



AGENDA REPORT
May 3, 2018

SUBJECT:

Public Hearing, Re: Clair John Jaussi and Janet Hamilton Jaussi Revocable Trust request a change of zoning classification from EU to SEU. The property is 7.04 +/- acres, located at 1655 N. Tropical Trail, Merritt Island. (18PZ00007) (District 2)

FISCAL IMPACT:

None.

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board conduct a public hearing to consider the request for a change of zoning classification from EU (Estate Use Residential) to SEU (Suburban Estate Use Residential).

SUMMARY EXPLANATION and BACKGROUND:

The applicant is seeking a change of zoning classification from EU (Estate Use Residential) to SEU (Suburban Estate Use Residential) for the purpose of creating a single-family subdivision on the 7.04-acre portion of the greater 10.05-acre parcel. The portion of the parcel proposed for rezoning is on the land lying westerly of N. Tropical Trail to the Indian River, which retains the EU zoning classification with the Res 1 (Residential 1) Future Land Use designation.

The remaining portion of the lot lying east of N. Tropical Trail will remain under its current AU (Agricultural Residential) zoning classification and will retain its Res 15 (Residential 15) Future Land Use designation.

The zoning on this parcel dates back to May 1958. The most recent residential zoning changes within this section dates back before December 2004. No recent zoning trend has been established within the area within recent years.

Currently, the EU zoning is not consistent with the Res 1 Future Land Use designation, due to administrative changes to the Comprehensive Plan's FLU designation resulting from a prior Small Area Study. To become consistent with the Comprehensive Plan, a rezoning to either SEU or the RR-1 (Rural Residential) zoning classifications is needed. Other zoning classifications consistent with Res 1 Future Land Use designation, such as ARR (Agricultural Rural Residential) and RRMH-1 (Rural Residential Mobile Home) are not compatible to the area.

As the South North Tropical Trail Small Area Study resulted in a change of Future Land Use designation on the subject property from Residential 15 to Residential 1, the Board should consider the most appropriate request to make the subject parcel's Future Land Use designation consistent with the zoning classification. The Board may wish to consider whether the requested SEU zoning classification is consistent and compatible with the surrounding area.

On April 9, 2018, the Planning and Zoning Board heard the request and unanimously recommended approval.

Staff contact: Erin Sterk, Interim Planning & Zoning Manager, erin.sterk@brevardfl.gov

ATTACHMENTS:

Description

- ▢ **Staff Comments**
- ▢ **Maps**
- ▢ **FYI**

1VC

RESOLUTION NO. 18PZ00007

On motion by Commissioner Barfield, seconded by Commissioner Isnardi, the following resolution was adopted by a unanimous vote:

WHEREAS, CLAIR JOHN JAUSSI AND JANET HAMILTON JAUSSI REVOCABLE TRUST has applied for a change of classification from EU (Estate Use Residential) to SEU (Suburban Estate Use Residential), on property described as: SEE ATTACHED; and

Section 22, Township 24S, Range 36E, and,

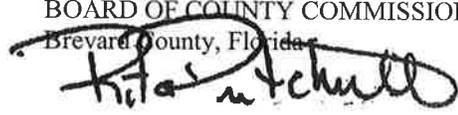
WHEREAS, a public hearing of the Brevard County Planning & Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning & Zoning Board recommended that the application be approved; and,

WHEREAS, the Board, after considering said application and the Brevard County Planning & 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 for five (5) single-family homes; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from EU to SEU, be APPROVED for five (5) single-family homes, and that the zoning classification relating to the above described property be changed to SEU, and the Planning & 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 May 3, 2018.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



by Rita Pritchett, Chair
Brevard County Commission

As approved by Brevard County Commission on May 3, 2018.

ATTEST:


SCOTT ELLIS, CLERK
(SEAL)

(P&Z Hearing – April 9, 2018)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD 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.

Legal Description:

A portion of **Section 22, Township 24S, Range 36E**, Brevard County, Florida, also being that portion of the lands described in deed recorded in ORB 7943, Page 2262, of the Public Records of Brevard County, Florida, lying west of North Tropical Trail and being more particularly described as follows: Commence at the NE corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 22; thence S01deg46'55"E, along the east line of the west $\frac{1}{2}$ of said Section 22; thence S01deg46'55"E, along the east line of the west $\frac{1}{2}$ of the NE $\frac{1}{4}$ a distance of 1,573.43 ft., to the north line of lands described in ORB 410, Page 416; thence S89deg40'49"W, along said north line, a distance of 619.09 ft., to a $\frac{5}{8}$ inch diameter iron rod on the west line of North Tropical Trail and point of beginning of the herein described parcel; thence continue S89deg40'49"W, along north line, a distance of 1,100.91 ft., to and into the waters of the Indian River Lagoon; thence meander the shore of the Indian River Lagoon the following 13 courses: (1) S58deg07'03"E, a distance of 11.44 ft.; (2) S83deg20'41"W, a distance of 2.55 ft.; (3) S11deg01'08"E, a distance of 36.98 ft.; (4) S14deg15'50"E, a distance of 74.22 ft.; (5) S24deg46'11"E, a distance of 23.47 ft.; (6) S20deg13'55"E, a distance of 9.96 ft.; (7) S25deg53'40"E, a distance of 29.77 ft.; (8) S28deg22'42"E, a distance of 37.65 ft.; (9) S28deg29'59"E, a distance of 29.72 ft.; (10) S23deg14'15"E, a distance of 34.59 ft.; (11) S21deg24'53"E, a distance of 3.69 ft.; (12) S02deg43'07"E, a distance of 3.22 ft.; (13) S07deg48'47"W, a distance of 9.83 ft., to a line lying 280 ft. south of the north line of said lands described in ORB 410, Page 416; thence N89deg40'49"E, along said line, a distance of 1,118.67 ft., to the west line of North Tropical Trail; thence the following 3 courses along the west line of North Tropical Trail: (1) N39deg03'18"W, a distance of 40.80 ft., to the point of curvature of a curve, concave northeasterly, having a radius of 429 ft. and a central angle of 17deg22'22"; (2) Northwesterly, along the arc of said curve to the right, a distance of 130.08 ft., to a point of intersection with a non-tangent line; (3) N12deg57'12"W, a distance of 139.38 ft., to the point of beginning. Containing 7.04 acres, more or less. (7.04 acres +/-) Located on the west side of N. Tropical Trail, approx. 635 ft. north of Easy St. (1655 N. Tropical Trail, Merritt Island).

REZONING REVIEW WORKSHEET

18PZ00007

Commission District # 2

Hearing Dates: P&Z 04/09/18

BCC 05/03/18

Owner Name: CLAIR JOHN JAUSSE AND JANET HAMILTON JAUSSE REVOCABLE TRUST

Request: EU to SEU

Subject Property:

Parcel ID# 24-36-22-00-6 (Part of)

Tax Acct.# 2416958

Location: West side of N. Tropical Trail, approx. 635 ft. north of Easy St.

Address: 1655 N. Tropical Trail

Acreage: 7.04 +/- acres

Consistency with Land Use Regulations

- NO Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255
- YES Proposal can be considered under the Future Land Use Designation. Sec. 62-1255
- YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

Zoning	CURRENT	PROPOSED
EU	EU	SEU
Potential*	14	5
Can be Considered under FLU MAP	NO Not consistent with Residential 1	YES Residential 1

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

	ADT	PM PEAK		
Trips from Existing Zoning	10	1	Segment Number	349B
Trips from Proposed Zoning	48	5	Segment Name	N. Tropical Tr Lucas - Crockett
Maximum Acceptable Volume (MAV)	15,600	1,404	Acceptable LOS	E
Current Volume	4,735	426	Directional Split	0.52
Volume With Proposed Development	4,783	430	ITE CODE	
Current Volume / MAV	30.35%	30.35%	210	
Volume / MAV with Proposal	30.66%	30.66%		
Current LOS	C	C		
OS With Proposal	C	C		
Findings	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

Background & Purpose of Request

The applicant is seeking a change of Zoning classification from Estate Use Residential (EU) to Suburban Estate Use Residential (SEU) for the purpose of creating a single-family subdivision on the 7.04 acre portion of the greater 10.05 acre parcel. The portion of the parcel proposed for rezoning is on the land lying westerly of N. Tropical Trail to the Indian River, which retains the EU Zoning classification with the Residential 1 (Res 1) Future Land Use designation.

The remaining portion of the lot lying east of N. Tropical Trail will remain under its current Agricultural Residential (AU) Zoning classification and will retain its Residential 15 (Res 15) Future Land Use designation.

The zoning on this parcel dates back to May, 1958. The most recent residential zoning changes within this section dates back before December, 2004. No recent zoning trend has been established within the area within recent years.

Land Use Compatibility

This portion of the subject parcel retains the Residential 1 (Res1) Future Land Use designation. **FLUE Policy 1.9** addresses the Res 1 Future Land Use designation, which permits low density residential development with a maximum density of up to one (1) unit per acre, except as otherwise may be provided for within the Future Land Use Element.

This portion of Merritt Island used to retain the Residential 15 (Res 15) Future Land Use designation. A prior Large Scale Comprehensive Plan Amendment to the Future Land Use Map, **CPA 2009-1.10** adopted under **Ordinance 09-21** on July 21, 2009, changed the FLU designation from Res 15 to Res 1 on 329 acres. This FLU change was a result of implementation of the recommendations of **the South-North Tropical Trail Small Area Study**, which recommended the significant density reduction.

As a result of this large-scale Future Land Use change from Res 15 to Res 1, this 7.04 acre portion of the subject parcel that retained the EU Zoning classification became inconsistent with the Comprehensive Plan. The closest Future Land Use designation that is consistent with the parcel's existing EU Zoning classification is Residential 4 (Res 4). Instead of pursuing a Comprehensive Plan Amendment to bring the Future Land Use designation into consistency with the EU Zoning classification, the owner/applicant wishes to retain the Res 1 Future Land Use designation on this portion of the greater parcel and instead change the Zoning classification from EU to SEU.

To become consistent with the Comprehensive Plan, a rezoning to either SEU or the RR-1 zoning classifications is needed. Other Zoning classifications consistent with Res 1 Future Land Use designation are such as Agricultural Rural Residential (ARR) and Rural Residential Mobile Home (RRMH-1) are not compatible to the area.

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of the Administrative Policies.

Environmental Constraints

Please refer to comments provided by the Natural Resource Management Department.

Applicable Land Use Policies

This request is for a change of Zoning classification from EU to SEU. The applicant has decided to work with the existing Future Land Use Map designation by seeking this change of Zoning classification.

The SEU Zoning classification permits suburban estate residential uses on lots of one acre (minimum) with a width of 125 feet and a depth of 200 feet. Minimum floor area of 2,000 square feet of living area is required, which is unchanged from the current EU Zoning classification's living area requirement. The proposed SEU Zoning classification would produce one acre parcels.

The current EU Zoning classification, with its 100 by 100 foot lot dimensions and 15,000 square foot minimum lot area requirement, has the potential to produce a potential lot yield to less than 3 units per acre.

Adjacent zoning to the north and south of this lot is EU. The lot remainder lying east of N. Tropical Trail and all parcels nearby across N. Tropical Trail are zoned AU. Several other parcels in the surrounding area with EU zoning and Res 1 Future Land Use designation have a Zoning classification that is with the Comprehensive Plan.

For Board Consideration

As the South North Tropical Trail Small Area Study administratively changed the Future Land Use designation on the subject property from Residential 15 to Residential 1, the Board should consider the most appropriate request to make the subject parcel's Future Land Use designation consistent with the Zoning classification. The Board may wish to consider whether the requested SEU Zoning classification is consistent and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review

SUMMARY

Item #: 18PZ00007	Applicant: Jaussi
Request: EU to SEU	
P&Z Hearing Date: 04/09/18	BCC Hearing Date: 05/03/18

This is a preliminary review based on environmental maps available to the Natural Resources Management (NRM) Department at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Hydric Soils/Wetlands	Not mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	Class II
Floodplains	Mapped	Wildlife	Potential

Comments:

**This review relates to the following property: Twp. 24, Rng. 36, Sec. 22;
 Tax ID No. 2416958 (portion west of N. Tropical Trail only)**

The subject property is located on the Indian River Lagoon (IRL), designated as Class II surface water in this location. A 50-foot surface water protection buffer is required. Primary structures shall be located outside the surface water protection buffer. Accessory structures are permissible within the buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). Native vegetation located within the buffer shall not be removed without an approved development order. The applicant is encouraged to contact NRM at 321-633-2016 prior to any land clearing activities, site plan, or permit submittal.

The subject parcel contains mapped aquifer recharge soils (Candler fine sand). The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

A small portion of the property along the IRL is mapped as being within the floodplain as identified by the Federal Emergency Management Agency; and is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance.

Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, 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 and/or U.S. Fish and Wildlife Service, as applicable.

Staff Comments: Page 5
IV.C. (18PZ00007)
04/09/18 PZ // 05/03/18 BCC

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. Land clearing is not permitted without prior authorization by NRM.

LOCATION MAP

JAUSSI, CLAIR JOHN AND JANET HAMILTON, TRUST

18PZ00007



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

Buffer Distance: 500 feet

— Buffer
■ Subject Property

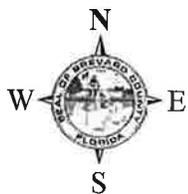
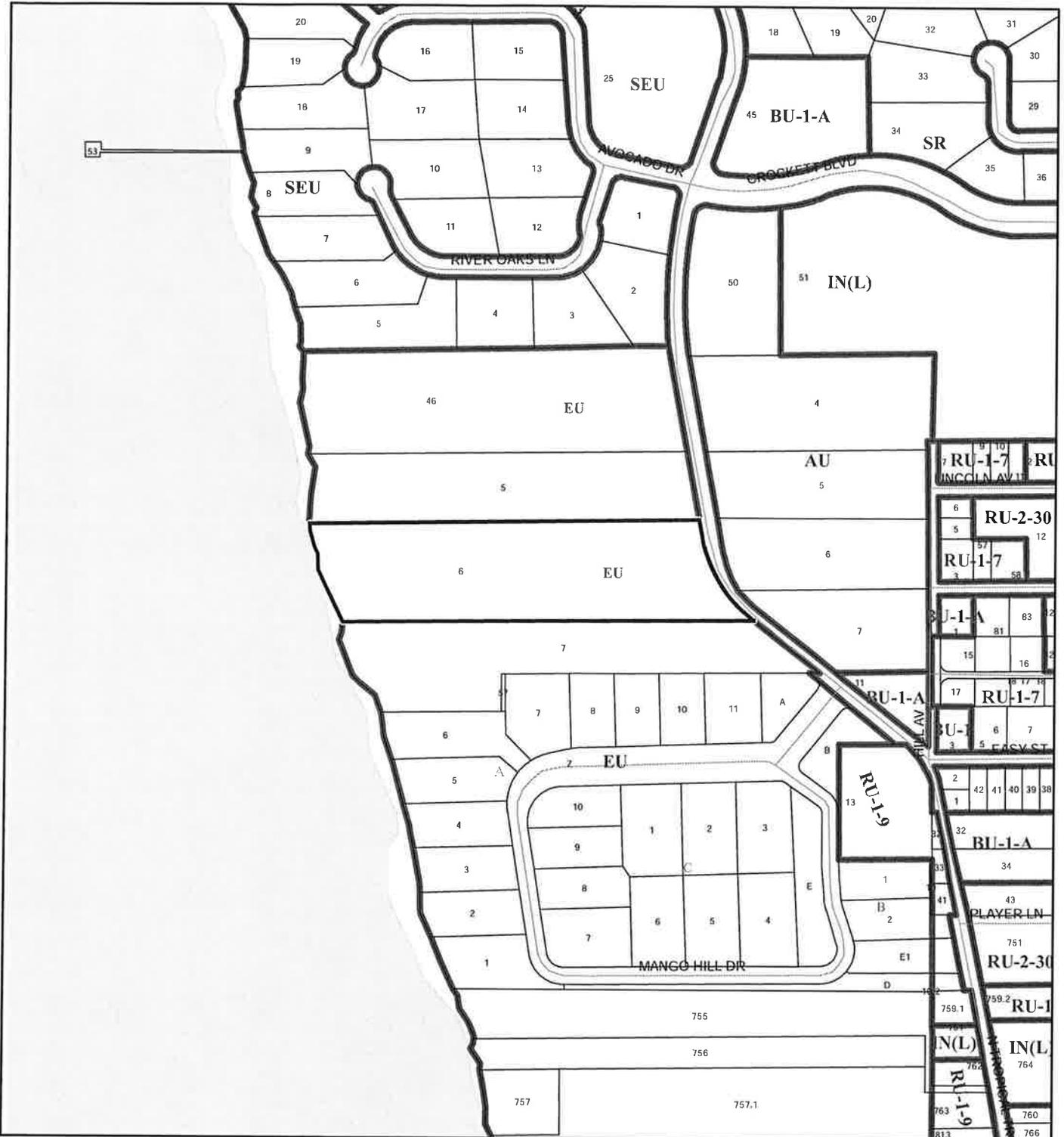
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 2/2/2018

ZONING MAP

JAUSSI, CLAIR JOHN AND JANET HAMILTON, TRUST

18PZ00007



1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels
-  Zoning

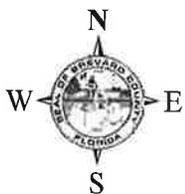
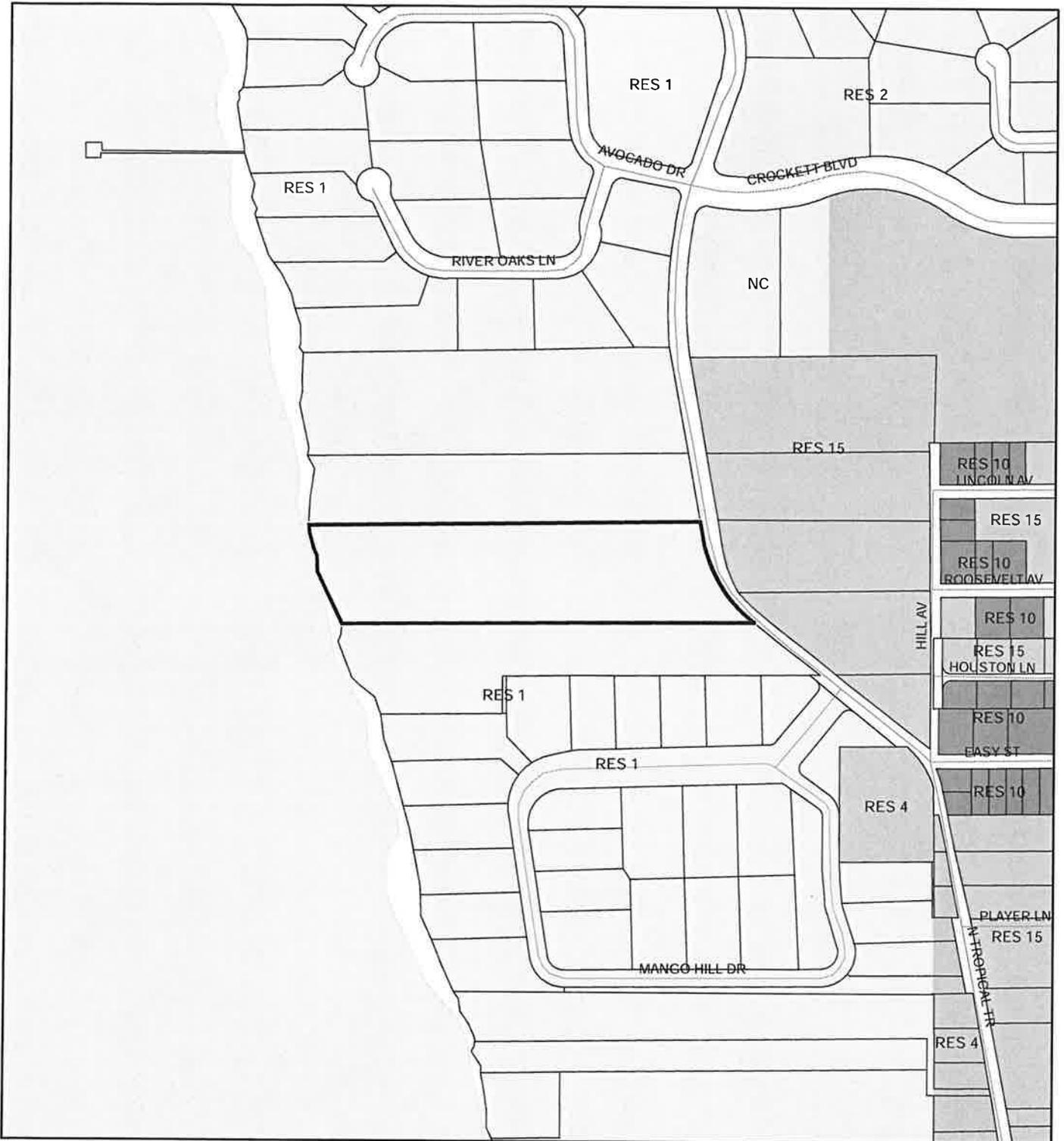
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 2/6/2018

FUTURE LAND USE MAP

JAUSSI, CLAIR JOHN AND JANET HAMILTON, TRUST

18PZ00007



1:4,800 or 1 inch = 400 feet

— Subject Property
□ Parcels

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 the Brevard County Planning and Zoning Office - GIS Section Date: 2/2/2018

AERIAL MAP

JAUSSI, CLAIR JOHN AND JANET HAMILTON, TRUST

18PZ00007



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2017

— Subject Property
□ Parcels

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 the Brevard County Planning and Zoning Office - GIS Section Date: 2/2/2018

School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699
Desmond K. Blackburn, Ph.D., Superintendent

FYI
17PZ00007
Jaussi



January 23, 2018

Mr. George Ritchie
Planning & Development Department
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, Florida 32940

**RE: Proposed Jaussi Property Rezoning
School Impact Analysis – Capacity Determination CD-2018-03**

Dear Mr. Ritchie,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development on January 22, 2018. The subject property consists of one parcel, tax account number 2416958 containing approximately 10 acres in Brevard County, Florida. The proposed Rezoning would result in an increase in the number of residential units permitted by 6 dwelling units. The School Concurrency Determination of this proposed development has been undertaken based on the maximum proposed development of 7 single family homes. The following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2017-18 to 2021-22 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2016-2017 to 2021-22* which is attached for reference.

Single Family	7		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.28	1.96	2
Middle	0.08	0.56	1
High	0.16	1.12	1
Total	0.52		4

Planning & Project Management
Facilities Services
Phone: (321) 633-1000 x450 • FAX: (321) 633-4646



An Equal Opportunity Employer

(Handwritten initials)

**FISH Capacity (including relocatables) from the
Financially Feasible Plan Data and Analysis for School Years 2017-18 to 2021-22**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Mila	707	707	707	707	707
Jefferson	854	854	854	854	854
Merritt Island	1,915	1,915	1,915	1,915	1,915

Projected Student Membership

School	2018-19	2019-20	2020-21	2021-22	2022-23
Mila	538	554	563	571	596
Jefferson	610	669	711	733	735
Merritt Island	1,575	1,516	1,583	1,646	1,739

Students Generated by Previously Issued SCADL Reservations

School	2018-19	2019-20	2020-21	2021-22	2022-23
Mila	-	-	-	-	-
Jefferson	28	37	45	45	45
Merritt Island	54	72	88	88	88

**Cumulative Students Generated by
Proposed Development**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Mila	-	1	1	2	2
Jefferson	-	0	0	0	1
Merritt Island	-	0	1	1	1

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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Mila	538	555	564	573	598
Jefferson	638	706	756	778	781
Merritt Island	1,629	1,588	1,672	1,735	1,828

**Projected Available Capacity =
FISH Capacity - Total Projected Student Membership**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Mila	169	152	143	134	109
Jefferson	216	148	98	76	73
Merritt Island	286	327	243	180	87

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At this time, the concurrency service area for all school levels is projected to have sufficient capacity to accommodate the maximum potential residential development resulting from the Jaussi Property rezoning.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "David G. Lindemann". The signature is fluid and cursive, written over a horizontal dashed line.

David G. Lindemann, AICP
Manager Facilities Planning & Intergovernmental Relations

Enclosure: *Brevard County Public Schools Utilization 2016-17 to 2021-22*

Copy: Susan Hann, P.E., AICP, Director of Planning & Project Management
File CD-2018-03

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