.33% of capacity daily. 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.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Land Clearing and Landscape Requirements

For Board Consideration

The Board may wish to consider if the request is consistent and compatible with the surrounding area and to recognize existing development trends.

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

Item No. 24Z00041

Applicant: Mark and Ann Mannarino (Owners: Mannarino Family Revocable Trust)

Zoning Request: RU-1-7 and RR-1 to all RR-1

Note: to have same zoning as main property

Zoning Hearing: 10/14/2024; **BCC Hearing:** 11/07/2024

Tax ID No.: 2802503

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Land Clearing and Landscape Requirements

Land Use Comments:

Hydric Soils

A majority of the subject parcel contains mapped hydric soils (Malabar sand, 0 to 2 percent slopes); an indicator that wetlands may be present on the property. **A wetland delineation 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. **This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage 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.

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 Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) tree preservation. Land clearing is not permitted without prior authorization by NRM. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

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

Motion by Henry Minneboo, seconded by Robert Sullivan, to approve the P&Z/LPA minutes of September 16, 2024. The motion passed unanimously.

Items H.1. and H.2. were moved to begin before item H.9. of the agenda by staff.

H.6. Mannarino Family Revocable Living Trust requests a change of zoning classification from RU-1-7 and RR-1 to all RR-1. (24Z00041) (Tax Account 2802503) (District 5)

Trina Gilliam read the application into the record.

Mark Mannarino spoke to this item. He stated that the County Planning and Zoning Department indicated he needed to combine the 2 different zonings on the property that he has. They have lived in the house since '81 and the original property is about 1.09 acres, and it was zoned RR-1. About 15 years ago they bought a a quarter acre lot adjacent to the property that was zoned RU-1-7 at the time. According to the Planning and Zoning Department, moving forward one's residential property must be all the same zone otherwise he can't get any permits. So, I just want them combined into RR-1.

Public comment

Kimberly Odel stated that her concern was this is a little bit vague, and she wanted some clarification from him and "you guys". According to what she looked at her concern as neighbors was the RR-1 changed it to a little bit vaguer, family homes, parks, public recreational facilities, private golf courses, foster homes, sewer lift stations, bed and breakfast inns, and the list goes on. So what she wanted was a little more clarification from him with if he's changing it to RR-1 because it takes away the RU-1-7 which is residential. "Is he planning to put something like that in the future and if that's the case and if it's changed today to RR-1 would that be grandfathered in to whatever he wanted to put on that piece of property?" were her follow up questions.

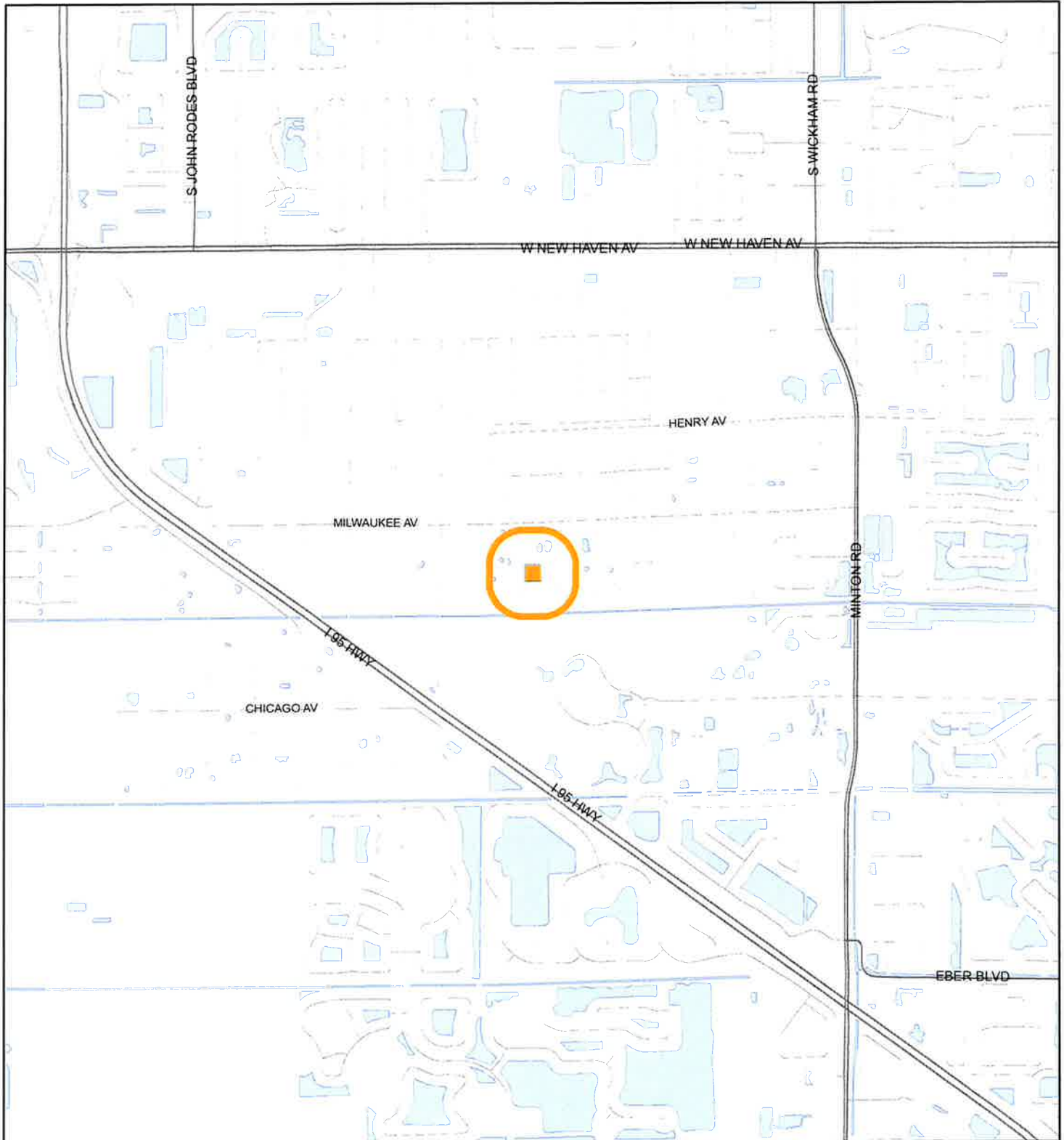
End of public comment.

Mr. Mannarino went on to state that this quarter acre is in the northwest corner of his property. It is a horse pasture right now and they have fence around it. It's been a horse pasture for 15 years. They have no plans on changing it, building anything on it, it's going to stay just like it is so their horse can

lay around on it. The only reason he's going through this rezoning is so that he can get any kind of a building permit in the future. If he wants to add an air conditioner, put a door on the house, etc. he has to have all his property zoned the same. He has no plans on making any changes to that quarter acre piece of property.

Motion to recommend approval of item H.6. by John Hopengarten, seconded by Brian Hodgers.
Motion passed unanimously.

LOCATION MAP
MANNARINO FAMILY REVOCABLE LIVING TRUST
24Z00041





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: 9/26/2024

-  Buffer
-  Subject Property

ZONING MAP

MANNARINO FAMILY REVOCABLE LIVING TRUST

24Z00041



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/26/2024

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

MANNARINO FAMILY REVOCABLE LIVING TRUST

24Z00041



1:4,800 or 1 inch = 400 feet

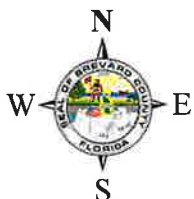
 Subject Property

 Parcels

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Produced by BoCC - GIS Date: 9/26/2024

AERIAL MAP
MANNARINO FAMILY REVOCABLE LIVING TRUST
24Z00041



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2024

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Produced by BoCC - GIS Date: 9/26/2024

 Subject Property

 Parcels

NWI WETLANDS MAP

MANNARINO FAMILY REVOCABLE LIVING TRUST

24Z00041



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/26/2024

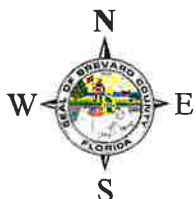
National Wetlands Inventory (NWI)

- | | |
|-----------------------------------|-----------------|
| 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

MANNARINO FAMILY REVOCABLE LIVING TRUST

24Z00041



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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

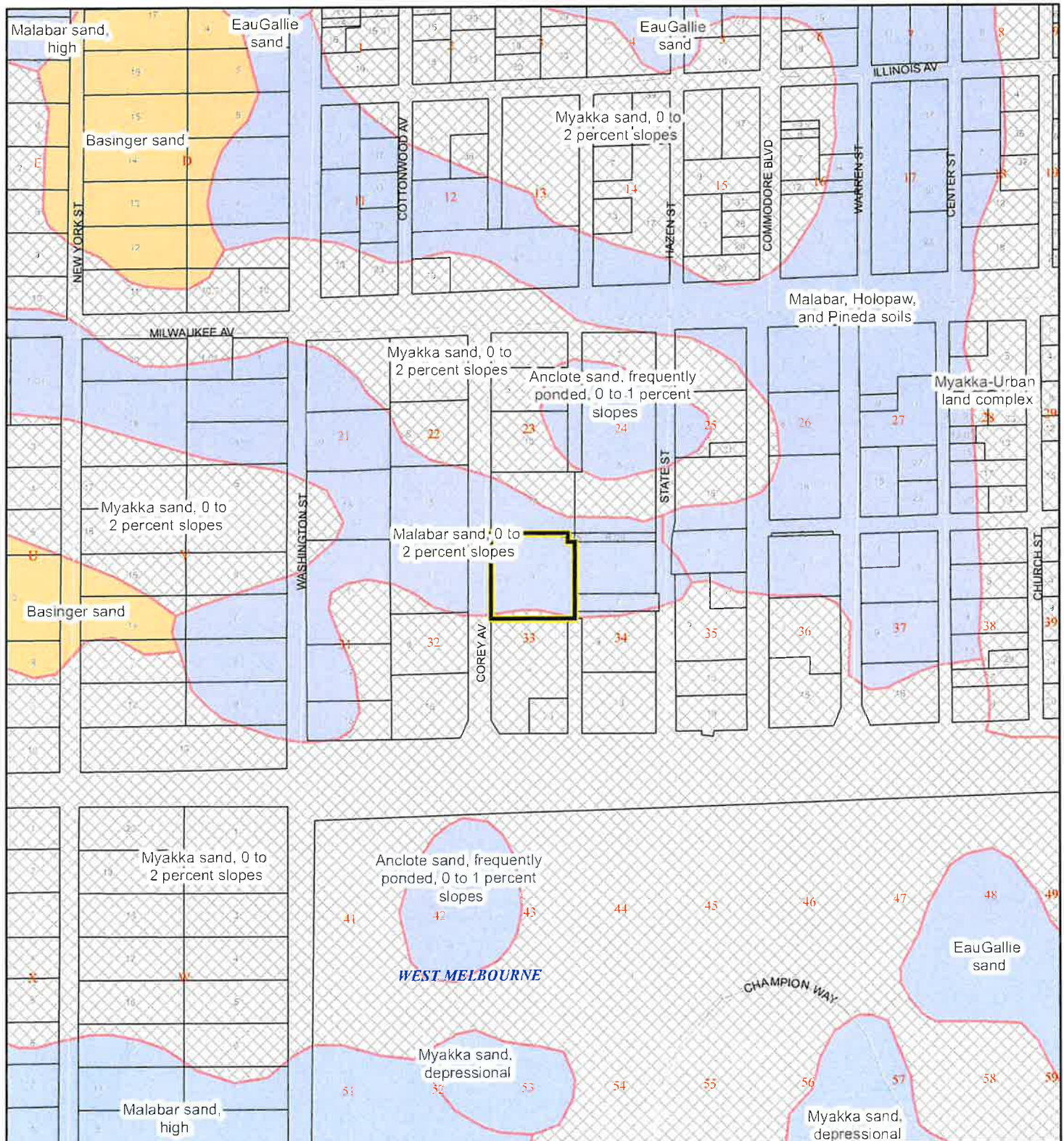
Subject Property

Parcels

USDA SCSSS SOILS MAP

MANNARINO FAMILY REVOCABLE LIVING TRUST

24Z00041



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/26/2024

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

MANNARINO FAMILY REVOCABLE LIVING TRUST

24Z00041



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/26/2024

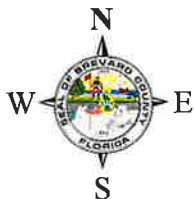
FEMA Flood Zones

- | | | |
|------------------|------------|---|
| A | AO | X |
| AE | Open Water | |
| AH | VE | |
| Subject Property | Parcels | |

COASTAL HIGH HAZARD AREA MAP

MANNARINO FAMILY REVOCABLE LIVING TRUST

24Z00041



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 9/26/2024

 Subject Property

 Parcels

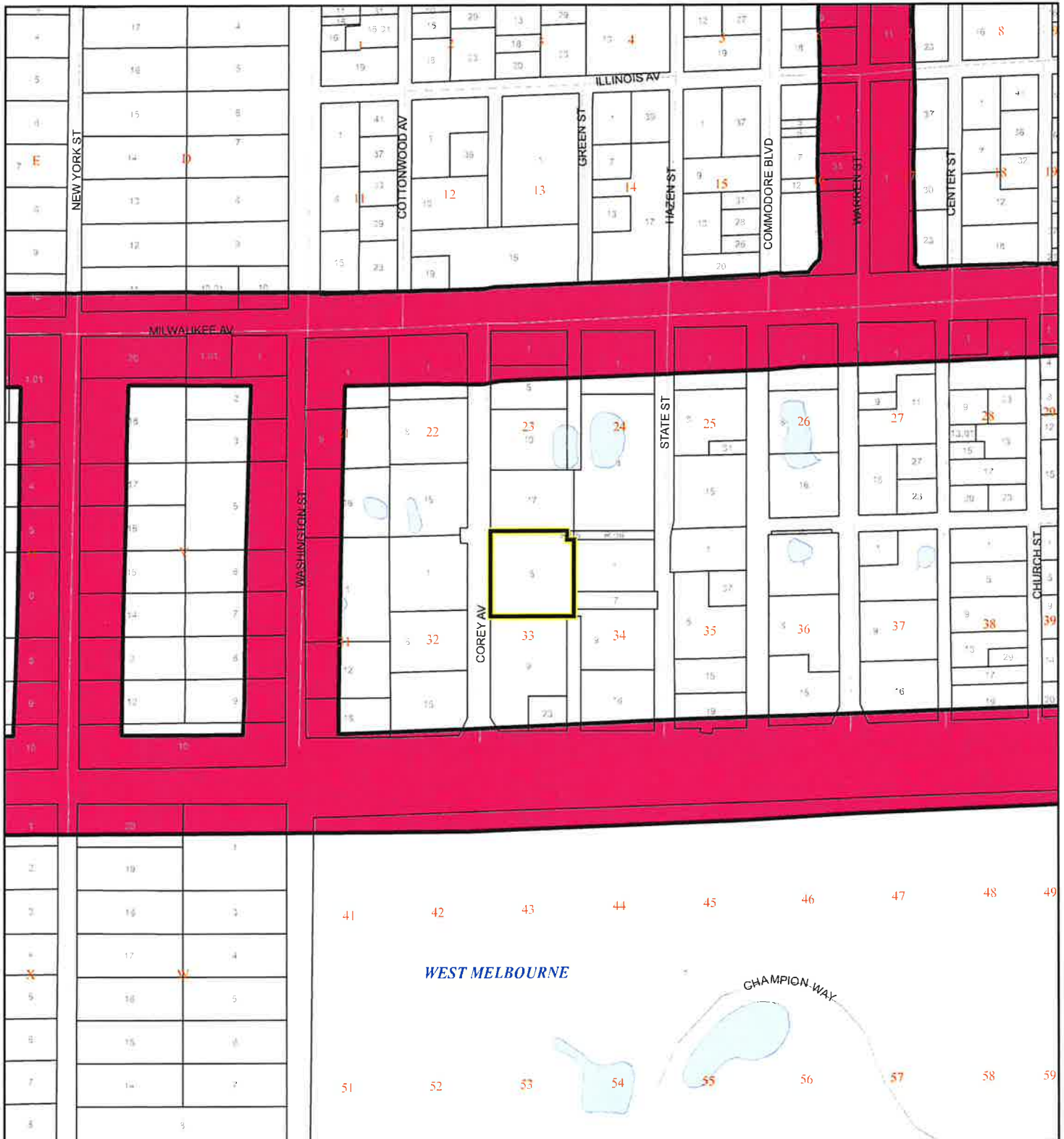
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

MANNARINO FAMILY REVOCABLE LIVING TRUST

24Z00041



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/26/2024

— Subject Property

□ Parcels

Septic Overlay

40 Meters

60 Meters

All Distances

EAGLE NESTS MAP

MANNARINO FAMILY REVOCABLE LIVING TRUST

24Z00041



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/26/2024

- Subject Property
- Parcels
- E Eagle Nests FWS

SCRUB JAY OCCUPANCY MAP

MANNARINO FAMILY REVOCABLE LIVING TRUST

24Z00041



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/26/2024

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

MANNARINO FAMILY REVOCABLE LIVING TRUST

24Z00041



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/26/2024

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

MANNARINO FAMILY REVOCABLE LIVING TRUST

24Z00041



1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

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Produced by BoCC - GIS Date: 9/26/2024

- Buffer
- Subject Property
- Notify Property
- Parcels