



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.6.

11/5/2020

Subject:

St. Luke's Episcopal Church of Courtenay FL, Inc. requests a change of zoning classification from IN(L) to RR-1. (20Z00019) (Tax Account 2317060) (District 2)

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 IN(L) (Institutional Use, Low-Intensity) to RR-1 (Rural Residential).

Summary Explanation and Background:

The applicant is seeking a change of zoning classification from IN(L) (Institutional Use, Low-Intensity) to RR-1 (Rural Residential) in order to sell the portion of the parcel (east side) of North Tropical Trail. The property is developed with a single-family home used as a Pastor's residence in conjunction with the church across the street. A single-family residence use for a Pastor's house is permissible as an accessory to a Place of Worship; however, single-family residences are not permitted in IN(L). The RR-1 zoning will allow the existing residential house to remain on the property with or without being accessory to the church.

The developed character of the surrounding area is mostly single-family residential, with zoning classifications of GU, AU, RR-1, SR, and GML(H). The abutting property to the south is a 95.81 acre undeveloped vacant parcel that is zoned GML(H) (Governmental Managed Lands, High-Intensity).

The current IN(L) is a low-intensity institutional zoning classification intended to promote low impact private, non-profit, or religious institutional uses to service the needs of the public for facilities of an educational religious, health, or cultural nature.

The proposed RR-1 classification permits single-family residential land uses on minimum one acre lots, with a minimum lot width and depth of 125 feet, and minimum house size of 1,200 square feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence.

The Board may wish to consider whether the request is consistent and compatible with the SR, GU, GML(H), AU and RR-1 zoning classifications within the area.

On October 8, 2020, the North Merritt Island Dependent Special District Board heard the request and

recommended approval by a 4:1 vote.

On October 19, 2020, 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 to Planning and Development.

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 staff, 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 Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all 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 re-zoning 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:

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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Viera, Florida 32940

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

STAFF COMMENTS

20Z00019

St. Luke's Episcopal Church of Courtenay Fla, Inc. (John Campbell)

IN(L) (Institutional Use Low Intensity) to RR-1 (Rural Residential)

Tax Account Number: 2317060 (portion of parcel east of North Tropical Trail)
Parcel I.D.: 23-36-27-00-256
Location: East side of North Tropical Trail, approximately 257 feet south of Church Road (District 2)
Acreage: 1.50 acres

North Merritt Island Board: 10/08/2020
Local Planning Agency Board: 10/19/2020
Board of County Commissioners: 11/05/2020

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal cannot 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	IN(L)	RR-1
Potential*	One single-family unit	One single-family unit
Can be Considered under the Future Land Use Map	YES RES 1:2.5	No requires RES 1**

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

**The applicant has submitted a companion Small Scale Comprehensive Plan Amendment application to change the Future Land Use Map (FLUM) from RES 1:2.5 (Residential 1:2.5) to RES 1 (Residential 1) under 20Z00018.

Background and Purpose of Request

The applicant is seeking a change of zoning classification from IN(L) (Institutional Use Low Intensity) to RR-1 (Rural Residential) on the portion of the parcel located on the east side of North Tropical Trail.

This application is to change the IN(L) zoning in order to sell the portion of the parcel east of North Tropical Trail. It has an existing single-family home used as the Pastor's residence for the church across the street. A single-family residence uses for a Pastor's house is permissible as accessory to a Place of Worship. However single-family residences are not permitted in IN(L) zoning. The RR-1

zoning will allow the existing residential house to remain on the property with or without being accessory to the church.

The subject parcel was Administratively rezoned from AU to IN(L) per zoning action **Z-10985(69)** on December 02, 2004.

Land Use

The subject property retains the RES 1:2.5 (Residential 1:2.5) Future Land Use designation. The existing zoning classification IN(L) is consistent with the Future Land Use Designation. The proposed zoning classification of RR-1 is not consistent with the current RES 1:2.5 Future Land Use Designation.

The applicant has submitted a Small Scale Comprehensive Plan Amendment application to change the FLUM from RES 1:2.5 to RES 1 under **20Z00018**. Should the proposed Future Land Use designation of RES 1 be approved, then this request to RR-1 can be considered.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Floodplain
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- Protected Species

Please see NRM comments at the end of this report for further details.

Preliminary Transportation Concurrency

The closest concurrency management segment to the subject property is North Tropical Trail, between Hall Road and West Crisafulli Road, which has a Maximum Acceptable Volume of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 10.96% of capacity daily. The maximum development potential from the proposed rezoning does not increase the percentage of MAV utilization. The corridor is anticipated to continue to operate at 10.96% of capacity daily (LOS E). The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development potential is considered de minimis and is below the minimum number of new residential lots that would require a formal review.

The parcel is not serviced by Brevard County sewer. The closest available sewer line is located 865 feet east along the west side of North Courtenay Parkway.

The parcel is serviced by City of Cocoa water.

Applicable Land Use Policies

Current Future Land Use: 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.

Proposed Future Land Use: FLUE Policy 1.9 – The Residential 1 Future land use designation. The Residential 1 land use designation permits low density residential development with a maximum density of up to one (1) dwelling unit per acre, except as otherwise may be provided for within the Future Land Use Element.

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. This parcel is located on the east side of North Tropical Trail, is currently developed with a single-family home that is being used as the Pastor's residence and lies within the Residential 1:2.5 Future Land Use (FLU) designation. The parcel abuts a nonconforming GU (General Use) parcel along its northern boundary with a FLU of RES 1:2.5. The abutting parcels to the east are zoned SR (Suburban Residential) with a FLU of RES 2. The parcel to the south is zoned GML(H) (Governmental Managed Lands High-Intensity) with a FLU of RES 1:2.5. This property is also bounded by North Tropical Trail along the west side. The proposed RR-1 zoning is compatible with the proposed RES 1 Future Land Use designation. The closest RR-1 zoning classification is approximately 312 feet north of the subject parcel on north side of Church Road.

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The developed character of the surrounding area: the parcel to the north is zoned GU and is developed with a single-family home with 1,984 sq. ft. of living area. The parcel to the east is zoned SR and is developed with a single-family home with 3,469 sq. ft. of living area. Although these are different zonings abutting the subject parcel, they are all single-family zonings and developed with single-family homes. The abutting property to the south is a 95.81 acre undeveloped vacant parcel that is zoned GML(H) (Governmental Managed Lands High-Intensity).

The current IN(L) is an Institutional (Light) zoning classification, intended to promote low impact private, nonprofit, or religious institutional uses to service the needs of the public for facilities of an educational religious, health or cultural nature.

The proposed RR-1 classification permits single-family residential land uses on minimum one acre lots, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns

and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet.

The 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 SR classification permits single family residences on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 square feet.

The purpose of the GML (Government Managed Lands) zoning classification is to recognize the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations (NGOs) providing economic, environmental and/or quality of life benefits to the county, electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission, and related entities. The GML(H) zoning classification allows heavy industrial uses.

Surrounding Area

There have been three zoning actions within a half-mile of the subject property within the last three years.

April 06, 2017, application **17PZ00006** rezoned an 8 acre parcel from IN(L) to BU-1-A located approximately 1,356 feet east of the subject property, on the west side of North Courtenay Pkwy.

April 06, 2017, application **17PZ00070** rezoned a 21.59 acre parcel from AU to BU-1 BU-1-A and changed the FLUM from NC (Neighborhood Commercial) to CC (Community Commercial) on the BU-1 portion of the parcel, located approximately 1,800 feet south east of the subject property, on the west side of North Courtenay Pkwy.

July 09, 2020, application **20PZ00017** rezoned a 2.23 acre parcel from GU to SEU located approximately 2,120 feet easterly of the subject property, on the east side of North Courtenay Pkwy.

For Board Consideration

The Board may wish to consider whether the request is consistent and compatible with the SR, GU, GML(H), AU and RR-1 zoning classifications within the area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item # 20Z00019

Applicant: St. Luke's Episcopal Church

Zoning Request: IN(L) to RR-1

Note: Applicant wants to make the lot on east side of N Tropical Trail conforming, so it can be sold as SFR.

NMI Hearing Date: 10/08/2020; **LPA Hearing Date:** 10/19/20; **BCC Hearing Date:** 11/05/20

Tax ID No: 2317060 – the portion on east side of N. Tropical Trail

- 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:

- Aquifer Recharge Soils
- Floodplain
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- Protected Species

Land Use Comments:

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (Tavares fine sand) as shown on the USDA Soil Conservation Service Soils Survey map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Floodplain

Portions of the property located are mapped as being within the floodplain as identified by the Federal Emergency Management Agency as shown on the FEMA Flood Zones Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Additional impervious area increases stormwater runoff that can adversely impact nearby properties unless addressed on-site. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Indian River Lagoon Nitrogen Reduction Overlay

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If applicable, the use of alternative septic systems designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required. Per Section 62-3666 (14), all onsite sewage treatment and disposal systems (OSTDS) shall be set back at least 100 feet from the buffer establishment line, the safe upland line, mean high water line or ordinary high-water line.

Protected and Specimen Trees

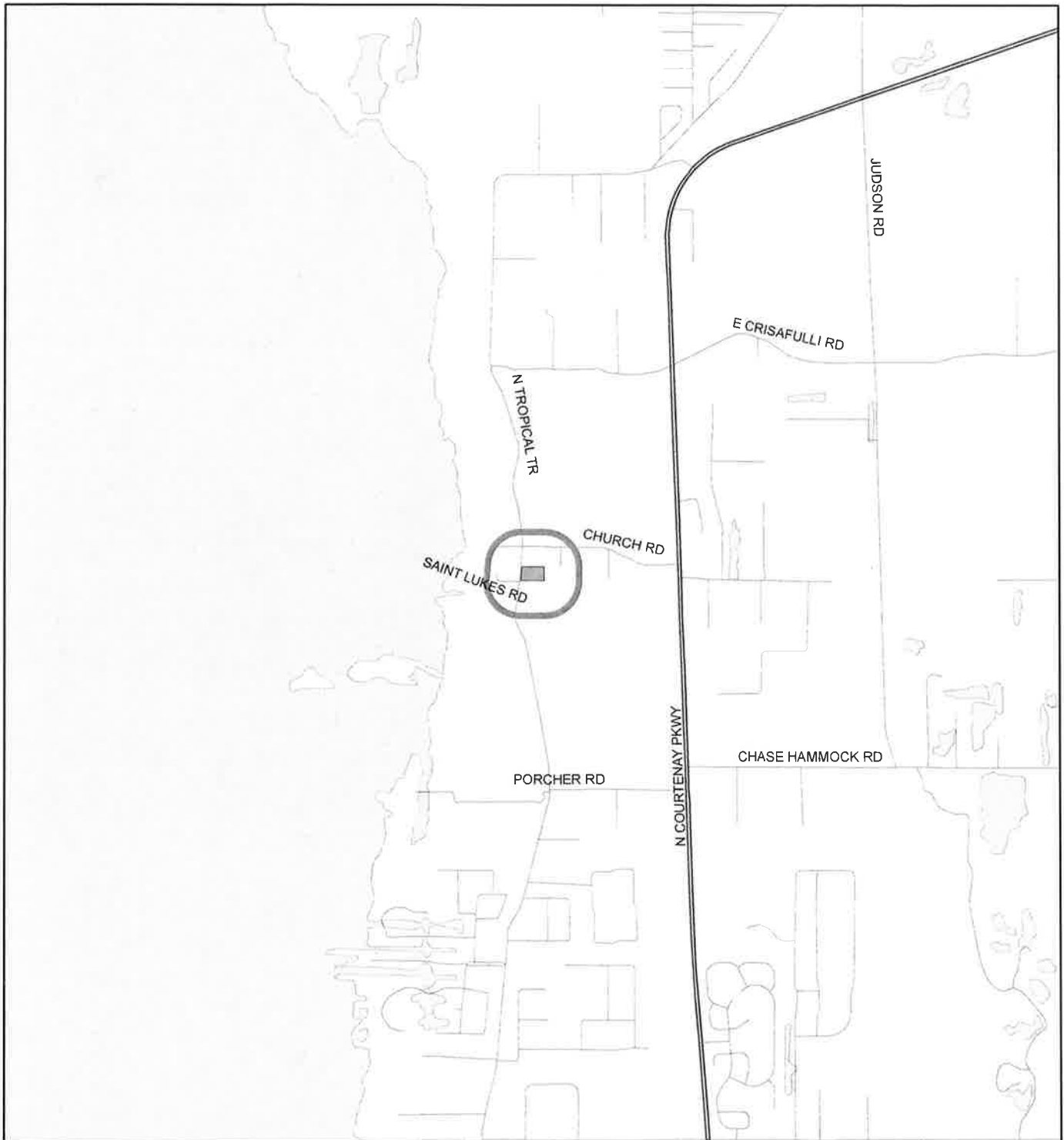
Aerials indicate that Protected (greater than or equal to 10 inches in diameter) and Specimen (greater than or equal to 24 inches in diameter) trees may reside on subject property. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Protected and Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

LOCATION MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC
20Z00019



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.

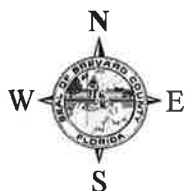
Produced by BoCC - GIS Date: 8/7/2020

Buffer

Subject Property

ZONING MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC
20Z00019



1:4,800 or 1 inch = 400 feet

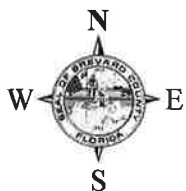
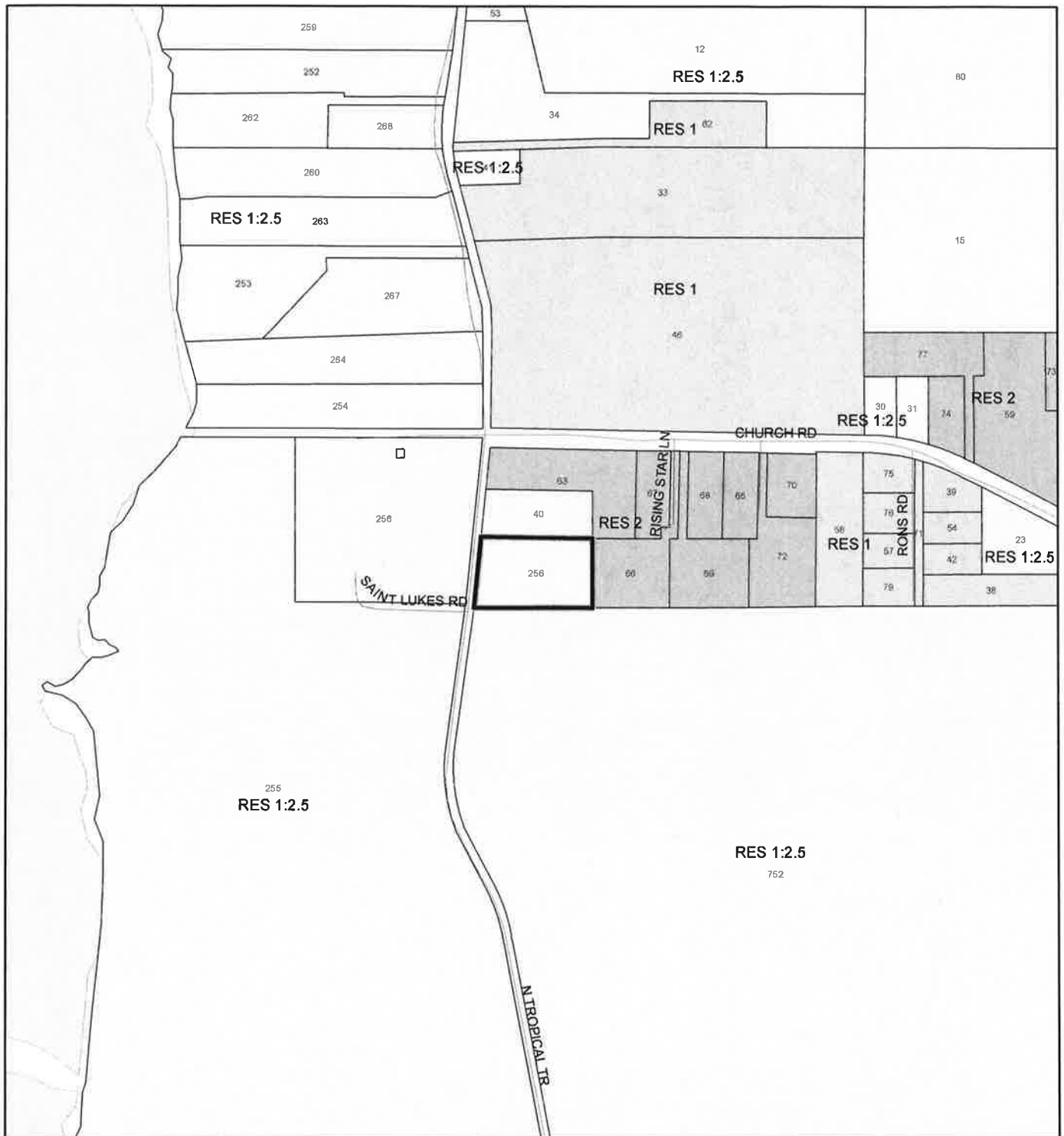
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 8/7/2020

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC
20Z00019



1:4,800 or 1 inch = 400 feet

Subject Property
Parcels

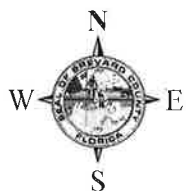
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 8/7/2020

AERIAL MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC

20Z00019



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2020

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.

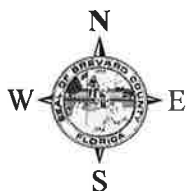
Produced by BoCC - GIS Date: 8/7/2020

— Subject Property

▭ Parcels

NWI WETLANDS MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC
20Z00019



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2020

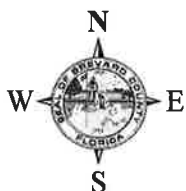
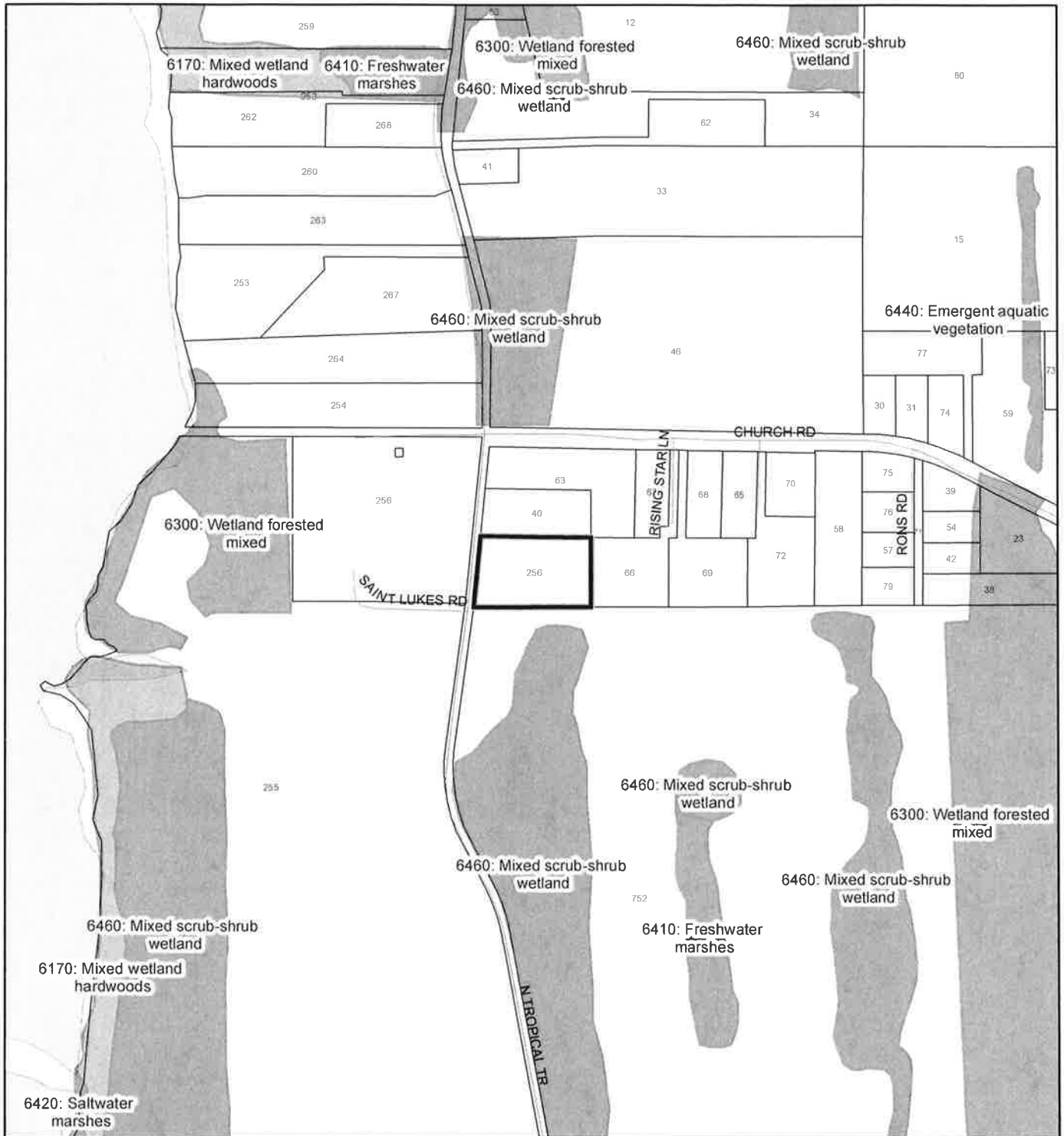
National Wetlands Inventory (NWI)

	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

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC

20Z00019



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2020

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

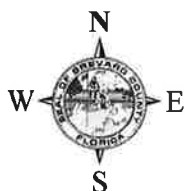
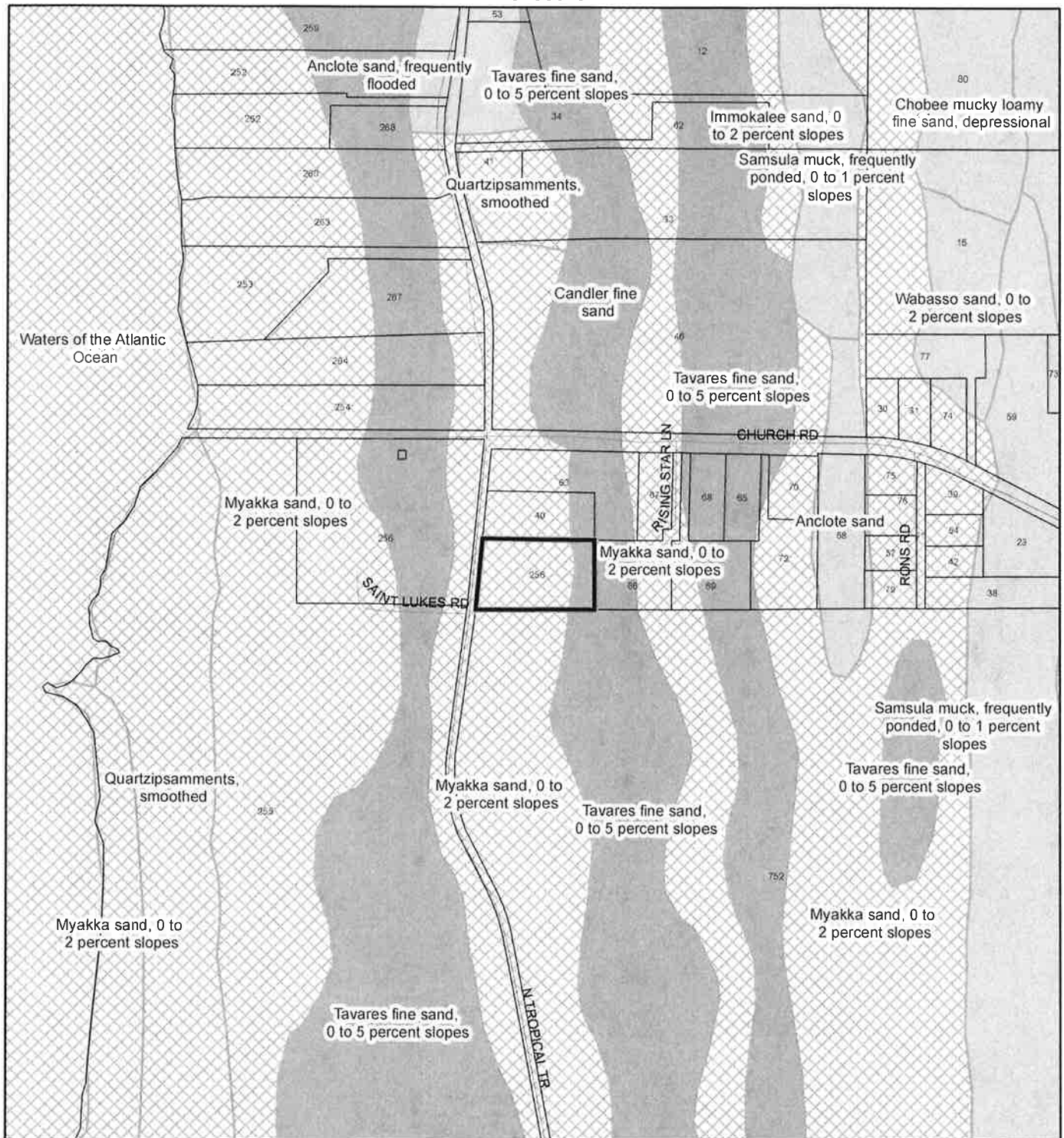
 Subject Property

 Parcels

USDA SCSSS SOILS MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC

20Z00019



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2020

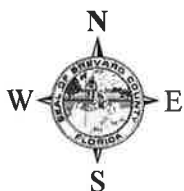
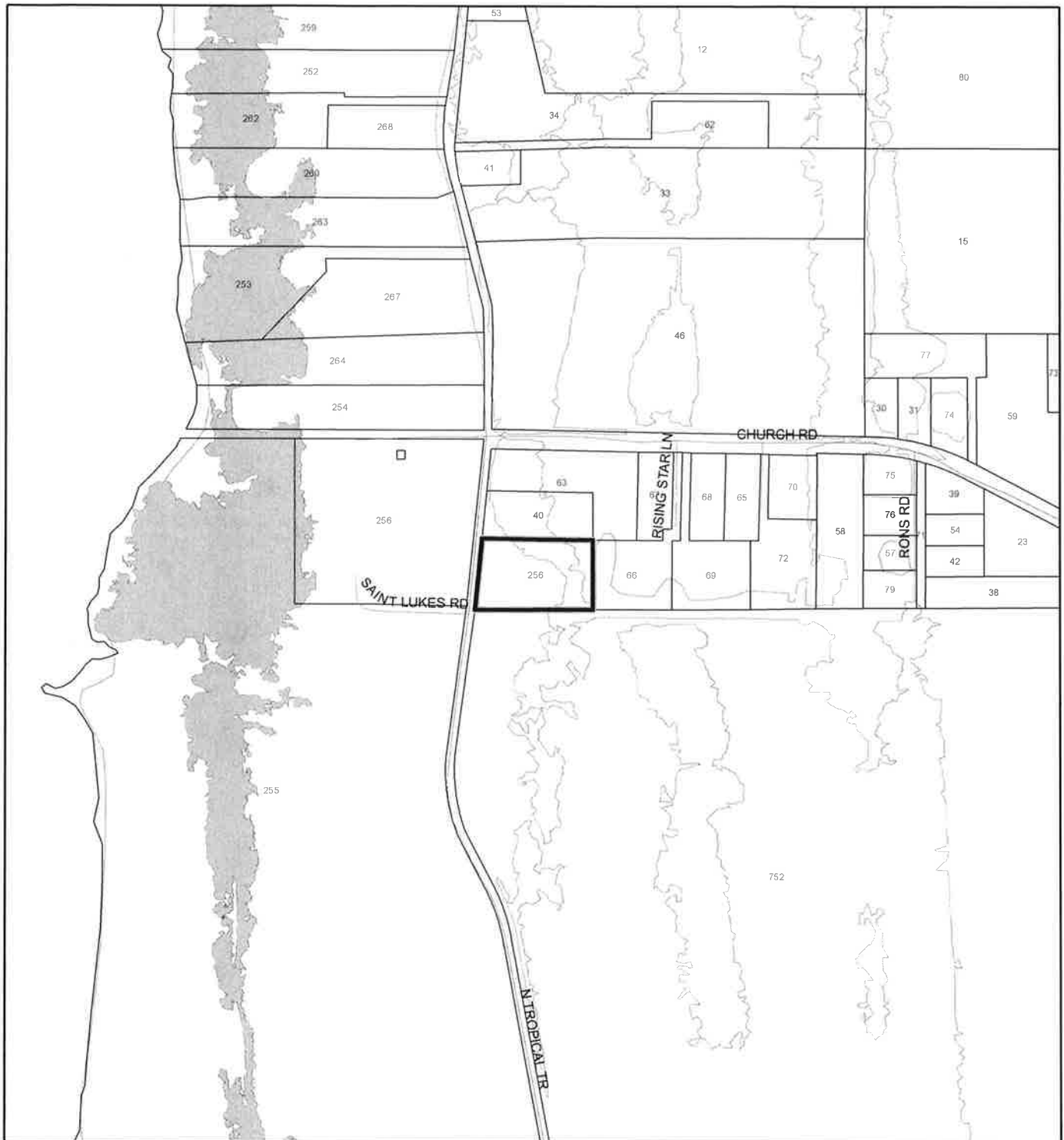
USDA SCSSS Soils

	Aquifer and Hydric
	Aquifer
	Hydric
	None

	Subject Property
	Parcels

FEMA FLOOD ZONES MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC
20Z00019



1:4,800 or 1 inch = 400 feet

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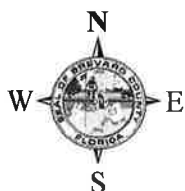
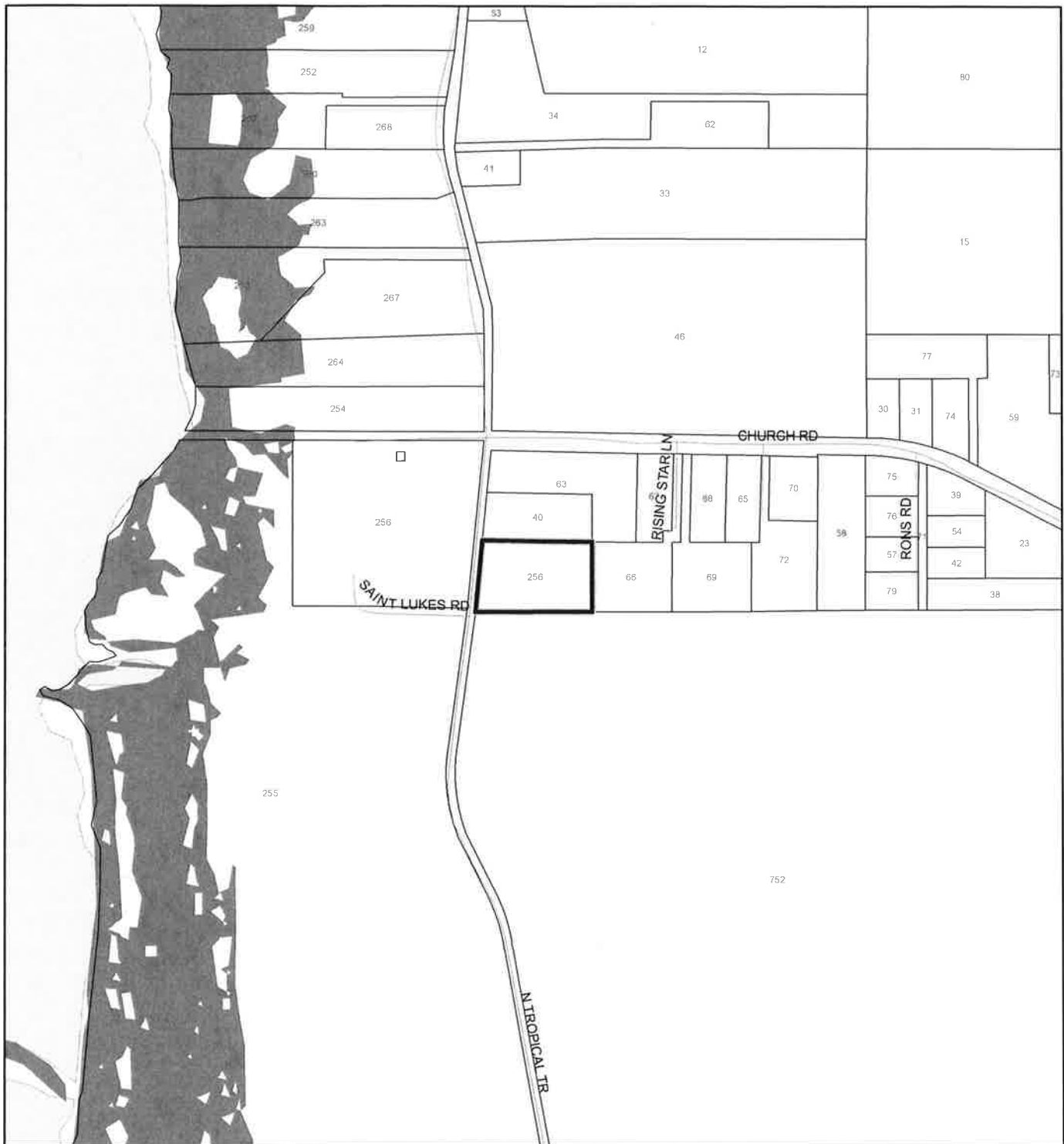
Produced by BoCC - GIS Date: 8/7/2020

FEMA Flood Zones

COASTAL HIGH HAZARD AREA MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC

20Z00019



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2020

— Subject Property

□ Parcels

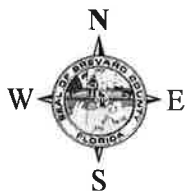
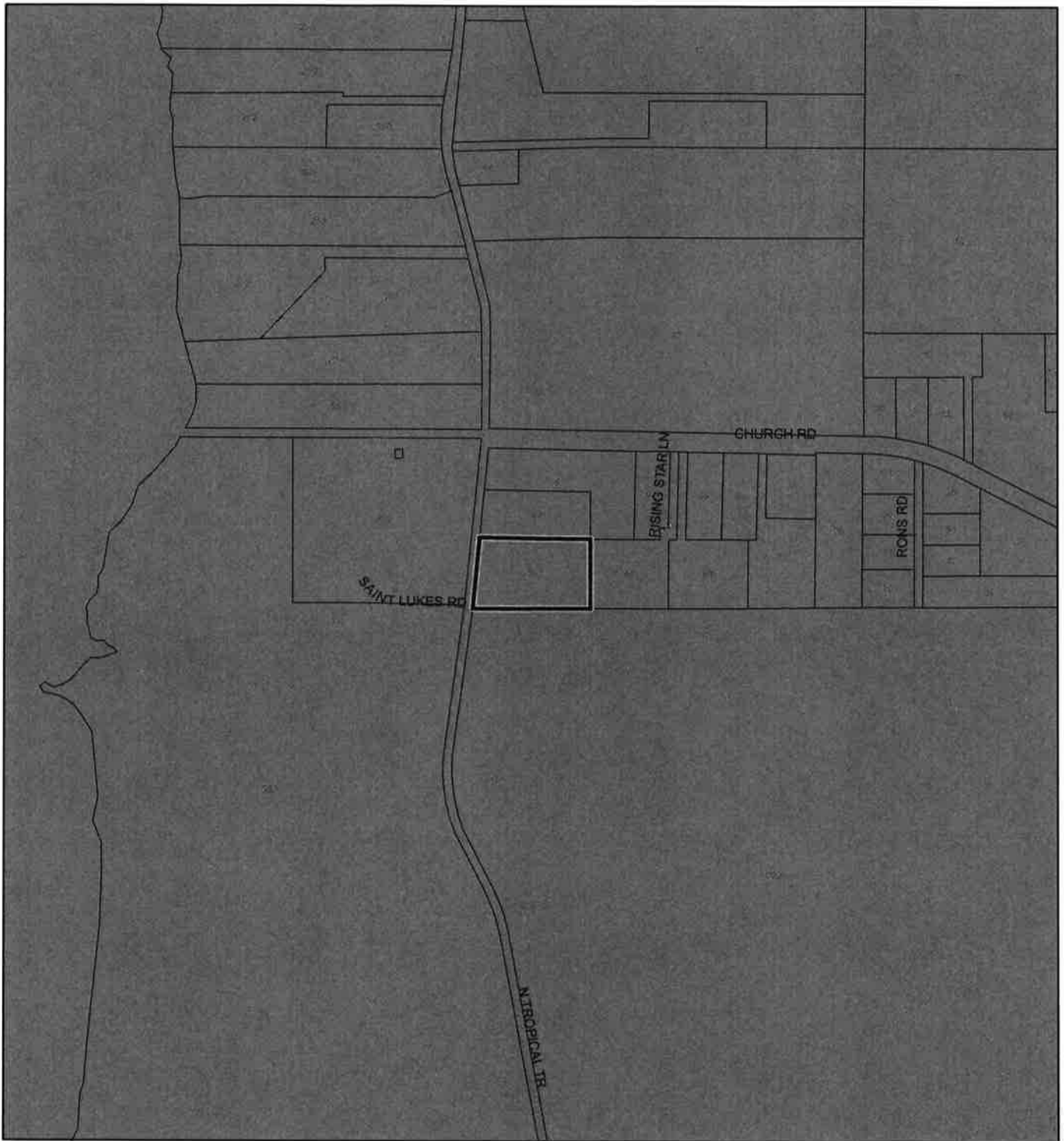
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC

20Z00019



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2020

— Subject Property

□ Parcels

Septic Overlay

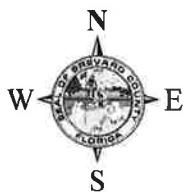
■ 40 Meters

■ 60 Meters

■ All Distances

EAGLE NESTS MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC
20Z00019



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2020

 Subject Property

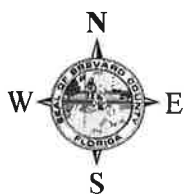
 Parcels



Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC
20Z00019



1:4,800 or 1 inch = 400 feet

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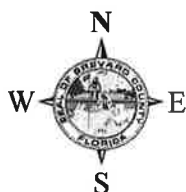
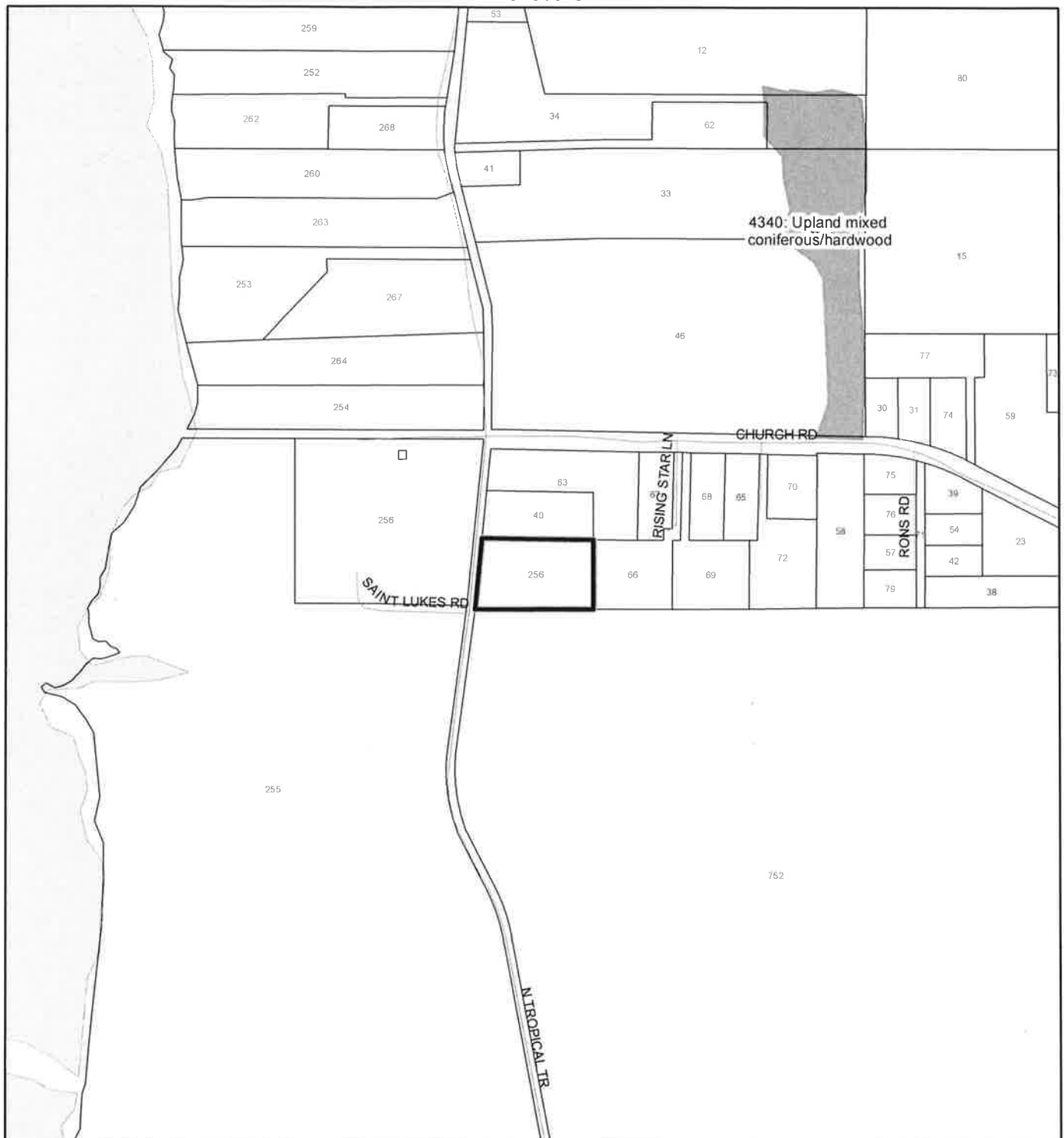
Produced by BoCC - GIS Date: 8/7/2020

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

ST. LUKE'S EPISCOPAL CHURCH OF COURTENAY FL., INC

20Z00019







1:4,800 or 1 inch = 400 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: 8/7/2020

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

LEGAL DESCRIPTION:

LEGAL DESCRIPTION SAINT LUKE'S CHURCH

A parcel of land lying Section 27, Township 25 South, Range 38 East, Brevard County, Florida, the same being a portion of those lands described in Official Records Book 1252 at Page 740 of the Public Records of Brevard County, Florida, the same being more particularly described as follows:

Commence at the mid Section corner of said Section 27 as described in Official Records Book 1252 at Page 740, thence run S 89°53'43" E along the South line of the NE 1/4 of said Section 27 for 209.86 feet to a point that is marked with a 1/2 inch iron nail driven in the physical centerline of NORTH TROPICAL TRAIL, and point being the Point of Beginning of the following described Parcel of Land, thence continue S 89°53'43" E along said South line for 333.33 feet to the Southwest corner of the land described in Official Records Book 4206 at Page 4521 of the Public Records of Brevard County, Florida, thence run N 00°01'54" E along the West line of said Official Records Book 4206 at Page 4521 for 200.00 feet to the Southeast of that certain parcel of land described in Official Records Book 998 at Page 424 of the Public Records of Brevard County, Florida, thence run N 89°53'43" W along the South line thereof for 322.81 feet to a formally set nail and disc marked (15.235) located on the physical centerline of NORTH TROPICAL TRAIL, thence run S 09°08'14" W along the physical centerline of NORTH TROPICAL TRAIL for 200.28 feet more or less, to the Point of Beginning, SUBJECT TO the Public interest in the maintenance of NORTH TROPICAL TRAIL, said parcel contains 1.456 acres more or less.

SURVEY REPORT:

1. The intended purpose of this survey is for boundary information only, as shown herein.
2. The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible that there are documents of record, unrecorded deeds, easements or other instruments that could affect the boundaries to the subject property.
3. This survey does not reflect or determine ownership.
4. This survey meets or exceeds the minimal horizontal control accuracy of 1/5000 for a suburban survey.
5. Measurements shown herein are expressed in feet and decimal parts thereof.
6. Dimensions shown are taken at the exposed areas of improvements, underground footings, foundations, utilities or other subsurface structures are not located for the purpose of this survey.
7. Bearings are assumed, referenced to the South line of the NE 1/4 of section 27-25-36 with a bearing of S 89°53'43" E.
8. This drawing is not valid unless bearing an original signature and embossed land surveyors seal.

LEGEND:

- Set 5/8" iron rebar with cap marked: LB 797B
- Found, iron rebar - size and identification noted
- △ Set nail and disk marked: LB 2351
- ▲ Found nail and disk, identification noted

EXPLANATION OF ABBREVIATIONS:

- F.F.E. Finished Floor Elevation
- P.O.C. Point of Commencement
- P.O.B. Point of Beginning
- A/C Air Conditioner
- M. Measured Distance
- P. Measurement On Plot
- O.R.B. Official Record Book
- PA. Plat Book
- LB. Licensed Business
- LS. Licensed Surveyor
- P.U.E. Public Utility Easement
- P.U. & D.E. Public Utility Easement
- C. Centerline of Roadway

I hereby certify that this survey was made in strict accordance with the actual measurements taken on the field. This survey meets the standards of practice as set forth by the Florida Board of Professional Land Surveyors Board resolution 54-17-2007. Florida Administrative Code, pursuant to Section 473.001, Florida Statute.

JOHN R. CAMPBELL
Professional Surveyor & Mapper No. 111
State of Florida

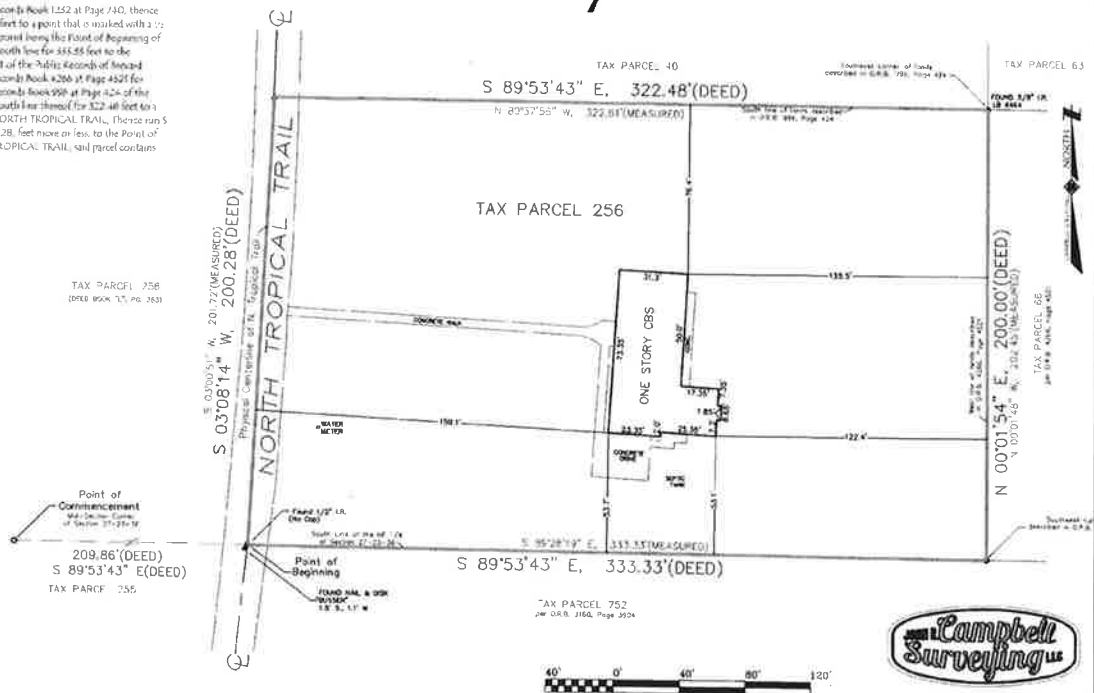
FEMA FLOOD ZONE INFORMATION ONLY:

The surveyor has no longer certifies that FEMA Flood Zone. This certification is made by an independent contractor of the Federal Government. As a courtesy to the client, this surveyor also lists the 100-year flood elevation as 11.840, 20-year 11.840, and 50-year 11.840. Community Flood Map: 2209C0125A2, dated 04/09/2004.

Sketch of Survey

20Z00019

St. Luke's Episcopal Church



115 Alma Blvd, Suite 102
Mailing Address: P.O. Box 541866
Merritt Island, FL 32954
Phone: (321) 507-4811
LICENSED BUSINESS #7978

Scale: 1" = 40'
Street Address: 5555 N. Tropical Trail, Unit C,
Merritt Island, FL 32953

Sketch of Survey

PREPARED FOR AND CERTIFIED TO
St. Luke's Episcopal Church of Courtesey Fl, Inc

DRAWING CHECKED	CHECKED BY	SECTION
DATE	DATE	DATE
DATE	DATE	DATE
DATE	DATE	DATE

LEGAL DESCRIPTION:

LEGAL DESCRIPTION SAINT LUKE'S CHURCH

A parcel of land lying Section 27, Township 25 South, Range 36 East, Precinct County, Florida, the same being a portion of those lands described in Official Records Book 1232 at Page 740 of the Public Records of Precinct County, Florida, the same being more particularly described as follows:

Commence at the end Section corner of said Section 27 as described in Official Records Book 1232 at Page 740, thence run S 89°53'43" E along the South line of the NE 1/4 of said Section 27 for 209.86 feet to a point that is marked with a 1/2 inch iron nail driven in the physical centerline of NORTH TROPICAL TRAIL, said point being the Point of Beginning of the following described Parcel of Land, thence continue S 89°53'43" E along said South line for 322.48 feet to the Southeast corner of the first described in Official Records Book 426 at Page 452 of the Public Records of Precinct County, Florida, thence run N 00°01'54" E along the West line of said Official Records Book 426 at Page 452 for 200.00 feet to the Southeast corner of that parcel of land described in Official Records Book 598 at Page 426 of the Public Records of Precinct County, Florida, thence run N 89°53'43" SW along the South line thereof for 333.33 feet to a formerly set rail and dis. marked 1/2 inch located on the physical centerline of NORTH TROPICAL TRAIL, thence run S 05°08'14" SW along the physical centerline of NORTH TROPICAL TRAIL for 200.28 feet more or less, to the Point of Beginning, SUBJECT TO the Public interest in the maintained limits of NORTH TROPICAL TRAIL, said parcel contains 1.456 acres more or less.

SURVEY REPORT:

1. The intended purpose of this survey is for boundary information only, as shown herein.
2. The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible that there are documents of record unrecorded deeds, easements or other instruments that could affect the boundaries to the subject property.
3. This survey does not reflect or determine ownership.
4. This survey meets or exceeds the minimal horizontal control accuracy of 1:7500 for a suburban survey.
5. Measurements shown herein are expressed in feet and decimal parts thereof.
6. Dimensions shown are taken at the exposed areas of improvements, underground footers, foundations, utilities or other subsurface structures are not located for the purpose of this survey.
7. Bearings are assumed, referenced to the South line of the NE 1/4 of Section 27-25-36 with a Bearing of S 89°53'43" E.
8. This drawing is not valid unless bearing an original signature and embossed land surveyors seal.

LEGEND:

- Set 5/8" iron rebar with cap marked: LB 7778
- Found, iron rebar - size and identification noted
- △ Set nail and disk marked: LB 2351
- ▲ Found nail and disk, identification noted

EXPLANATION OF ABBREVIATIONS:

- P.T.C. - Point of Commencement
- P.O.B. - Point of Beginning
- A/C - Area Contained
- M - Measured Distance
- P - Alignment On Plot
- O.R.B. - Official Record Book
- P.B. - Plat Book
- L.B. - Licensed Business
- P.U.E. - Public Utility Easement
- P.U.D.E. - Public Utility Easement
- C.R. - Centerline of Roadway

I hereby certify that the measurements shown in this report were taken on actual measurements taken on the field. This survey meets the standards of the State of Florida as set forth by the Florida Board of Professional Land Surveyors and is in accordance with the Florida Administrative Code provisions for Section 465.005, Florida Statute.

Surveyor's Name: JAMES E. CAMPBELL, JR.
License No.: 12345
Expiration Date: 12/31/2024
Address: 115 Alma Blvd, Suite 103, Merritt Island, FL 32954
Phone: (321) 507-4811
Fax: (321) 507-4812

FEMA FLOOD

FOR INFORMATION ONLY

The surveyor has not been certified by the F.E.M.A. Flood Zone. This certification is made by an independent contractor of the Federal Government. As a courtesy to the client, this surveyor feels that the correct flood zone appears to be in F.E.M.A. Zone 10 or 11, as shown on the attached map. The surveyor is not responsible for the accuracy of the flood zone information shown on the attached map.

Sketch of Survey

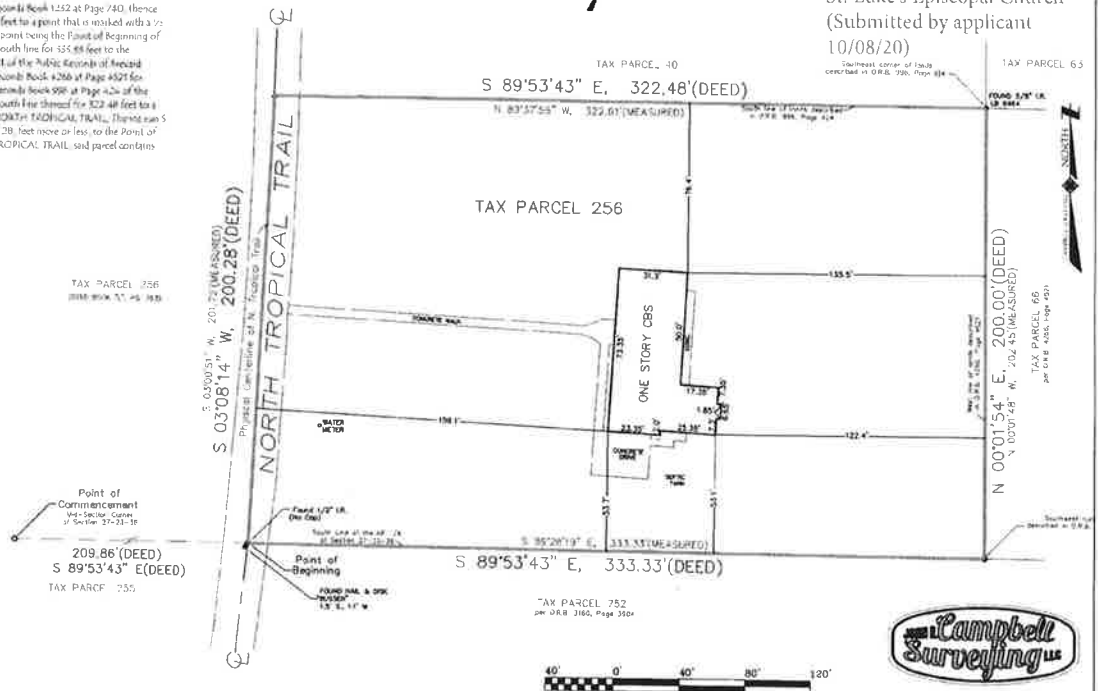
FYI

20Z00019

St. Luke's Episcopal Church
 (Submitted by applicant)

10/08/20

Northwest corner of land described in O.R.B. 598, Page 426



115 Alma Blvd, Suite 103
 Mailing Address: P.O. Box 541866
 Merritt Island, FL 32954
 Phone: (321) 507-4811
 LICENSED BUSINESS #7978

Scale: 1" = 40'
 Street Address: 5555 N. Tropical Trail, Unit C,
 Merritt Island, FL 32953

Sketch of Survey

PREPARED FOR AND CERTIFIED TO:
 St. Luke's Episcopal Church of Courtenay, Fla, Inc

DRAWING NO.	CHECKED BY	SECTION
20Z00019	J.E. Campbell	27
DATE	DATE	DATE
07/27/2020	07/27/2020	07/27/2020
REVISIONS	DATE	DESCRIPTION

Account (1234567)



This instrument, made the 21 day of August the year of our Lord one thousand, nine hundred and eleven between H. B. Stuart-Martin, of New Jersey, Indiana (unmarried) party of the first part, and The Protestant Episcopal Church, in The Missionary Jurisdiction of Southern Florida, a corporation existing under the laws of the State of Florida, of the second part, Witnesseth, that the said party of the first part, for and in consideration of the sum of One Dollar to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged here by these presents, doth, bargain, sell, alien, remise, release, confirm unto the said party of the second part and to its successors and assigns forever, All that certain tract or piece and parcel of land situate in the County of Brevard (Harris Island) and State of Florida, particularly described as beginning at a point one hundred and eighty six (186) feet East of the South East corner of lot two (2), being also the South East corner of the South East quarter of Section Twenty seven (27) Township Twenty three (3) South of Range Thirty six (36) East, thence run North along public road the hundred feet, thence East three hundred and four (304) feet, thence South two hundred (200) feet, thence West three hundred and four (304) feet to the point of beginning containing one and 1/5 (1 1/5) acres more or less.

This lot is further described as bounded on the west by the public Road East of the Episcopal Church lot, South by lands of R. L. Gage, East by lands of unknown owner and North by lands now or late of Mrs. ex. Livingstone.

Together with all the rights, easements and appurtenances thereto in anywise and in the reverse, and all the estate, right, title interest, power and right of donor, separate estate, claim and record of the said party of the first part or in anywise and every part thereof with the appurtenances, To Have and To hold the above described premises with the appurtenances unto the said party of the second part, its successors and assigns. And the said H. B. Stuart-Martin party of the first part hath hereby covenanted for himself heirs executors and administrators to and with the said party of the second part, its successors and assigns that the party of the first part is now lawfully seized in fee simple of the said premises. And has good right to convey the same in manner and form aforesaid, unto the same and free from all incumbrances and unto the said party of the second part, its successors and assigns and to the heirs of all times hereafter freely peaceably and quietly enjoy the same without molestation, or eviction by the party of the first part or any person or persons who never lawfully claimed or to claim the same, and that the said party of the first part doth hereby release all the singular the said premises with the appurtenances unto the said party of the second part its successors and assigns against him the party of the first part and his heirs and against all and every other person or persons lawfully claiming or to claim the same or any part thereof and will by these presents warrant the same forever.

In Witness Whereof the said party of the first part has hereunto set his hand and seal the day and year first above written.

Given, sealed and delivered

In the presence of

Horace E. Cook

H. B. Stuart-Martin (Seal)

H. B. Ford

State of Indiana,

County of Posey.

So it remembered that on the 5 day of September A. D. 1911 before me the subscriber

I hereby certify that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, John G. Griffith, a person known to me and known to be the person described in and who executed the foregoing deed, and acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

County of New York.

State of New York.

J. G. Griffith.

J. G. Griffith.

In presence of me:

Attest, read and delivered.

Notary Public for New York.

In witness whereof, I have hereunto set my hand and the seal of my office at New York, this 1st day of May, 1901.

John G. Griffith.

And the said deed of conveyance, together with the foregoing acknowledgment, is hereby certified to be a true and correct copy of the original thereof.

County of New York.

Notary Public for New York.

John G. Griffith.

Attest, read and delivered.

Notary Public for New York.

John G. Griffith.

Attest, read and delivered.

Notary Public for New York.

John G. Griffith.

Attest, read and delivered.

Notary Public for New York.

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Attest, read and delivered.

Notary Public for New York.

John G. Griffith.

Attest, read and delivered.

Notary Public for New York.

John G. Griffith.

NORTH MERRITT ISLAND

DEPENDENT SPECIAL DISTRICT BOARD MINUTES

The North Merritt Island Dependent Special District Board met in regular session on **Thursday, October 8, 2020**, at 6:00 p.m., at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Viera, Florida.

Board members present were: Mary Hillberg, Chair; Jack Ratterman, Vice Chair; Gina Lindhorst; Catherine Testa; and Ted Balke.

Planning and Development staff present were: Jeffrey Ball, Planning and Zoning Manager; George Ritchie, Planner III; and Jennifer Jones, Special Projects Coordinator.

Approval of July 16, 2020, Minutes

Motion by Gina Lindhorst, seconded by Jack Ratterman, to approve the minutes from July 16, 2020. The motion passed unanimously.

St. Luke's Episcopal Church of Courtenay FL, Inc. (John Campbell)

A Small Scale Plan Amendment (20S.05) to change the Future Land Use designation from RES 1:2.5 to RES 1. The property is 1.50 acres, located on the east side of N. Tropical Trail, approx. 257 ft. south of Church Road. (5500 & 5555 N. Tropical Trail, Merritt Island) (20Z00018) (Tax Account 2317060) (District 2)

St. Luke's Episcopal Church of Courtenay FL, Inc. (John Campbell)

A change of zoning classification from IN(L) (Institutional Use – Low Intensity) to RR-1 (Rural Residential). The property is 1.50 acres, located on the east side of N. Tropical Trail, approx. 257 ft. south of Church Road. (5500 & 5555 N. Tropical Trail, Merritt Island) (20Z00019) (Tax Account 2317060) (District 2)

Jeffrey Ball – It's my understanding that the applicant wishes to have a land use change for the pastor's residence because this property, in conjunction with the property on the west side of N. Tropical Trail, was used as a place of worship. For whatever reason, they are no longer in operation and they would like to sell off the pastor's residence, and in order to do that, the land use and zoning need to be changed.

John Campbell – I brought Cheryl Stremara with me, who is the church representative, and I've asked her to give a brief history of the church.

Cheryl Stremara – The church was formed as a mission in 1886, and our first church was built in 1988. We acquired the property that the rectory is on in 1911; our first full-time rector was appointed in 1962 and the rectory was built after that in order to provide him a home, as well as a private office and meeting spaces for Christian education and other types of meetings. Subsequently, we built a large fellowship hall that has an adjoining office area, so we no longer need the rectory for those functions. Our last rector left last year; he returned to England. We have a search committee to find a new part-time rector. We don't anticipate needing the rectory, but we won't sell it until we have that person on-board, just in case they might need it. We want to have all the pieces in place in case that's the decision.

Mary Hillberg – We're happy to hear that you're not closed.

Cheryl Stremara – We haven't folded, no. We're still alive and doing fine. It's just that the rectory is a 1960's home.

John Campbell – Cheryl has asked me to address the board for the technical stuff and the surveying. I've got some exhibits, and the first one is the GIS zoning map with the parcel outlined in yellow. The property to the south is government property; the property to the north, for the most part, is either SR with half-acre lots, or EU, which is even smaller; and also to the north is RR-1. There is a provision in the code that we can have a transitional zoning from the higher density requirements. We would like you to address first the density, which is currently one unit per two and a-half acres; our parcel is 1.5 acres, and there is no way we can make it larger. The church property is on the west side of the road. I have some other exhibits, but I think most of you are my neighbors and most of you know about our church. The important thing is that the deed to this piece of property, which is 1.5 acres, was transferred to the church 110 years ago, so we've existed before anything else in this area existed, and I think we can cut this really quick. We need your help, the church has surplus property because they no longer need the rectory, and that's the reason for this request. There is an existing single-family home on the property. The property is 1.5 acres; therefore, if RR-1 zoning is granted there is no way we can build two units. The house is over 50 years old and I would think that the life of that house has probably reached its maximum, and the land value is worth more than the home is. I've surveyed the property with the dimensions of the property. Also, Cheryl was able to get the deed, which is dated 1911; the deed itself is pretty hard to read, but I've transcribed as much of it as I could in order to do the survey. I'm here to ask for your help in first changing the Future Land Use to Residential 1, and then secondly, I would hope that you approve the zoning change. I notice we don't have any objectors here, and we have no objections from the North Merritt Island Homeowners Association. If you have any questions, myself or Cheryl would be happy to answer them.

Jack Ratterman – What is the little red square in the graveyard?

Cheryl Stremara – That is the Porcher mausoleum, and it was transferred to them in 1914.

Ted Balke – I have a question. Why can't the property be changed to GU rather than changing it to Residential 1 and violate the Tropical Trail Small Area Study?

John Campbell – The property can't be GU because I believe GU requires five acres.

Ted Balke – No, it does not. The house next to you is already GU, and all you have to do is comply with the County board, and that would let you have an acre and a half as one house, which is exactly what your north neighbor is, rather than change the small area study that took three and a half years and calls for the entire island to be converted over to 2.5 acres for a house, for development, and the North Tropical Trail study that is already in force.

Mary Hillberg – Ted, may I say that I think you mean the North Merritt Island area, not the whole Merritt Island.

Ted Balke – Both sides of Courtenay.

Mary Hillberg – On North Merritt Island.

Ted Balke – The east side, unfortunately, is Residential 1 and they're doing it as one house per acre, as opposed to one per 2.5. We wanted the whole thing to be one per 2.5, all of North Merritt Island, which was never put into effect, but the North Tropical Trail is in effect at one per 2.5.

Jeffrey Ball – The Future Land Use of 2.5 was recommended by the North Merritt Island Study several years ago, so this property does not meet that minimum 2.5 acres. That's the reason for the land use change, to allow for that property to be used as a single-family home, regardless of it being attached to a house of worship.

Ted Balke – But your codes indicate that you can change this to be a General Use property, and that will permit you with one house for that 1.5 acres and it will not violate the residential agreement.

Jeffrey Ball – Just so everyone understands, GU has a minimum lot size of five acres, regardless of what is existing out there; I don't know the certain circumstances of each of those lots, they may be considered nonconforming lots of record. This property has to meet the five acres and it does not. That's why before the board today is a land use change and a zoning change to bring the property into compliance. This house was used as a rectory with a church, and now it's the intent to separate those properties in the future, and when it's a stand-alone single-family home, there are different requirements that need to be adhered to.

Ted Balke – The property directly to the north, Lot 40, is GU, and according to your Section 62-1151, that property stands with one residence built on it and it is one and one-third of an acre.

Mary Hillberg – Isn't that a nonconforming lot?

Ted Balke – Yes, it is.

Jeffrey Ball – We would have to do the research to confirm that, but from the looks of it, it seems to be.

Ted Balke – The first handout he showed, the map, indicated that you can see that the house directly to the north on that smaller, even, piece of property is a GU.

Mary Hillberg – Are we allowed to change properties into nonconforming properties? Is it appropriate to change property when you're doing a zoning change, into something that is nonconforming?

Jeffrey Ball – No. The guiding principle is that when you change zoning, you remedy the nonconformity. We wouldn't want to change the zoning on a property that doesn't meet that zoning classification.

Mary Hillberg – That's why we wouldn't be going with GU then?

Jeffrey Ball – Correct.

Ted Balke – Not according to your codes 14-20.57 or 97-49.56, or 12-9.7. Those are all of the codes that permit you to make it a non-compliant, one-house property without changing it to Residential 1.

George Ritchie – In looking at the zoning, the GU zoning is a residential zoning, so that has to be consistent with the Comprehensive Plan (Comp Plan). If it was there before the Comp Plan was

initiated or reduced in size, it would be nonconforming to the Comprehensive Plan. The difference between Institutional zoning is that it is not a residential zoning, so there are zero residential units allowed on that property. Because it was used for a church, we allow the pastor to live on that property and it would not be seen as a residential use. What they are trying to do is divide the church from the residence and create that as a residential use. Institutional zoning by itself only needs to meet a 7,500 square-foot lot size, and they could have another Institutional activity, such as a group home or assisted living facility. There are other permitted uses that could be done under the current zoning on that property without a land use or zoning change, but if you want to make this a residential lot to sell to somebody to have a home, then we have to address the Comp Plan size limit because the lot is not grandfathered in for residential use. We have to fix the Comp Plan because the lot is not 2.5 acres, unless they want to convey property over to meet 2.5 acres, we're looking at the Comprehensive Plan amendment. Then, based on having 1.5 acres on that side of the street, we can apply for a one acre-plus zoning. AU zoning is 2.5 acres, but you don't meet the size requirement, so you would have to ask them to get variances to that zoning before they could apply for that zoning. You have the option, if you want to change the land use from one per 2.5 acres down to 1 acre, or do you just want them to change the zoning to something else that would be consistent. You're looking at what the applicant is requesting, and they need two submittals, one to increase the land use intensity from a 2.5-acre lot down to 1 acre, and then use a 1-acre zoning classification so that the house would be a legal permitted use on that property.

Mary Hillberg – And it would be compliant with all of our codes?

George Ritchie – Correct.

Mary Hillberg called for public comment, and hearing none, brought the item back to the board.

Mary Hillberg – The North Merritt Island Homeowners Association has submitted a comment I'll read into the record. "Regarding the rezoning requests 20Z00018 and 20Z00019 of John Campbell Surveying/St. Luke's Episcopal Church, the NMIHOA has no objections. Thank You." Does the applicant have any other comments?

John Campbell – No, I really don't. This is surplus property that needs to be disposed of and there is no other way to do it. If you don't grant our request we won't be able to use it. It is 1.5 acres, which is consistent with everything near it and around it.

Mary Hillberg – Is there a motion here?

Jack Ratterman – I'll make a motion that we accept their request for RR-1.

Jeffrey Ball – If I can just interject, we need to have two motions; one for the land use and one for the zoning.

Mary Hillberg – On the issue of zoning, you're making a motion to change it to RR-1.

Jack Ratterman – Right.

Mary Hillberg – Is there a second?

Catherine Testa – I'll second it.

Mary Hillberg called for a vote on the motion as stated and it passed 4:1, with Ted Balke voting nay.

Mary Hillberg – Next is the Comprehensive Plan amendment to change from Residential 1:2.5 to Residential 1.

Catherine Testa – I'll make a motion to accept.

Gina Lindhorst – Second.

Mary Hillberg – I have one thing for discussion in general for changing to RR-1. The properties on North Merritt Island are so vulnerable to high waters and flooding, and as much as we try to move the water in circles, it still is there. I would prefer that sewer be on this property, and there is no way this board has anything to say about that, but I know it's 865 feet away from the property, and now it's on septic, but for the record I'd like to say that.

Mary Hillberg called for a vote on the motion as stated and it passed unanimously.

Upon consensus, the meeting adjourned at 6:24 p.m.