



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.9.

10/3/2024

Subject:

Piercarlo & Christina Ciacchi request a change of zoning classification from AU and GU to all AU. (24Z00033)
(Tax Accounts 2314742, 2314743, 2314744, & 2322851) (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 AU (Agricultural Residential) and GU (General Use) to all AU (Agricultural Residential)

Summary Explanation and Background:

The applicants are requesting to rezone 5.04 acres from AU (Agricultural Residential) and GU (General Use) to all AU (Agricultural Residential) to allow a guesthouse to be built with a kitchen facility.

Per Section 62-1932, Brevard County Code of Ordinances:

- (a) Guesthouses or servants' quarters are subject to the following minimum requirements:
 - (1) The structure shall contain no kitchen facilities except where consistent with paragraph (c) below.
 - (2) The structure shall be a detached accessory structure located to the rear of the principal structure and shall not be attached to any other accessory structure.
 - (3) The structure shall not exceed the maximum size permitted for accessory structures in the applicable zoning classification. Where there is no maximum, the structure shall not exceed 50 percent of the size of the principal structure.
 - (4) The structure shall be used for the accommodation of family members, temporary guests (maximum six months), or servants only.
 - (5) The structure shall not be used for rental purposes.
 - (6) The structure shall be set back a minimum of ten feet from the side and rear lot lines.
- (b) This conditional use shall not be granted on a parcel of land containing less than one-half acre. A conditional use permit shall not be required on parcels equal to or exceeding one acre in size.
- (c) A guesthouse or servants' quarters may contain kitchen facilities on parcels of at least one acre in size where the resulting density of the lot including the guesthouse, or servants' quarters, is consistent with the zoning regulation and comprehensive plan density designation. All other conditions enumerated above shall apply.

North across Peroutka Ln. is a 1.23 acre parcel developed with a single-family residence zoned GU; South is a 1.37 acre parcel, undeveloped with GU zoning; East are several parcels undeveloped with GU zoning; and West is a 1.99 acre parcel with a single-family residence with and SR zoning.

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

On September 16, 2024, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

Upon receipt of resolution, please execute and return a copy to Planning and Development.

Resolution 24Z00033

On motion by Commissioner Pritchett, seconded by Commissioner Goodson, the following resolution was adopted by a unanimous vote:

WHEREAS, Piercarlo Ciacchi & Christina L. Ciacchi Trust requests a change of zoning classification from GU (General Use) and AU (Agricultural Residential) to all AU (Agricultural Residential), on property described as Lots 1 – 3 and the north 10 feet of Lot 4, Block 17, Canaveral Groves, as recorded in ORB 10093, Pages 1627 – 1629, of the Public Records of Brevard County, Florida. **Section 35, Township 23, Range 35.** (5.04 acres) Located on the south side of Peroutka Ln., approx. 798 ft. west of Grissom Pkwy. (3355 Peroutka Ln., Cocoa); 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 GU and AU to all AU, 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 October 03, 2024.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida


Rita Pritchett, Vice Chair
Brevard County Commission
As approved by the Board on October 03, 2024.

ATTEST:



RACHEL SADOFF, CLERK

(SEAL)

P&Z Board Hearing – September 16, 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

24Z00033

Pier Ciacchi & Christina L. Ciacchi Trust

AU (Agricultural Residential) and GU (General Use) to all AU (Agricultural Residential)

Tax Account Number: 2314742
Parcel I.D.: 23-35-35-01-17-1
Location: South side of Peroutka Lane, approximately 738 feet west of
Grissom Pkwy. (District 1)
Acreage: 5.04 acres

Planning & Zoning Board: 09/16/2024

Board of County Commissioners: 10/03/2024

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	AU & GU	AU
Potential*	1 Single family	1 Single family
Can be Considered under the Future Land Use Map	YES RES 1:2.5	YES RES 1: 2.5

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

Background and Purpose of Request

The applicants are requesting to rezone a 5.04 acre parcel from AU (Agricultural Residential) and GU (General Use) to all AU (Agricultural Residential) to allow a guesthouse built with a kitchen facility, with the requirements in Section 62-1932, accessory to the single family house. The parcel was previously three parcels along with the north 10 feet of a fourth parcel located in the Canaveral Groves Survey Book 2, page 57. The parcels were combined into the current configuration of one parcel on June 21, 2024, per Official Records Book 10093, Pages 1627 - 1629. The proposed AU zoning requires an area of not less than 2.5 acres, having a lot width

of not less than 150 feet and a lot depth of not less than 150 feet. The parcel has access to Peroutka Lane a county maintained Right-of-Way.

Section 62-1932 allows for guesthouses subject it to the following minimum requirements:

(a) Guesthouses or servants' quarters are subject to the following minimum requirements:

- (1) The structure shall contain no kitchen facilities except where consistent with paragraph (c) below.

Staff's analyst: The applicant has combined the parcels together as a 5.04 acre parcel and will meet the zoning regulation and comprehensive plan density designation for a guesthouse to have a kitchen facility.

- (2) The structure shall be a detached accessory structure located to the rear of the principal structure and shall not be attached to any other accessory structure.

Staff's analyst: The applicant has not included a proposed plot plan location for the guesthouse with this application and will be required to meet these requirements.

- (3) The structure shall not exceed the maximum size permitted for accessory structures in the applicable zoning classification. Where there is no maximum, the structure shall not exceed 50 percent of the size of the principal structure.

Staff's analyst: The applicant has not included a proposed plan for the guesthouse with this application and will be required to meet this requirement.

- (4) The structure shall be used for the accommodation of family members, temporary guests (maximum six months), or servants only.

Staff's analyst: The applicant will be required to meet this requirement for a guesthouse.

- (5) The structure shall not be used for rental purposes.

Staff's analyst: The applicant will be required to meet this requirement for a guesthouse.

- (6) The structure shall be set back a minimum of ten feet from the side and rear lot lines.

Staff's analyst: The proposed guesthouse will be required to meet the minimum accessory setbacks for the AU zoning classification.

- (b) This conditional use shall not be granted on a parcel of land containing less than one-half acre. A conditional use permit shall not be required on parcels equal to or exceeding one acre in size.

Staff's analyst: The parcel is 5.04 acres and does not require a CUP for a guesthouse.

- (c) A guesthouse or servants' quarters may contain kitchen facilities on parcels of at least one acre in size where the resulting density of the lot including the guesthouse, or servants' quarters is consistent with the zoning regulation and comprehensive plan density designation. All other conditions enumerated above shall apply.

Staff's analyst: The parcel contains 5.04 acres. Rezoning the parcel to all AU will meet the zoning regulation and comprehensive plan density designation to have a guesthouse with a kitchen facility.

Section 62-1102. Definitions *Guesthouse* means living quarters within a detached accessory building located on the same premises as the main building, to be used for housing members of the family occupying the main building or their temporary guests. Such quarters shall be subject to the provisions of section 62-1932, shall have no separate utility meters, and shall not be rented or otherwise used as a separate dwelling.

The guesthouse will not have separate utility meters. Utilities will be required to be run from existing single family house on the parcel.

The GU zoned portion is the original zoning for the parcel.

The AU zoned portion was rezoned from GU to AU on December 7, 2000, per zoning action **Z-10485**.

The applicants' request to change the zoning from AU & GU to all AU will provide the lot size and density requirement for the parcel to have a guesthouse with a kitchen facility.

The subject parcel is developed with a single-family house.

The subject parcel is located on the south side of Peroutka Lane, a County maintained roadway.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence Across Peroutka Lane	GU	RES 1:2.5
South	Vacant land	GU	RES 1:2.5
East	Vacant land	GU	RES 1:2.5
West	Single-family residence	SR with Binding Development Plan	RES 1:2.5

The current GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

The proposed AU 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.

Future Land Use

The subject property is currently designated as Residential 1:2.5 (RES 1:2.5) FLUM designation. The current GU zoning and the proposed AU zoning are consistent with the existing RES 1:2.5 FLUM designation.

FLUE Policy 1.10 The Residential 1:2.5 Future land use designation. The Residential 1:2.5 land use designation, which establishes the lowest density of all the residential future land use designations, permits a maximum density of up to one (1) unit per 2.5 acres, except as otherwise may be provided for within this element. Development in the Residential 1:2.5 land use designation should seek to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses.

The applicant's request can be considered consistent with the proposed 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 parcel has an existing single-family residence. The request is not anticipated to diminish the enjoyment of safety or quality of life in existing residential 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 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 of the surrounding development can be characterized as single-family residences on properties 0.87 acre to 3 acres in size.

There are three (3) FLU designations (RES 1:2.5, RES 4 and PUB-CONS) within a 0.5-mile radius of the subject property. RES 1:2.5 is the prominent FLU in this area.

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

There has been one new development within 0.5 miles. A single family residence 350 feet southeast of the subject parcel

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

There has been two development approved within the past three years.

Rezoning application 22Z00005 was rezoned from GU to RR-1 with a Binding Development Plan (BDP) on September 14, 2022, with conditions the owner/developer shall limit the density to a maximum of three lots with one house on each lot.

Rezoning application 23Z00081 was rezoned from BU-1 and BU-2 to all BU-2 with a new Binding Development Plan (BDP) on January 01, 2024, with conditions the site shall be developed per any allowable BU-1 use or as a trades retail, wholesale and storage facility and related ancillary services and facilities, as allowed in BU-2 zoning. And any outdoor storage shall be to the rear of any building.

- 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.

Staff analysis has determined the area can be categorized as single-family residential and agricultural on one acre or larger lots.

Adjacent zoning classifications within a 0.5 mile radius of the subject. They include GU general use, AU agricultural residential zoned, RR-1, single-family residential zones, TR-1.

To the north of the subject the property across Peroutka Lane is zoned GU, SEU and SR with RES 1:2.5 and RES 1 FLUM. To the east is zoned GU and RR-1 with RES 1:2.5 FLUM. South is zoned GU with RES 1:2.5 FLUM. To the west is zoned SR with RES 1:2.5 FLUM.

The closest parcel with AU zoning is located approximately 973 feet northwest of the subject parcel. This parcel was rezoned from GU and SR to AU on November 06, 2003, per zoning action Z-10856 and is developed with a single-family home. The north across Peroutka Lane is zoned GU, SEU and SR and are developed with single-family residential. Abutting to the east is vacant parcels zoned GU and RR-1. The abutting parcel to the south is vacate land and has the original GU zoning. The abutting parcel to the west is SR and developed with a single family residence.

AU has been an established zoning classification in the surrounding area.

The request provides consistency with the parcel's size and Future Land Use density requirements to have a guesthouse with a kitchen facility. It will also recognize existing development trends in the area.

The request is not anticipated to impact the surrounding established residential neighborhood materially or adversely.

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.

Staff analysis has determined the property is located in an existing residential area. West of the parcel is predominately undeveloped residential zone property.

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 area is primarily undeveloped single-family residential with no commercial zoning nearby.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Grissom Parkway located between Canaveral Groves Blvd. and Camp Road, which has a Maximum Acceptable Volume (MAV) of 17,700 trips per day, a Level of Service (LOS) of D, and currently operates at 50.06% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.05%. The corridor is anticipated to operate at 50.11% 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.

The parcel is within the City of Cocoa public potable water service and septic service.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species
- Potential Code Enforcement

For Board Consideration

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

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

Item No. 24Z00033

Applicant: Piercarlo Ciacchi and Christina Ciacchi (Owners: Piercarlo Ciacchi and Christina Ciacchi Trust)

Zoning Request: GU and AU to all AU

Note: Combine lots for agricultural zoning

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

Tax ID No.(s): 2314742, 2314743, 2314744, and 2322851 (now combined as 2314742)

- 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:

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species
- Potential Code Enforcement

Land Use Comments:

Wetlands and Hydric Soils

A portion of the subject parcel contains mapped National Wetlands Inventory (NWI) wetlands, and another portion contains mapped hydric soils (Samsula muck, frequently ponded, 0 to 1 percent slopes); indicators 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.**

Section 62-3694 states that non-bona fide agricultural and forestry operations utilizing best management practices are permitted in wetlands **provided they do not result in permanent degradation or destruction of wetlands, or adversely affect the functions of the wetlands.** 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. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any

activity of a Bona Fide Agricultural Use, with state-approved Best Management Practices, on land classified as agricultural land **pursuant to Section 193.461, Florida Statute** is exempt. The Brevard County Property Appraiser's Office establishes Bona Fide Agricultural land classification.

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.**

Aquifer Recharge Soils

A portion of this property contains Pomello sand, classified as an aquifer recharge soil. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen Trees (≥ 24 inches in diameter) likely exist on the parcel. Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), encourages the protection of Specimen Trees. 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 the property. Specifically, the entire property is mapped within a Scrub Jay occupancy area. Also, gopher tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.

Potential Code Enforcement

Information available to NRM indicates that unpermitted land clearing activities may have occurred on this parcel between 2023 and 2024. These activities may have impacted existing

wetlands. The confirmation of unpermitted land clearing activities may result in code enforcement action.

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, September 16, 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.

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

Staff members present were: Tad Calkins, Director (Planning and Development); Rachel Genera, Public Works Engineering Manager; Alex Esseeesse, Deputy County Attorney; Trina Gilliam, Planner; Paul Body, Planner; Desirée Jackson, Planner; and Kristen Champion, Special Projects Coordinator.

Mark Wadsworth stated that if any Board Member has had an ex-parte communication regarding any application, please disclose so now.

Excerpt of complete agenda.

Item H. 11. Piercarlo Ciacchi & Christina L. Ciacchi Trust requests a change of zoning classification from GU (General Use) and AU (Agricultural Residential) to all AU (Agricultural Residential), on property described as Lots 1 – 3 and the north 10 feet of Lot 4, Block 17, Canaveral Groves. (5.04 acres) Located on the south side of Peroutka Ln., approx. 798 ft. west of Grissom Pkwy. (3355 Peroutka Ln., Cocoa)(Tax Account 2314742, 2314743, 2314744, & 2322851)(24Z00033)(District 1)

Paul Body read the item into the record.

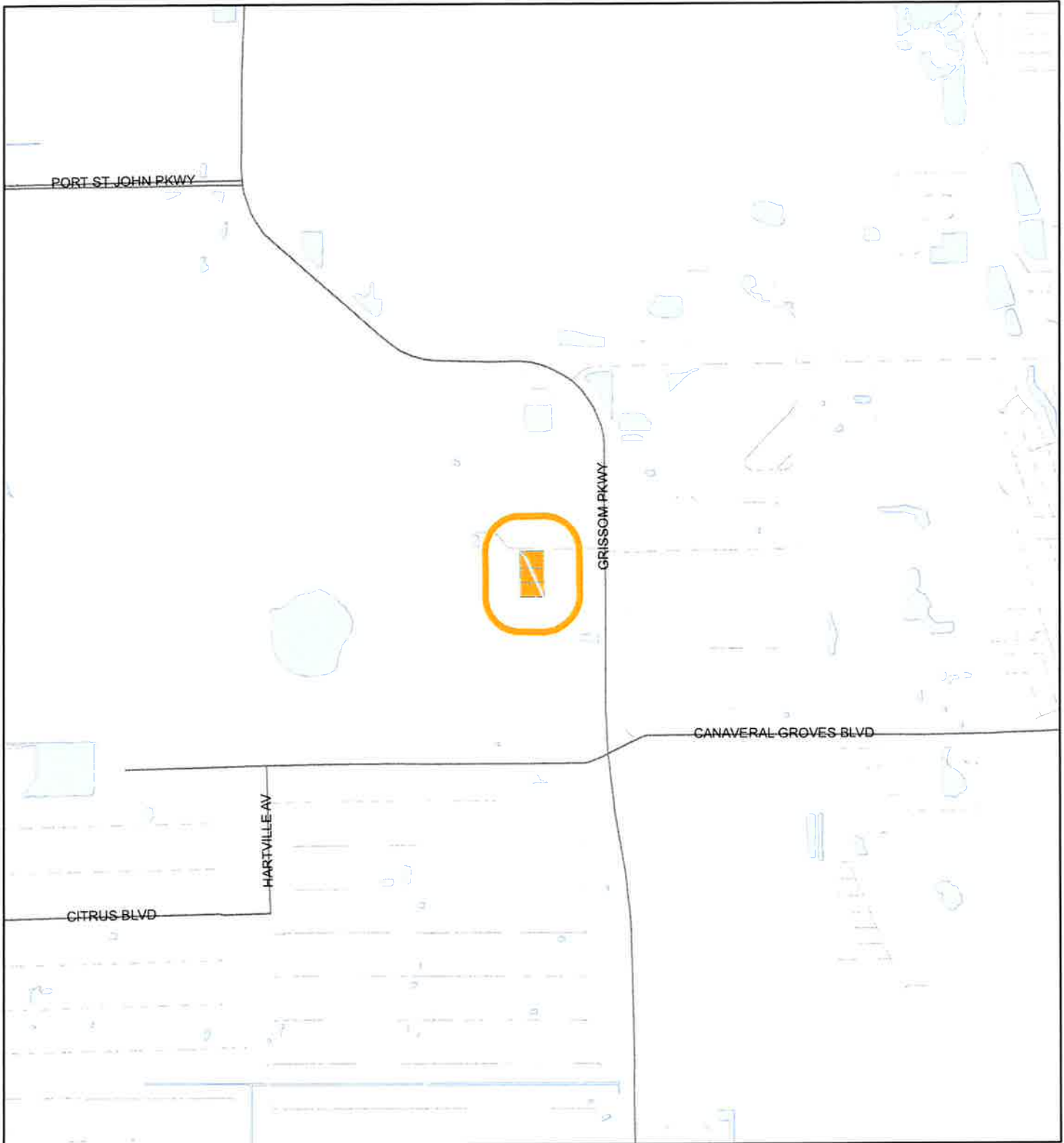
Piercalo Ciacchi, the applicant, described the purpose of their request. He and his wife purchased this property 7-8 years ago with the purpose to build their residence. They did have plans to have a guest house for their family so they may live together. The purpose of this request is to make the whole five acres AU. They do not intend to sell the property. Mr. Ciacchi further noted their intention to perform limited agricultural activity and install accessory buildings for the farming equipment.

No public comment.

Motion to recommend approval of item H.11. by Ron Bartcher, second by Debbie Thomas. The motion passed unanimously.

LOCATION MAP

PIERCARLO CIACCHI & CHRISTINA L CIACCHI TRUST
24Z00033



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.

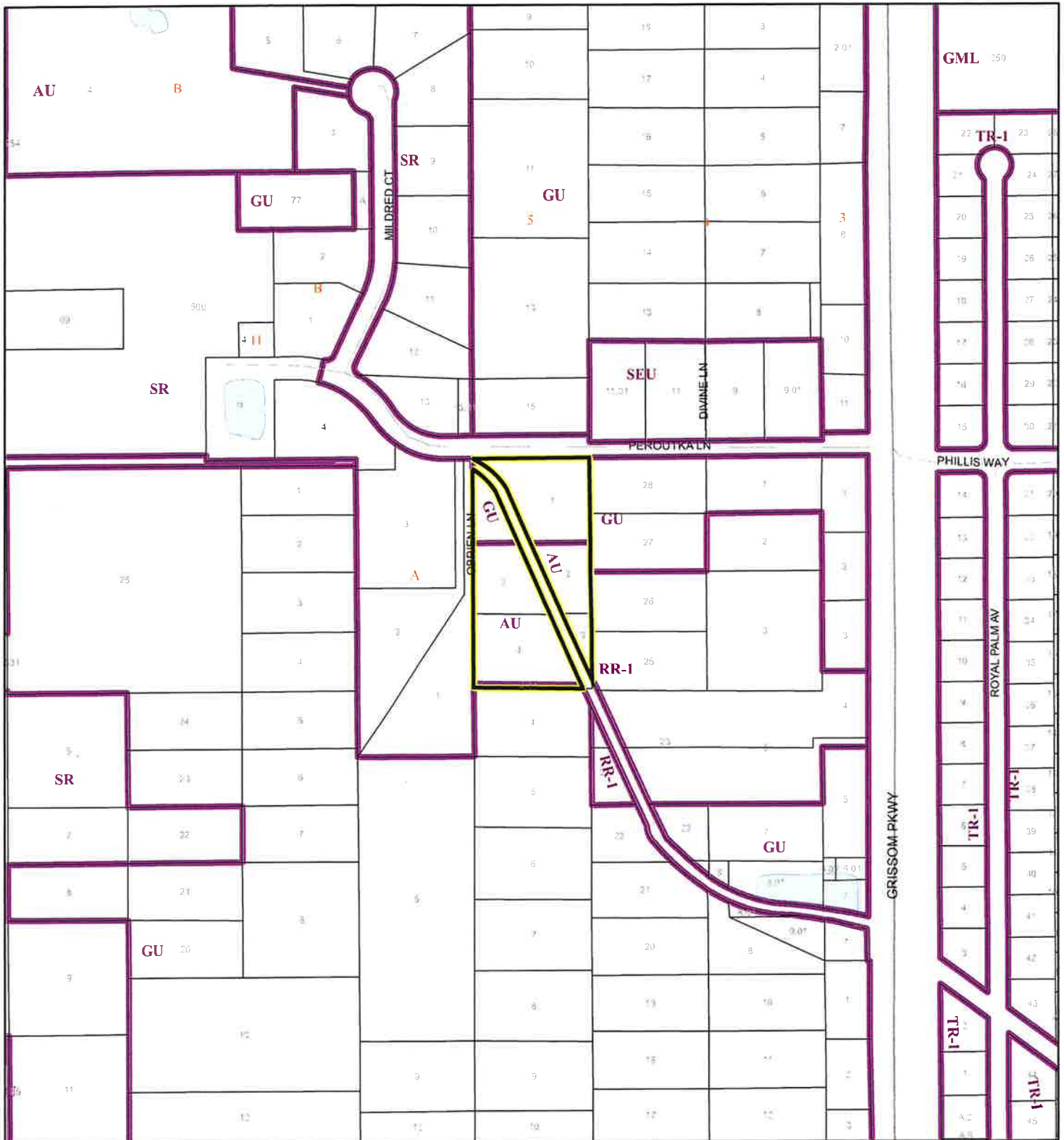
Produced by BoCC - GIS Date: 8/6/2024

Buffer
Subject Property

ZONING MAP

PIERCARLO CIACCHI & CHRISTINA L CIACCHI TRUST

24Z00033



1:4,800 or 1 inch = 400 feet

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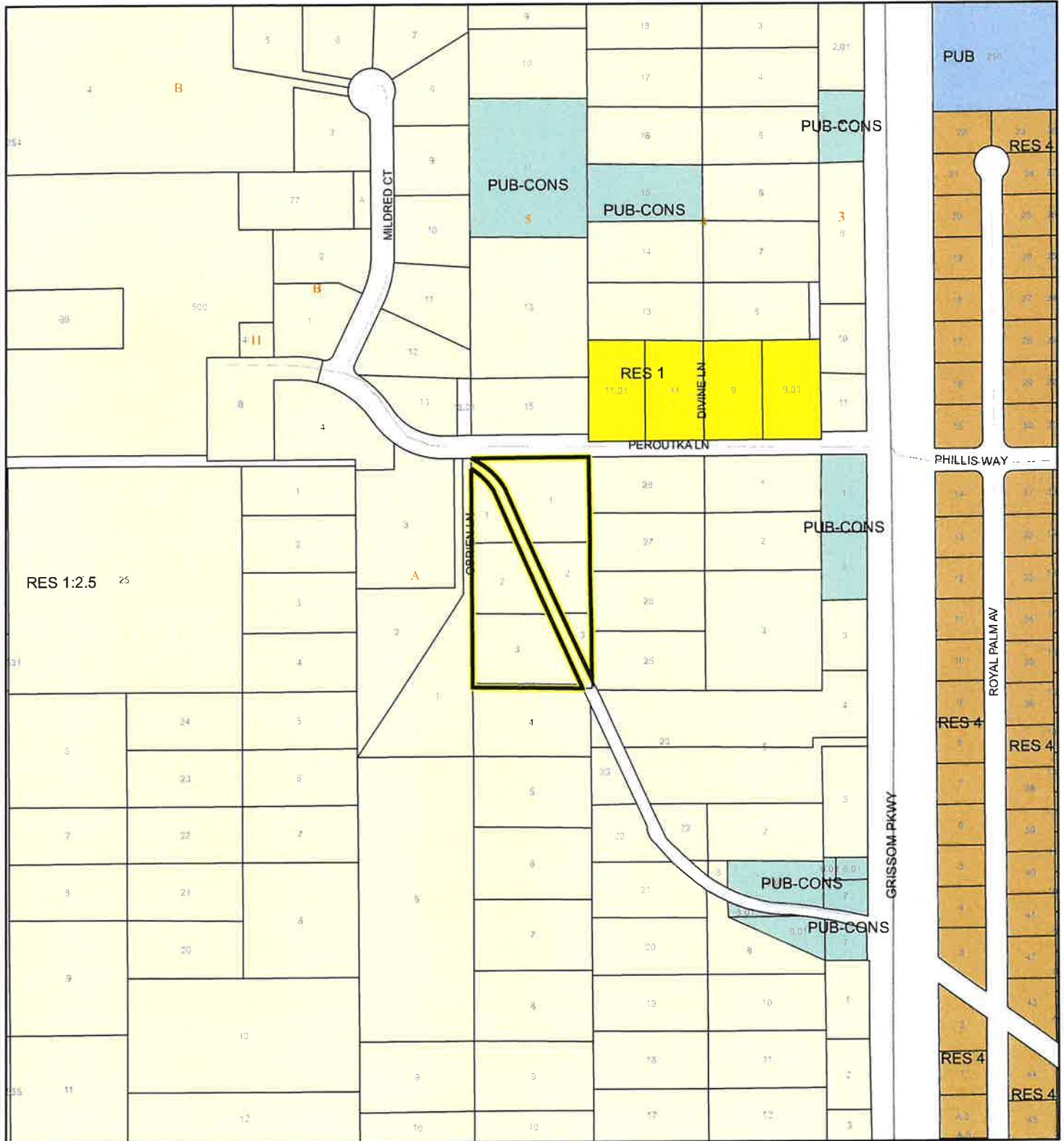
Produced by BoCC - GIS Date: 8/6/2024

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

PIERCARLO CIACCHI & CHRISTINA L CIACCHI TRUST

24Z00033



1:4,800 or 1 inch = 400 feet

— Subject Property
□ Parcels

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

AERIAL MAP

PIERCARLO CIACCHI & CHRISTINA L CIACCHI TRUST

24Z00033





1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2024

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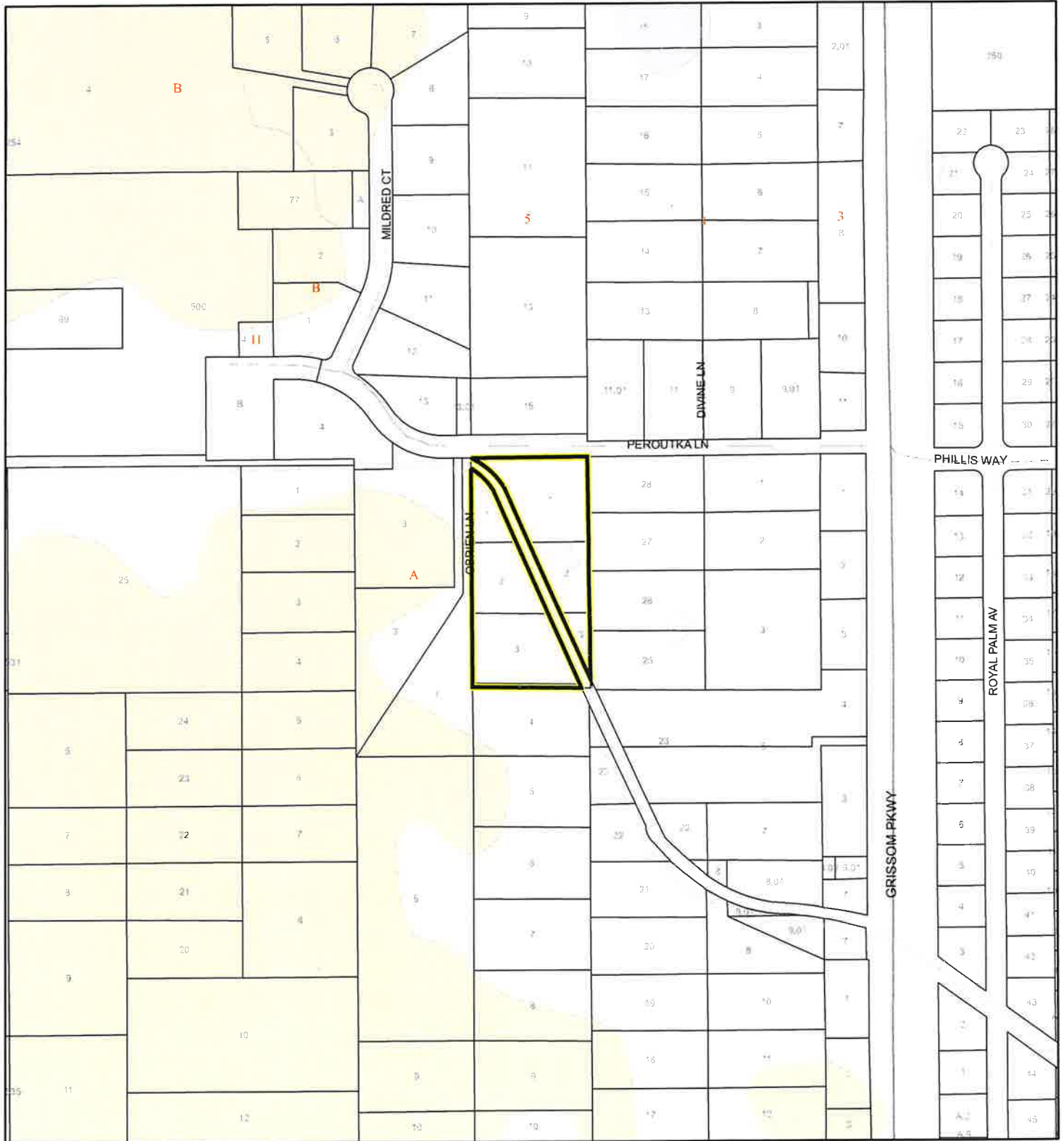
Produced by BoCC - GIS Date: 8/6/2024

 Subject Property
 Parcels

NWI WETLANDS MAP

PIERCARLO CIACCHI & CHRISTINA L CIACCHI TRUST

24Z00033



1:4,800 or 1 inch = 400 feet

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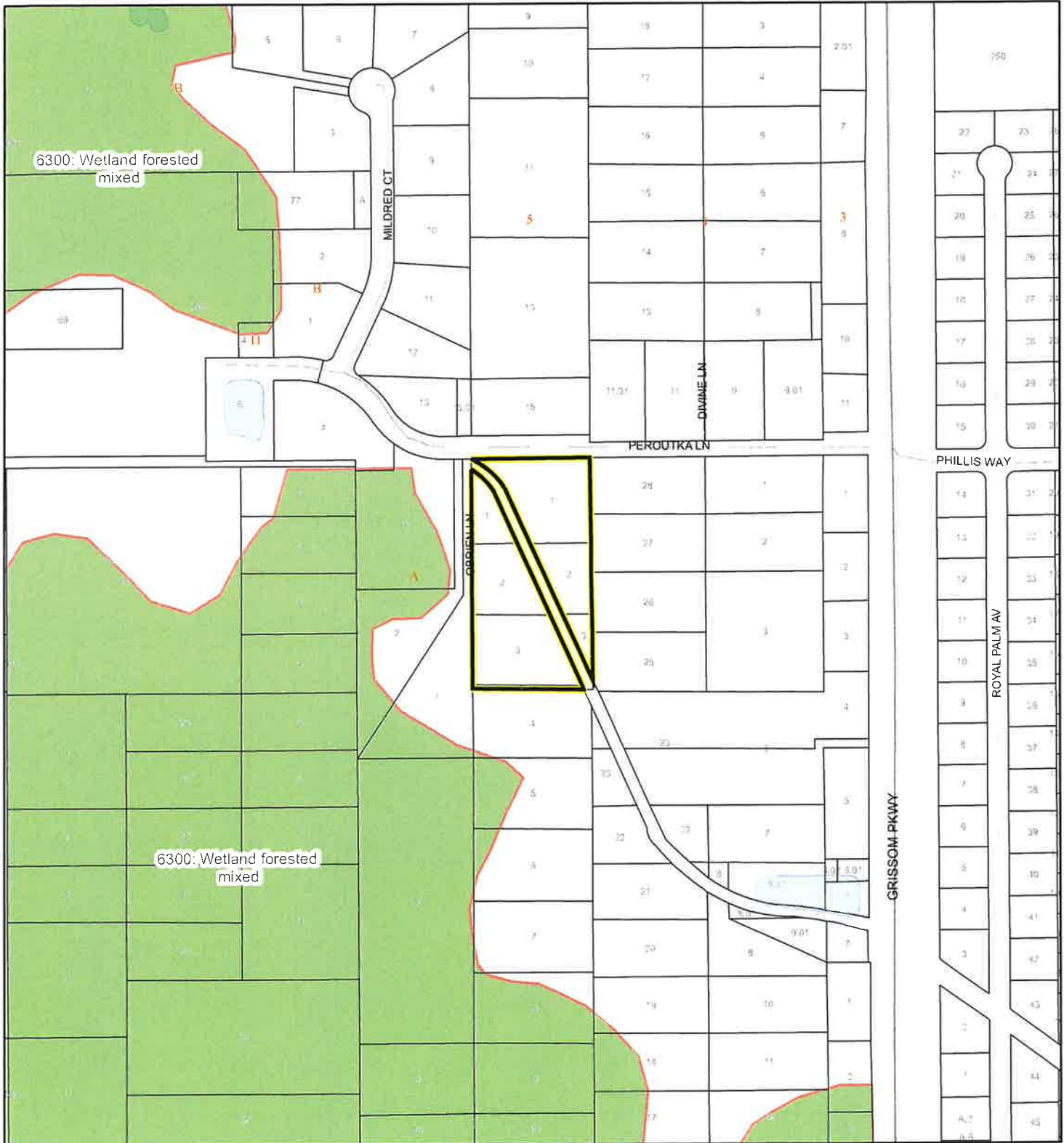
National Wetlands Inventory (NWI)

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

PIERCARLO CIACCHI & CHRISTINA L CIACCHI TRUST

24Z00033



1:4,800 or 1 inch = 400 feet

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

SJRWMD FLUCCS WETLANDS

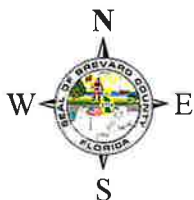
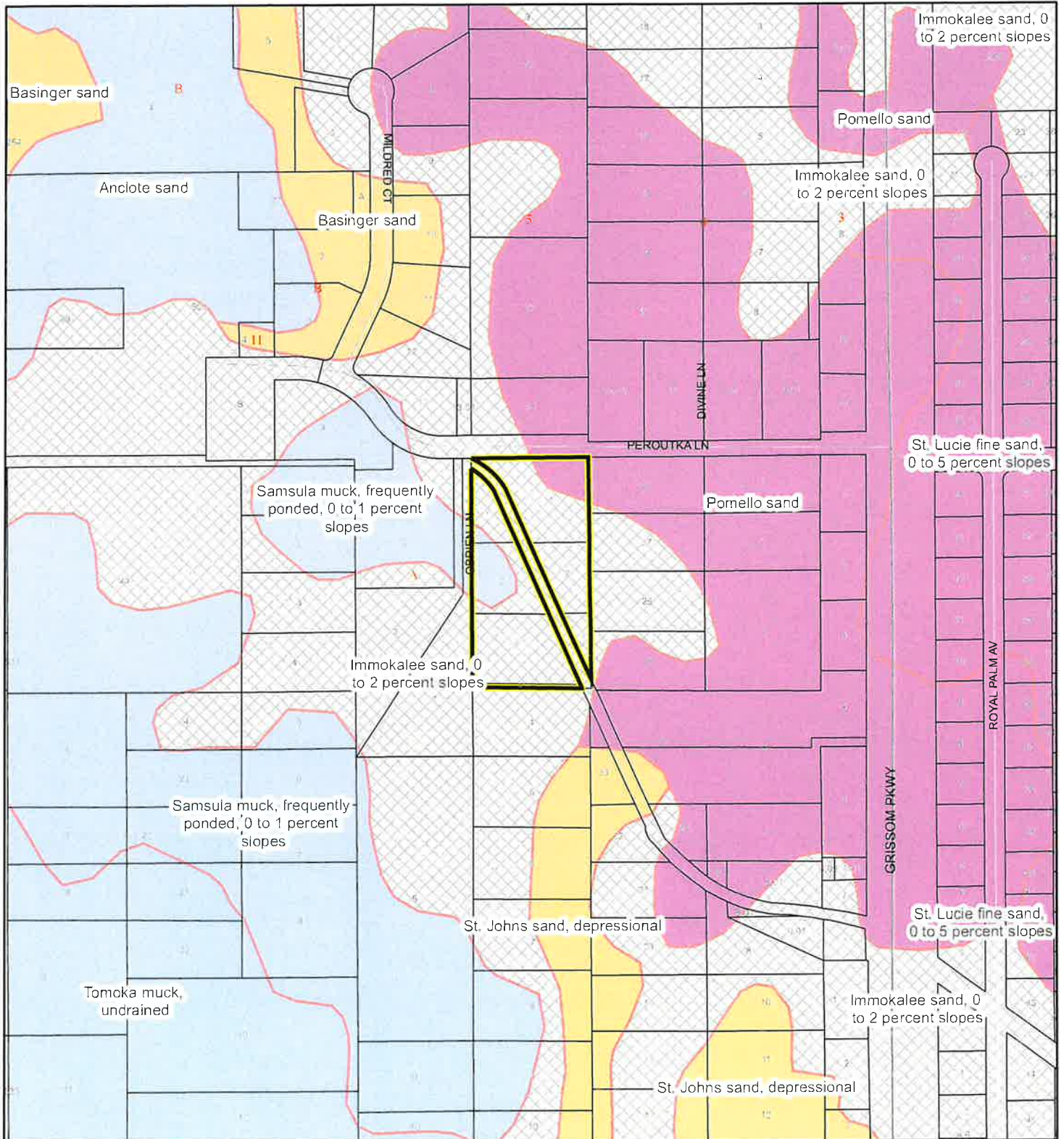
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property

Parcels

USDA SCSSS SOILS MAP

PIERCARLO CIACCHI & CHRISTINA L CIACCHI TRUST
24Z00033



1:4,800 or 1 inch = 400 feet

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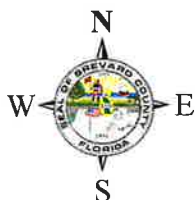
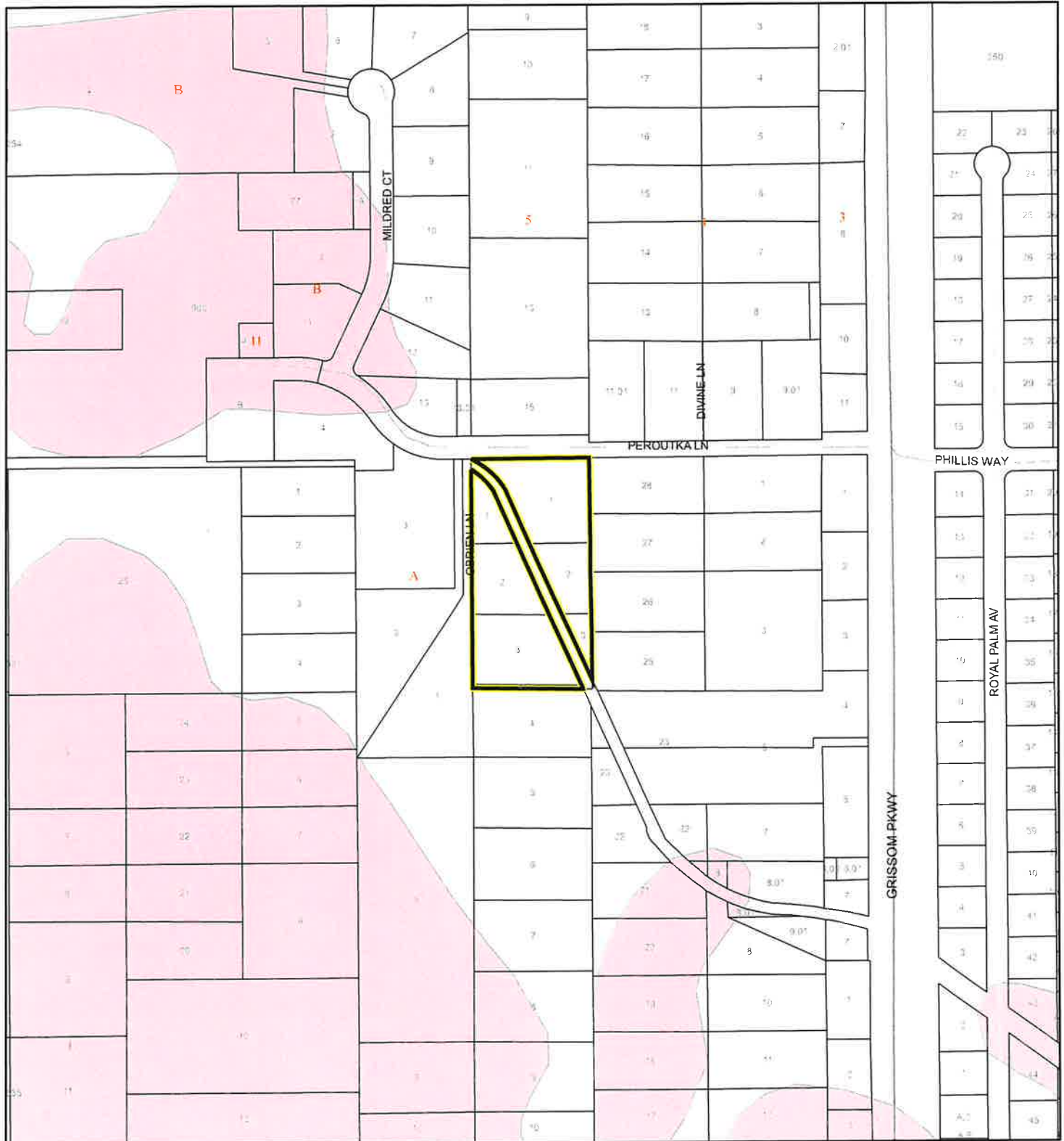
Produced by BoCC - GIS Date: 8/6/2024

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None
- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

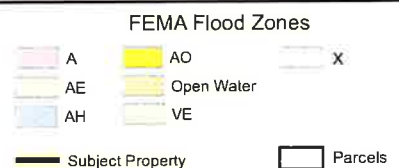
PIERCARLO CIACCHI & CHRISTINA L CIACCHI TRUST
24Z00033



1:4,800 or 1 inch = 400 feet

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



COASTAL HIGH HAZARD AREA MAP

PIERCARLO CIACCHI & CHRISTINA L CIACCHI TRUST

24Z00033



1:4,800 or 1 inch = 400 feet


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

 Subject Property

 Parcels

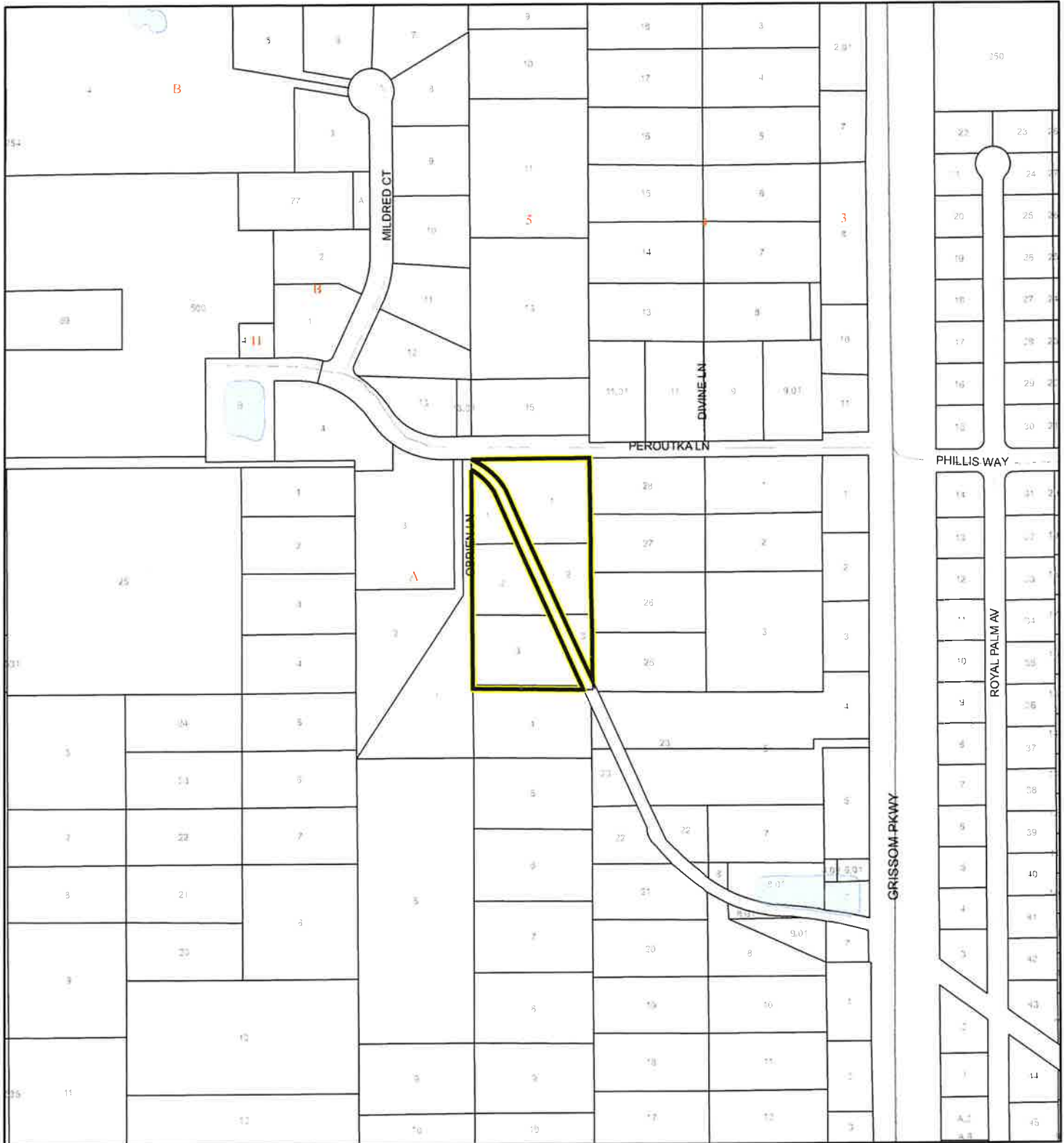
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

PIERCARLO CIACCHI & CHRISTINA L CIACCHI TRUST

24Z00033



1:4,800 or 1 inch = 400 feet

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

 Subject Property

 Parcels

Septic Overlay

 40 Meters

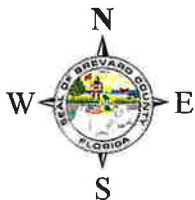
 60 Meters

 All Distances

EAGLE NESTS MAP

PIERCARLO CIACCHI & CHRISTINA L CIACCHI TRUST

24Z00033



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

 Subject Property

 Parcels

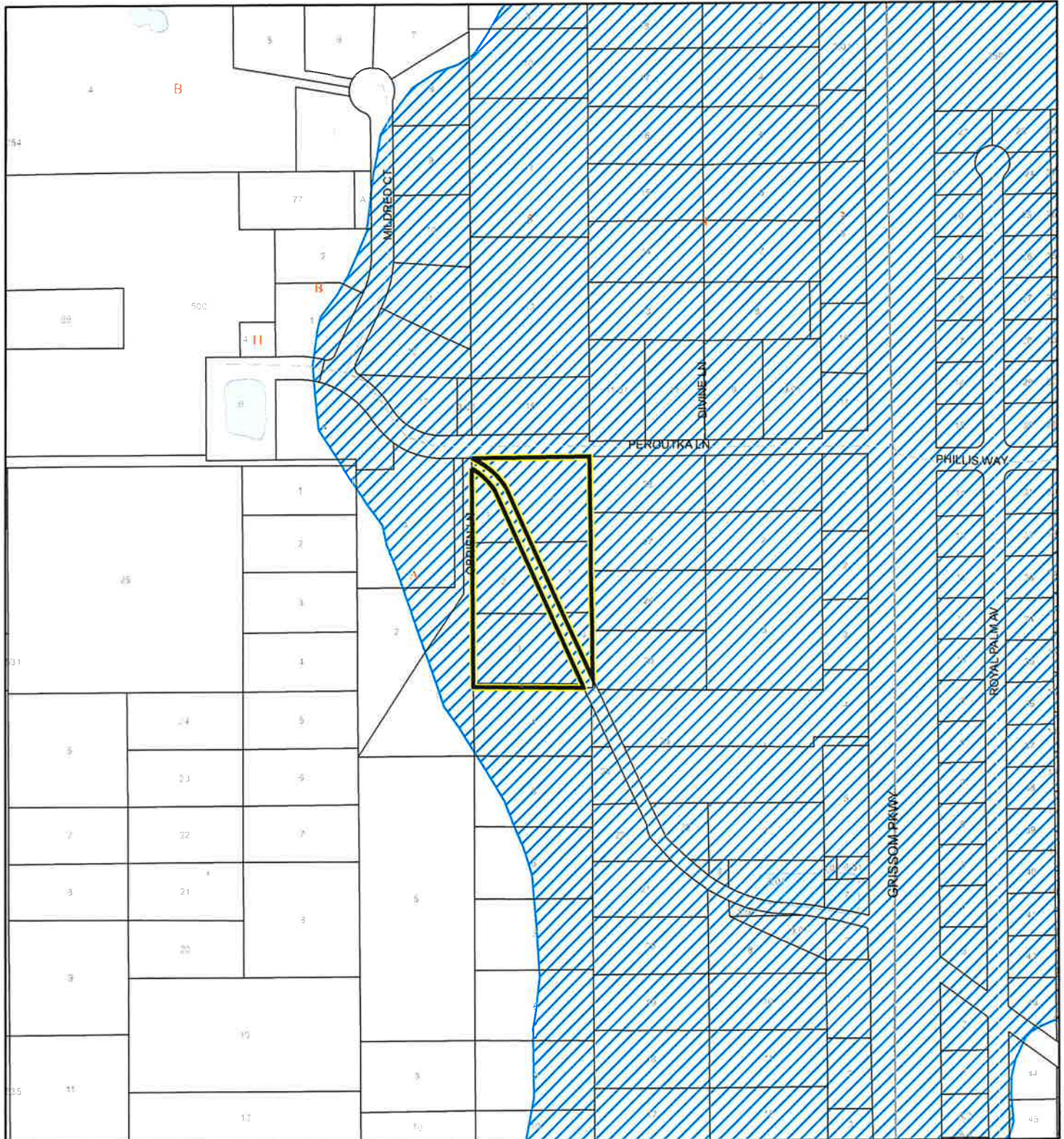


Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

PIERCARLO CIACCHI & CHRISTINA L CIACCHI TRUST




24Z00033



1:4,800 or 1 inch = 400 feet

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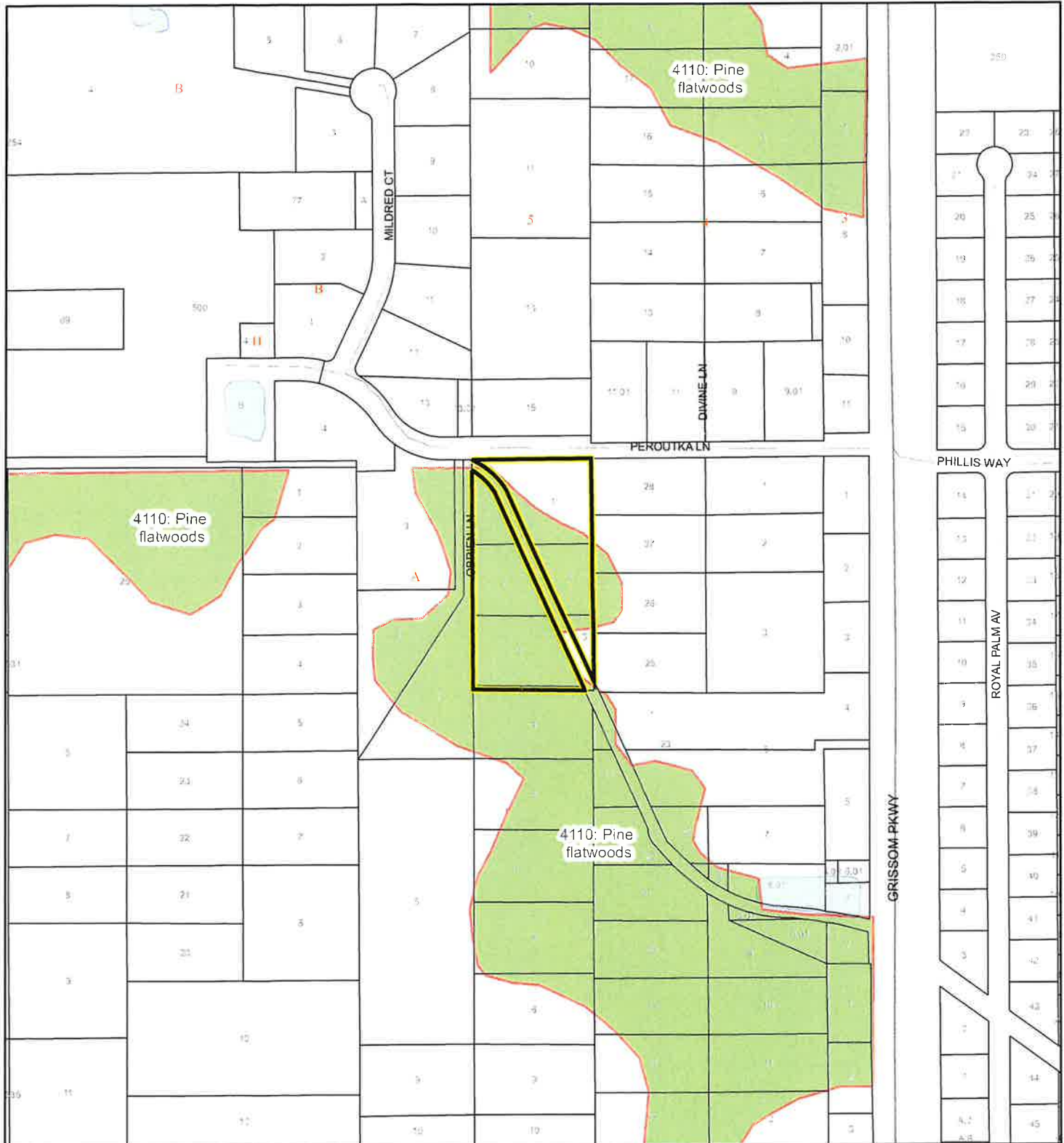
Produced by BoCC - GIS Date: 8/6/2024

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

PIERCARLO CIACCHI & CHRISTINA L CIACCHI TRUST

24Z00033



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS Upland Forests

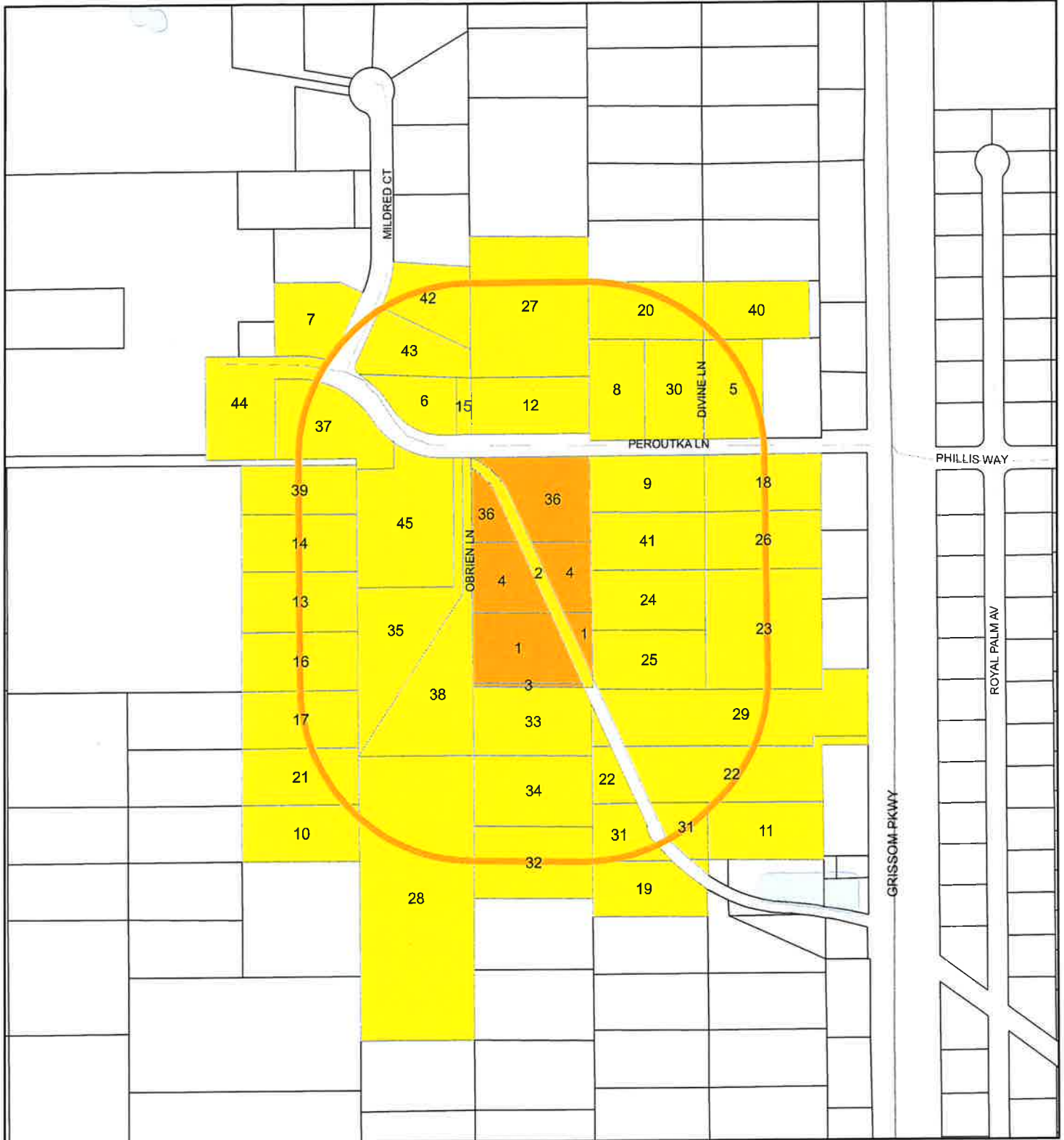
- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property

Parcels

RADIUS MAP

PIERCARLO CIACCHI & CHRISTINA L CIACCHI TRUST
24Z00033



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