



AGENDA REPORT
August 1, 2019

Casa Loma Estates Co-Op, Inc. (Karl Bohne) requests a CUP for Mitigation of a Non-Conforming Mobile Home Park to allow mobile homes to be replaced with recreational vehicles. (19PZ00064) (District 4)

SUBJECT:

Casa Loma Estates Co-Op, Inc. (Karl Bohne) requests a CUP for Mitigation of a Non-Conforming Mobile Home Park to allow mobile homes to be replaced with recreational vehicles. The property is 20 acres, located on the west side of U.S. Highway 1, approximately 1 mile north of Pineda Causeway. (19PZ00064) (District 4)

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct a public hearing to consider a CUP for Mitigation of a Non-Conforming Mobile Home Park to allow mobile homes to be replaced with recreational vehicles.

SUMMARY EXPLANATION and BACKGROUND:

The applicant is seeking a CUP (Conditional Use Permit) for mitigating a nonconforming mobile home park for the purpose of maintaining 132 lots that include mobile home and RV (Recreational Vehicle) lots. Of the existing 132 lots, 22 are currently approved as RV lots, and 110 are designated as mobile home lots.

The Florida Department of Health (FDOH) has determined 56 of the existing mobile home lots are too small for mobile homes, however the lot meet the lot size criteria for RV's. In an effort to retain the lot yield within the mobile home park, the applicant is requesting to change the use of these 56 lots to RV lots in order to continue supporting dwelling units. The RV use on the lots create the non-conformity. Granting the CUP would eliminate the nonconformity.

The Board may wish to consider whether the recreational vehicle use as a permanent residence within a nonconforming mobile home park is consistent and compatible with the surrounding uses. Recreational vehicles as permanent residences are not allowed within any other zoning classification.

The Board may also wish to consider whether additional open space, recreational amenities or buffering is required to buffer the residents living in RV's, or surrounding residents inside and outside the park from the effects of permanent residential RV use. On July 8, 2019, the Planning and Zoning Board heard the request and unanimously

recommended approval.

ATTACHMENTS:

Description

- ▢ **Administrative Policies**
- ▢ **Staff Comments**
- ▢ **GIS Maps**
- ▢ **Plan**
- ▢ **P&Z Minutes**

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.

Resolution 19PZ00064

On motion by Commissioner Smith, seconded by Commissioner Lober, the following resolution was adopted by a unanimous vote:

WHEREAS, Casa Loma Estates CO-OP, Inc. has requested a CUP (Conditional Use Permit) for Mitigation of a Non-Conforming Mobile Home Park to allow mobile homes to be replaced with recreational vehicles, on property described as Tax Parcel 502, as recorded in Official Records Book 5493, Pages 8482 – 8484, of the Public Records of Brevard County, Florida, less and except Tax Parcel 523. **Section 18, Township 26, Range 37.** (20 acres) Located on the west side of U.S. Highway 1, approximately 1 mile north of Pineda Causeway. (No assigned address. In the Melbourne area); and

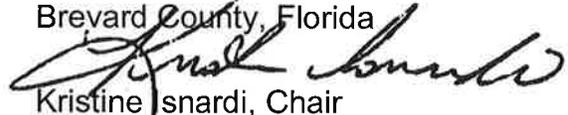
WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved; and

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

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested CUP for Mitigation of a Non-Conforming Mobile Home Park to allow mobile homes to be replaced with recreational vehicles, be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of August 1, 2019.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



Kristine Snardi, Chair
Brevard County Commission

As approved by the Board on August 1, 2019.

ATTEST:



SCOTT ELLIS, CLERK

(SEAL)

Planning and Zoning Board Hearing – July 8, 2019

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 year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time**

of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

2725 Judge Fran Jamieson Way
 Building A, Room 114
 Viera, Florida 32940
 (321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

19PZ00064

Casa Loma Estates, Co-op, Inc.

CUP (Conditional Use Permit) for Mitigating a Non-Conforming Mobile Home Park

Tax Account Number: 2627885
 Parcel I.D.: 26-37-18-00-502
 Location: Numerous addresses in the 6400 and 6500 block of North U.S. Highway 1, Melbourne (District 4)
 Acreage: 20 acres

Planning and Zoning Board: 07/08/19
 Board of County Commissioners: 08/01/19

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	TR-3 (Mobile Home Park)	TR-3 with CUP
Potential*	132 sites: 110 for mobile homes; 22 for recreational vehicles	54 mobile home units; 78 recreational vehicle units
Can be Considered under the Future Land Use Map	Yes, Neighborhood Commercial	Yes, Neighborhood Commercial

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

Background and Purpose of Request

The applicant is seeking a CUP (Conditional Use Permit) for mitigating a nonconforming Mobile Home Park for the purpose of maintaining 132 total units (mobile homes and recreational vehicles) on lots that have been determined by the FDOH (Florida Department of Health) as too small to support a mobile home use and only meet the criteria to support a recreational vehicle (RV). In an effort to retain the lot yield within the nonconforming mobile home park, the applicant is requesting to change the use to recreational vehicle, to allow the smaller lot sizes to continue to support a dwelling unit. Granting the conditional use makes the use, lot, or structure conform to the specifics of the conditional approval, eliminating the nonconformance.

The subject parcel is 20 acres in area and fronts U.S. Highway 1 on the west side north of Pineda Causeway approximately 300 feet north of Anderson Way. The area of impact is about 5.67 acres, located within the center portion of the site extending east to U.S. Highway 1. Lots in the subject mobile home park are individually homesteaded and the park operates as a cooperative. Under this arrangement, the co-op association owns all real-estate and members purchase membership certificates and execute occupancy agreements.

The current TR-3 (Mobile Home Park) zoning requires a minimum park site size of 10 acres. Individual mobile home sites must be at least 4,000 square feet, with a minimum width of 40 feet. Chapter 64E-15 of the Florida Administrative Code, which is regulated by the FDOH (Florida Department of Health), requires that each mobile home space designated for a single section mobile home shall contain a minimum of 2,400 square feet with a minimum 35-foot width and that each recreational vehicle space shall contain a minimum of 1,200 square feet.

Pursuant to Section 62-1186, nonconforming mobile home parks only require a building-to-building separation distance and not a lot dimension standard; therefore, while many of the lots within the park are below the size required by FDOH today for mobile homes, the lots are not deemed nonconforming by County code, but rather the recreational vehicle use on those lots. Therefore, the Board may wish to consider whether the recreational vehicle use as a permanent residence within a nonconforming mobile home park is consistent and compatible with the surrounding uses.

The older section of Casa Loma Estates is nonconforming by design and is identified on the Zoning Map under mobile home park number, NMH-13. The newer section developed subsequent to November 5, 1981 is conforming. Capacity as determined by SP#83-04-008 is 127 units (105 mobile home and 22 nonconforming recreational vehicles); however, noted on some pages within that submittal 132 units were depicted.

The Board should consider that recreational vehicles as permanent residences are not allowed within any other zoning classification listed in the Brevard County Zoning Regulations. Additionally, impact fees are not traditionally collected on recreational vehicles, nor are standard concurrency analyses applied to the review of recreational vehicles, as they are traditionally considered a commercial use, not for permanent residence.

Land Use Compatibility

The subject property retains the NC (Neighborhood Commercial) FLU (Future Land Use) designation. The TR-3 zoning classification is consistent with the NC FLU designation as long as the requirements of Policy 2.13 of the Future Land Use Element are met.

Future Land Use Element Policy 2.13 states, "Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the FLUM (Future Land Use Map). Residential development is permissible in these commercial land use designations at density of up to one category higher than the closest residentially designated area on the FLUM which is on the same side of the street. Increases in density beyond this allowance may be considered through a public hearing. In the CCHA (Coastal High Hazard Area), however, residential

development is limited to the density of the closest residentially designated area on the FLUM that is on the same side of the street” This property is not located in the CHHA.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 - 8 of the Future Land Use Element, as outlined in the Administrative Policies.

Environmental Constraints

According to the Natural Resources Management Department (NRM), this project does not have any natural resource issues that stem from switching mobile homes to recreational vehicles. It is not in Septic overlay. Therefore, NRM is providing no other comments on this CUP (Conditional Use Permit) review, but reserves the right to comment at site planning and permitting stages.

Preliminary Transportation Concurrency

The subject property is closest to the concurrency management segment of U.S. 1, between the Pineda Causeway and Suntree Boulevard, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 92.67% of capacity daily. The proposed Conditional Use Permit is not anticipated to add any new trips to the roadway network, as permanent residences have historically been present on each of the lots included in the request.

Applicable Land Use Policies

The applicant is seeking a CUP (Conditional Use Permit) for mitigating a nonconforming mobile home park for the purpose of maintaining 132 total units (mobile homes and recreational vehicles).

The property is the subject of six prior actions:

1. On August 8, 1963, Z-1110 changed the zoning classification from the original zoning of GU (General Use) to BU-1 (General Retail Commercial), on two acres located at the northeast corner of the site. A portion of that area is not part of this application.
2. On October 9, 1963, Z-1168 changed the zoning classification from GU to Trailer Park, which was later renamed to TR-3 (Mobile Home Park).
3. On August 3, 1972, Z-3041 changed the zoning classification from TR-3 to BU-1 on the east 300 feet of Government Lot 3, Deed Book 2008, Page 97.
4. On November 5, 1981, Z-5866 changed the zoning classification from BU-1 to TR-3.
5. On February 18, 1976, V-0541 approved a variance for eight newly added lots, and reduced the 25-foot front setback to 20 feet.
6. On October 21, 1981, V-1109 approved seven variances: 1.) permitting 22 RV recreational vehicle sites in a TR-3 zone; 2.) a variance of 3,200 square feet from the required 5,000 square foot minimum site size; 3.) variance of 20 feet from the required 50 foot minimum site width; 4.) variance of 30 feet from the required 50 foot setback from a

RVP zoning classification; 5.) variance of 500 square feet minimum floor area; 6.) variance to an off-street parking requirement; 7.) variance to omit the required 10' x 24' concrete patio.

The half-mile radius around the site has seen three zoning changes within the last three years:

1. On January 9, 2019, 18PZ00059 changed the zoning classification on 3.43 acres, located on the east side of North Wickham Road, approximately 340 feet south of Jordan Blass Drive, from Medium-Density Residential (RU-2-15) to BU-1 with a replacement Binding Development Plan (BDP)
2. On April 25, 2018, 17PZ00109 changed the zoning classification on 30.7 acres, located on the east side of Wickham Road, approximately 330 feet south of Jordan Blass Drive, from Planned Industrial Park (PIP) to RU-2-15 with a BDP limiting density to 15 units per acre, requiring an 8-foot high concrete masonry unit, a 50-foot natural vegetative buffer, no building or recreational facilities to be within 300 feet of the boundary line of the Plant Site, and notice to be provided to prospective tenants of existing and proposed asphalt/concrete plants.
3. On May 7, 2015, 15PZ00003 changed the Future Land Use designation on 7.957 acres from Planned Industrial Park (PLNIP) to Community Commercial (CC) and the zoning classification on 17.40 acres from PIP to BU-1 and BU-2 for property located on the east side of Wickham Road, approximately 1,040 feet south of Pineda Court.

The property to the north of this site is the Americana Resorts Co-op, Incorporated, an unrecorded subdivision and a recreational vehicle park that retains the RVP (Recreational Vehicle Par) zoning classification. The properties across U.S. 1 to the east are developed as single-family river-front residential estates that retain the EU (Estate Use) zoning classification. There is one property directly abutting the subject property on the east at the southern end of the park that is developed as single-family residential and retains AU (Agricultural Residential) zoning. The properties to the south retain IU (Light Industrial) and BU-2 (Retail, Warehousing and Wholesale Commercial) zonings, and across the railroad tracks, there is a property just to the south developed as Pineda Landings Shopping Center that retains the BU-2 zoning classification. Directly abutting the subject property to the west is the Florida East Coast (FEC) Railway and beyond that is a property that is developed as Brevard Medical City and retains the PIP (Planned Industrial Park) zoning classification

Special Considerations for CUP (Conditional Use Permit)

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901, as outlined in the Administrative Policies. Section 62-1901 provides that 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.** The applicant's responses and staff observations, if any, are indicated below.

Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon

infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context of public health, safety and welfare. The applicant has submitted documentation in order to demonstrate consistency with the standards set forth in Section 62-1901 and Section 62-1190, procedure for mitigating a nonconformity.

This request should be evaluated in the context of Section 62-1190, mitigating a nonconformity.

Many nonconformities have been in neighborhoods for a long time. Some may have only recently become nonconforming. In many instances, the use is an integral part of the neighborhood's function. The purpose of zoning is to protect neighborhoods. Therefore, if the community is comfortable with the particular use or structure, the classification "nonconformity" may not be what the community desires. Under such conditions, the use may be mitigated and made conforming to remove the stigma typically associated with the designation as a nonconforming use. This section's provisions for nonconforming uses, structures, or lots provide the procedures for making a nonconformity conform.

Any nonconforming lot, use, or structure may apply for a Conditional Use Permit for the lot, use, structure, or sign.

In addition to the criteria for a conditional use approval set forth in section 62-1901, the applicant shall meet the following requirements:

- (1) Demonstrate that the use, as conducted and managed, has minimal non-compatibilities that have been integrated into the neighborhood's function. Factors to evaluate this criteria include that:
 - a. The neighborhood residents patronize or are employed at the use (for nonresidential uses).
 - b. Management practices eliminate problems such as noise, waste materials, competition for on-street parking, or similar conflicts.
 - c. The use has a minimal history of complaints (including police or fire calls) against it.
 - d. The use has been maintained in good condition, or that the nonconformity represents a disincentive for such maintenance.

Upon Board of County Commission approval of a conditional use permit, the county manager or his/her designee shall have a notation placed on the official zoning maps stating that the property is a conditional use. Granting the conditional use makes the use, lot, or structure conform to the specifics of the conditional approval, eliminating the nonconformance.

Applicant's Response: The current sites have been used as RV sites and/or mobile home sites since 2005. Such uses have been integrated into the community since that time without documented objection or issues. The Park residents have welcomed such uses and there are no documented objections by Park residents of such past uses nor to continuing such uses.

The Park maintains strict regulations regarding the use of such sites relating to condition. This will maintain the status quo.

The proposed CUP will only affect the following sites: 300, 301, 302, 303A-2, 304, 305A-1, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 415, 414, 416, 417, 418, 419, , 420, 421 422, 424, 426, 423, 425, 427, 501, 503, 505, 507, 509, 511, 513, 515, 517, 519, 521, 523, 525, and 527.

Some of these sites are being used as RV sites and mobile home sites. The use of some of these sites for RV purposes creates the nonconformity. The applicant proposes to mitigate the nonconformity by allowing these sites to be used as RV sites when necessary; however allowing the continuation of the following sites as mobile home sites: 300, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 401, 403, 407, 409, 411, 415, 419, 425, 501, 505, 507, 509, 511, 513, 515, 517, 519, and 521.

Section 62-1901(c)(1)(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.

Applicant's Response: The existing property is was developed prior to 1983 as a single lot, with mobile homes, which was subsequently divided into 132 sites. See attached Exhibit A, Trailer Park Expansion for Casa Loma Mobile Home Park. The areas in question are highlighted in blue.

The original plan included 22 RVP sites on the north side of the property. These lots are generally described as 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, and 642. Over the course of years the parcel was changed into a cooperative form of ownership, approximately in 2005 whereby the Co-op Association owns the real estate and members purchase membership certificates and execute an occupancy agreement thereby providing the member may occupy a specific site within the Co-op.

Over the course of years the Department of Health recognized that certain sites, above and beyond the 22 original RV sites, did not meet the criteria for mobile homes, i.e., 2400 square feet minimum lot area. Those sites are as follows: 300, 301, 302, 303A-2, 304, 305A-1, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 415, 414, 416, 417, 418, 419, , 420, 421 422, 424, 426, 423, 425, 427, 501, 503, 505, 507, 509, 511, 513, 515, 517, 519, 521, 523, 525, and 527.

Of these sites the following are currently used as mobile home sites: 300, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 401, 403, 407, 409, 411, 415, 419, 425, 501, 505, 507, 509, 511, 513, 515, 517, 519, and 521.

The following sites currently have RVs located on them: 303A-1, 305A-1, 302, 324, 405, 412, 417, 421, 423, 424, 426, 503, 509, 523, and 525.

The applicant does not propose increasing the number of sites and will keep the current configuration at 132 sites. The overall number of persons anticipated to be using, residing or working under the conditional use will not change. There will be no increase in noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use. There will be no increase in traffic within the vicinity caused by the proposed conditional use. The applicant desires to maintain what is currently existing.

The purpose of this CUP application is to redesignate the following sites to RV use: 300, 301, 302, 303A-2, 304, 305A-1, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 415, 414, 416, 417, 418, 419, , 420, 421 422, 424, 426, 423, 425, 427, 501, 503, 505, 507, 509, 511, 513, 515, 517, 519, 521, 523, 525, and 527. A Plot plan of Casa Loma is attached as Exhibit B. The sites in question are highlighted in yellow.

The mobile home park to the north, known as Ameri-Cana Resorts is approximately 365 feet from the closest point/area sought to be covered by the CUP in Casa Loma. The entire area to the west is the railroad tracks. The property to the south is Electric Picture Display Systems and is about 400 feet from the closest point/area sought to be covered by the CUP in Casa Loma. To the south and east is Space coast Insurance which is approximately 250 feet from the closest point/area sought to be covered by the CUP in Casa Loma. North and west is a Sunoco Station which is approximately 175 feet from the closest point/area sought to be covered by the CUP in Casa Loma. The nearest residence is across U.S.1 and is approximately 400 feet from the closest point/area sought to be covered by the CUP in Casa Loma.

Section 62-1901(c)(1)(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.

Applicant's Response: The Mobile Home Park and RV use has existed since 1983 and is currently and will continue to 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. Again no changes in the current use and number of sites is requested.

Section 62-1901(c)(1)(c): The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebutably presumed to have occurred if abutting property suffers a 15 percent reduction in value as a result of the proposed conditional use. A reduction of ten percent of the value of abutting property shall create a rebutable presumption that a substantial diminution has occurred.

Applicant's Response: The Mobile Home Park and RV use has existed since 1983 and is currently and will continue to be compatible with the character of adjacent and nearby properties. The granting of the requested CUP will not cause a substantial diminution in value of abutting residential property. The predominant abutting properties are either a commercial type uses on U.S. 1 to the east and to the south, as well as other mobile home park to the north, rail road tracks to the west.

Section 62-1901(c)(2)(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 percent, or ten percent 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 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.

Applicant's Response: Ingress and egress to the Park and the subject sites will not change. Safety considerations are already in place and there is no request to reconfigure the sites or ingress and egress thereto. The existing traffic flow and control; and access for emergency services shall be maintained as in existence as of the date of this application.

Section 62-1901(c)(2)(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.

Applicant's Response: There will be no change to the existing uses which would affect noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use and there will be no substantial interference with the use or enjoyment of the adjacent and nearby property.

Section 62-1901(c)(2)(c): Noise levels for a conditional use are governed by section 62-2271.

Applicant's Response: Such levels as are currently prescribed will be maintained. Furthermore, the Applicant is not aware of any history of any noise complaints on file with Brevard County.

Section 62-1901(c)(2)(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.

Applicant's Response: The current level of service for solid waste disposal applicable to the property or area covered by such level of service, will be maintained and not exceeded.

Section 62-1901(c)(2)(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.

Applicant's Response: The current level of service for potable water and wastewater applicable to the property or area covered by such level of service, will be maintained and not exceeded.

Section 62-1901(c)(2)(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.

Applicant's Response: There will be no change to the 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.

Section 62-1901(c)(2)(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.

Applicant's Response: There will be no change or proposed changes to signs and exterior lighting.

Section 62-1901(c)(2)(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.

Applicant's Response: There will be no changes to the hours of operation of the Park and existing hours of operation are consistent with the use and enjoyment of the properties in the surrounding residential community, if any. The hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.

Section 62-1901(c)(2)(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.

Applicant's Response: There are no proposed changes to any existing height of any habitable structures. All such structures are either mobile homes or RVs.

Section 62-1901(c)(2)(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.

Applicant's Response: There are no proposed changes to existing off-street parking and loading areas and existing areas will be maintained in a manner which will not adversely impacts or impairs the use and enjoyment of adjacent and nearby properties.

For Board Consideration

The applicant is seeking a CUP (Conditional Use Permit) for mitigating a nonconforming mobile home park for the purpose of maintaining 132 lots that include mobile home and RV (Recreational Vehicle) lots. Of the existing 132 lots, 22 are currently approved as RV lots, and 110 are designated as mobile home lots.

The FDOH (Florida Department of Health) requires a lot size of 4,200 square feet for mobile homes, but only requires a 1,200 square-foot lot size for RV's (recreational vehicles), lessening the impact on sewage and septic systems. The FDOH has determined 56 of the existing mobile home lots meet the criteria to support RV's, but are too small to support mobile homes. In an effort to retain the lot yield within the mobile home park, the applicant is requesting to change the use of these 56 lots to RV lots in order to continue supporting dwelling units.

Pursuant to County Code, Section 62-1186, nonconforming mobile home parks only require a building-to-building separation distance and not a lot dimension standard; therefore, while many of the lots within the park are below the size required by FDOH for mobile homes, the lots themselves are not deemed nonconforming by County Code, but rather the RV use on those lots. Granting the CUP would eliminate the nonconformity.

The Board may wish to consider whether the recreational vehicle use as a permanent residence within a nonconforming mobile home park is consistent and compatible with the surrounding uses. Recreational vehicles as permanent residences are not allowed within any other zoning classification.

The Board may also wish to consider whether additional open space, recreational amenities or buffering is required to buffer the residents living in RV's, or surrounding residents inside and outside the park from the effects of permanent residential RV use.

LOCATION MAP
CASA LOMA ESTATES CO-OP, INC.
19PZ00064



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

Buffer Distance: 500 feet

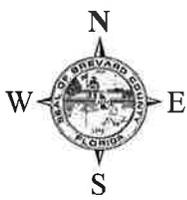
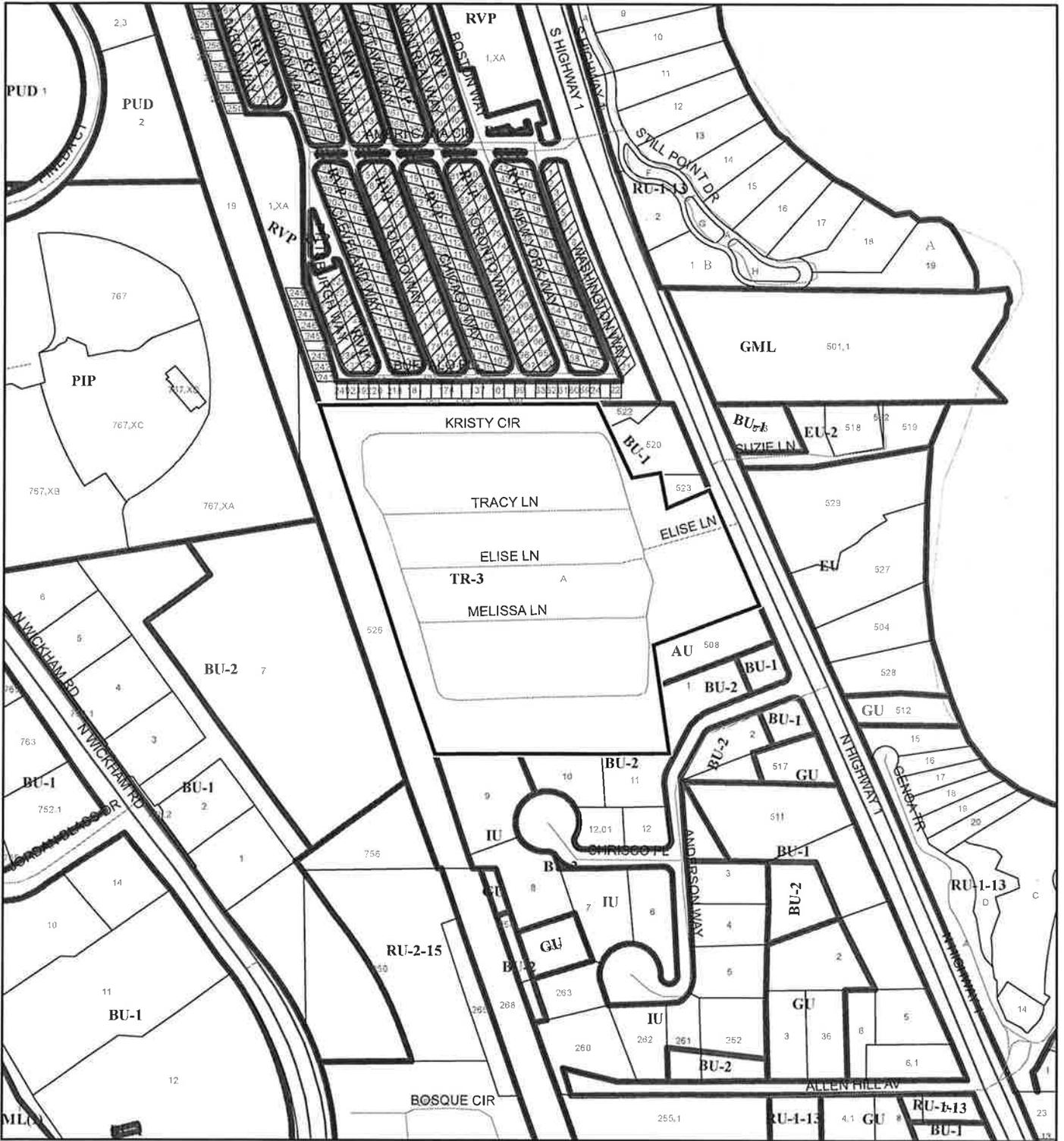
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/20/2019

-  Buffer
-  Subject Property

ZONING MAP

CASA LOMA ESTATES CO-OP, INC.
19PZ00064



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.

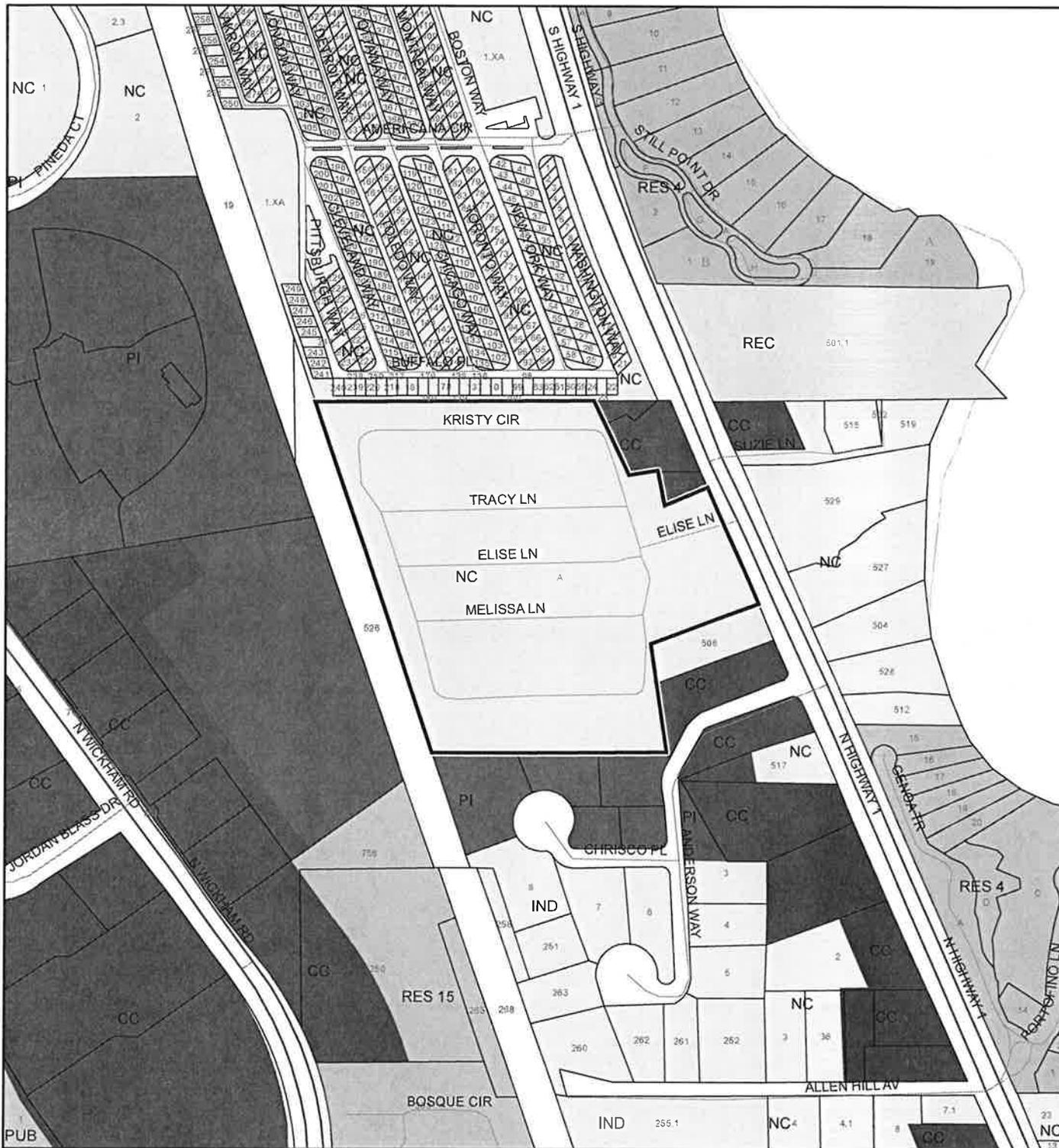
Produced by BoCC - GIS Date: 5/22/2019

-  Subject Property
-  Parcels
-  Zoning

FUTURE LAND USE MAP

CASA LOMA ESTATES CO-OP, INC.

19PZ00064



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: 5/20/2019

AERIAL MAP

CASA LOMA ESTATES CO-OP, INC.

19PZ00064



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2018

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: 5/20/2019

 Subject Property

 Parcels

NWI WETLANDS MAP

CASA LOMA ESTATES CO-OP, INC.

19PZ00064



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: 5/20/2019

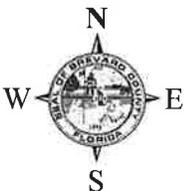
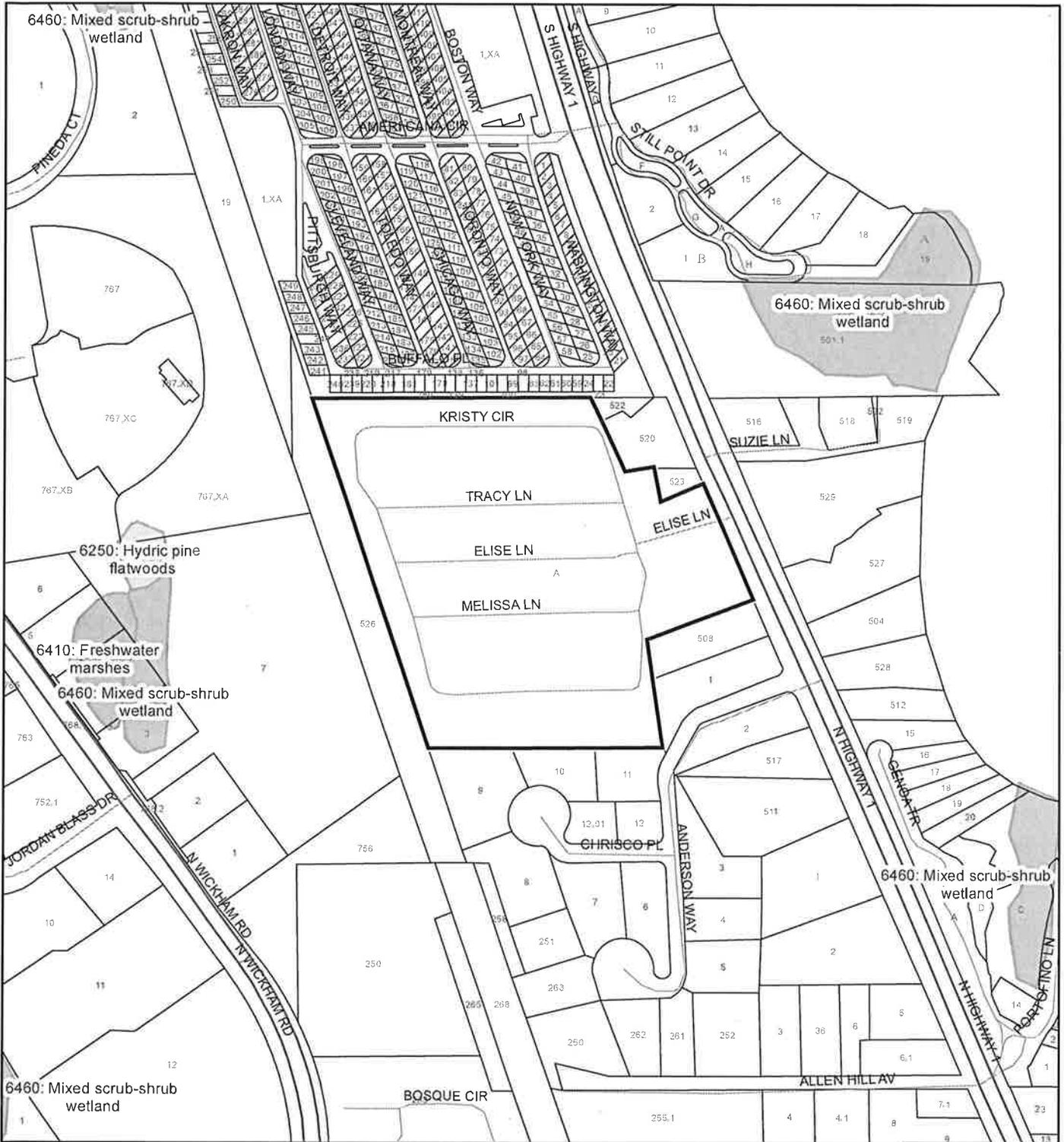
National Wetlands Inventory (NWI)

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

CASA LOMA ESTATES CO-OP, INC.

19PZ00064



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: 5/20/2019

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

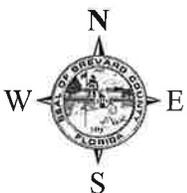
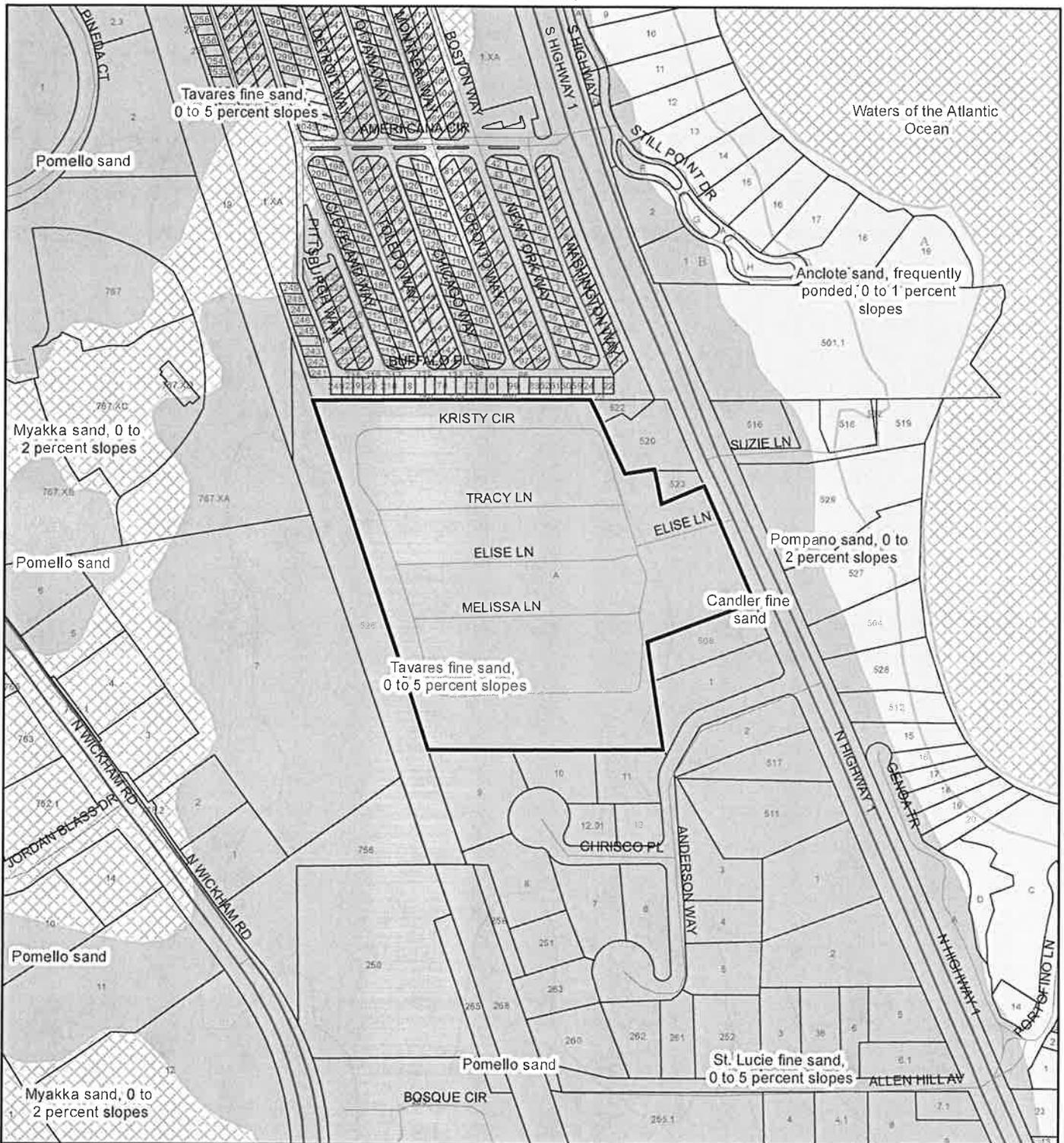
 Subject Property

 Parcels

USDA SCSSS SOILS MAP

CASA LOMA ESTATES CO-OP, INC.

19PZ00064



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: 5/20/2019

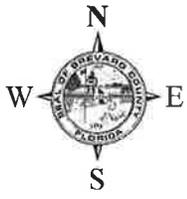
USDA SCSSS Soils

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

FEMA FLOOD ZONES MAP

CASA LOMA ESTATES CO-OP, INC.

19PZ00064



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: 5/20/2019

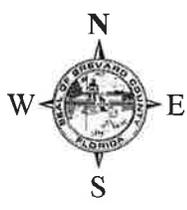
FEMA Flood Zones

- | | | |
|--|---|----------------------|
| A | AO | X |
| AE | Open Water | X Protected By Levee |
| AH | VE | |
| 0.2 Percent Annual Chance Flood Hazard | 0.2 Percent Annual Chance Flood Hazard Contained in Channel | |
| Subject Property | Parcels | |

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

CASA LOMA ESTATES CO-OP, INC.

19PZ00064



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.

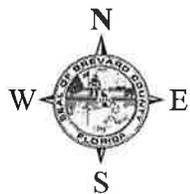
Produced by BoCC - GIS Date: 5/20/2019

-  Subject Property
-  Parcels
- Septic Overlay**
-  40 Meters
-  60 Meters
-  All Distances

EAGLE NESTS MAP

CASA LOMA ESTATES CO-OP, INC.

19PZ00064



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: 5/20/2019

 Subject Property

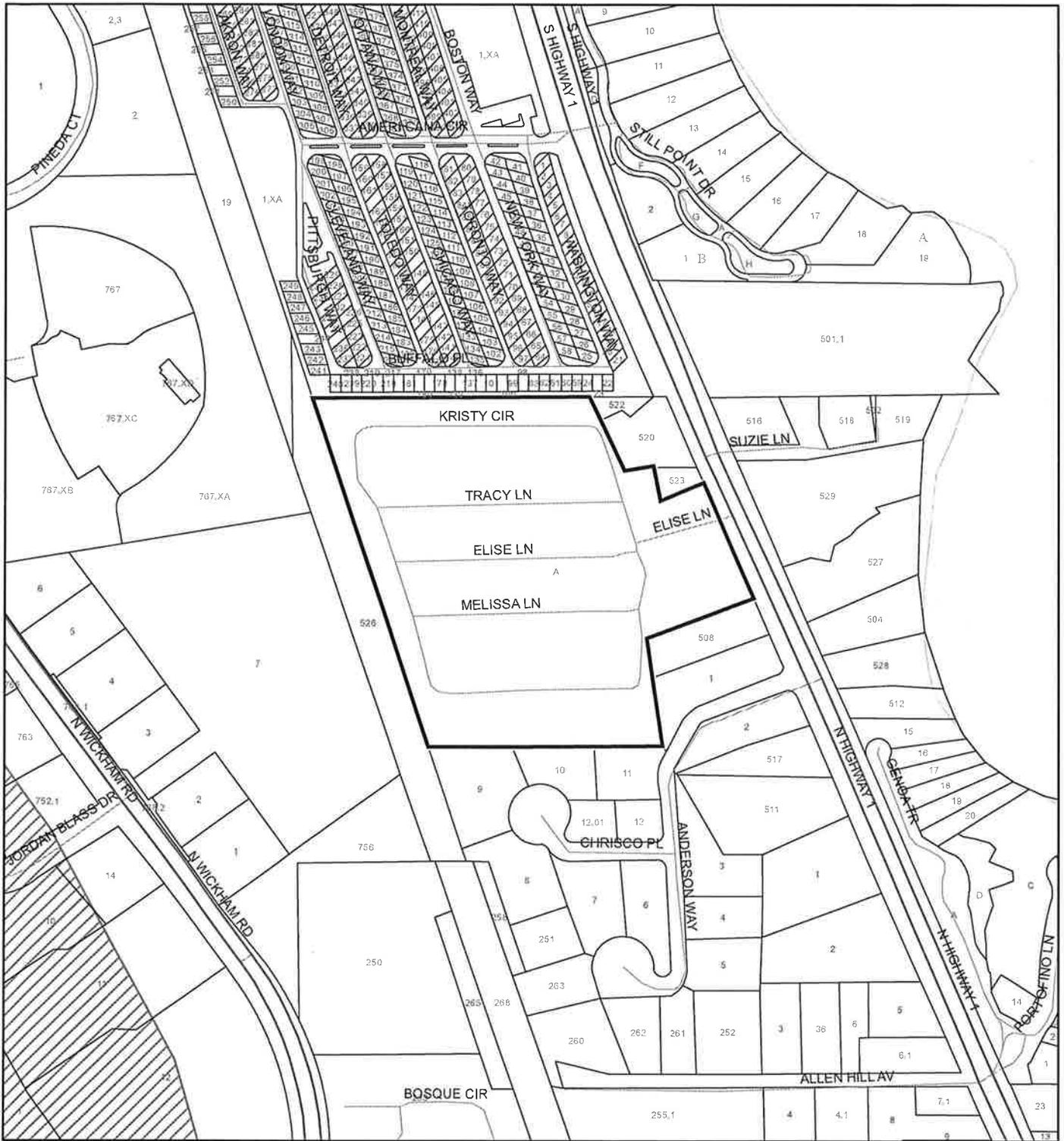
 Parcels

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

CASA LOMA ESTATES CO-OP, INC.

19PZ00064



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.

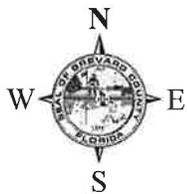
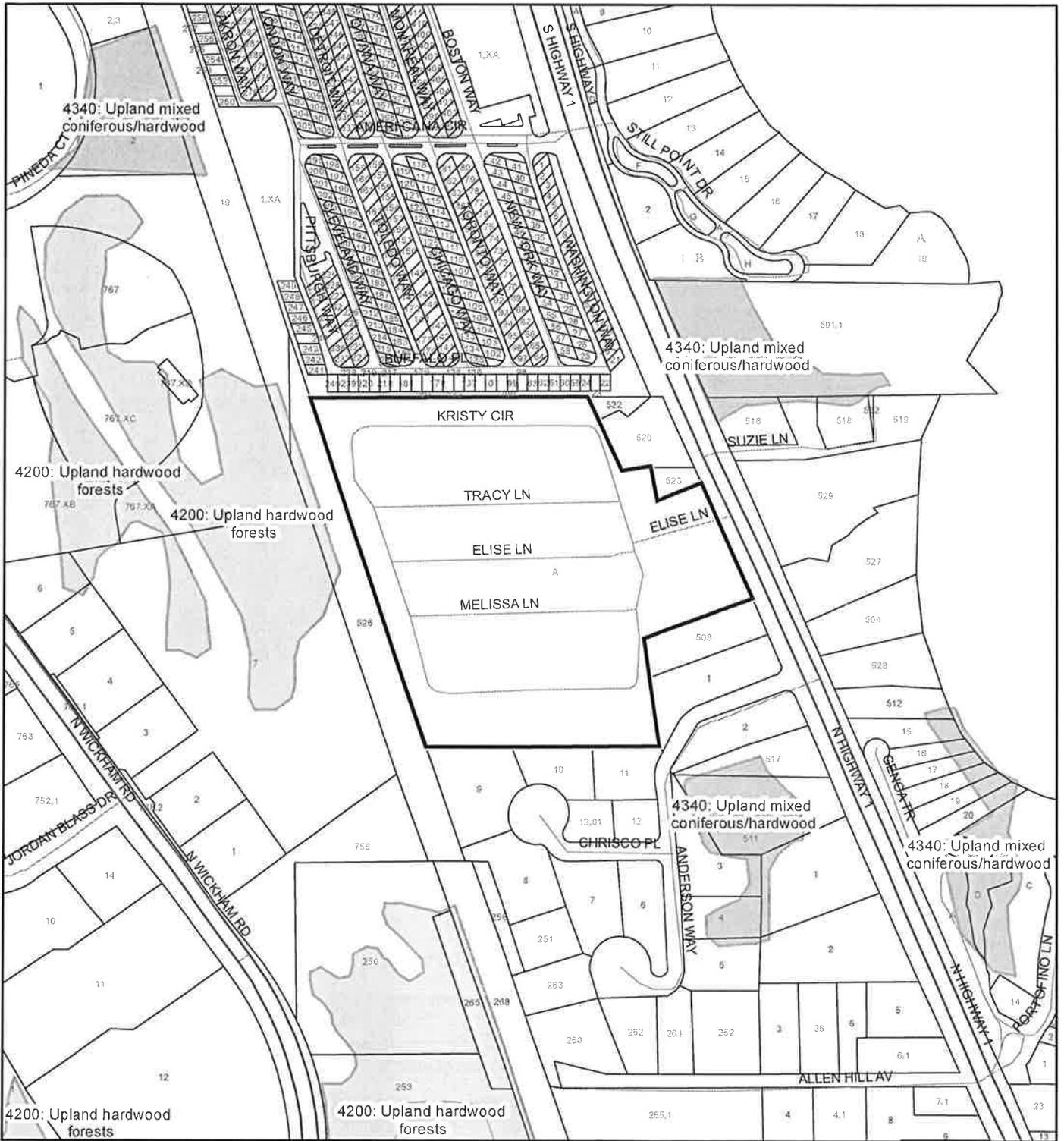
Produced by BoCC - GIS Date: 5/20/2019

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

CASA LOMA ESTATES CO-OP, INC.

19PZ00064



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: 5/20/2019

SJRWMD FLUCCS Upland Forests

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

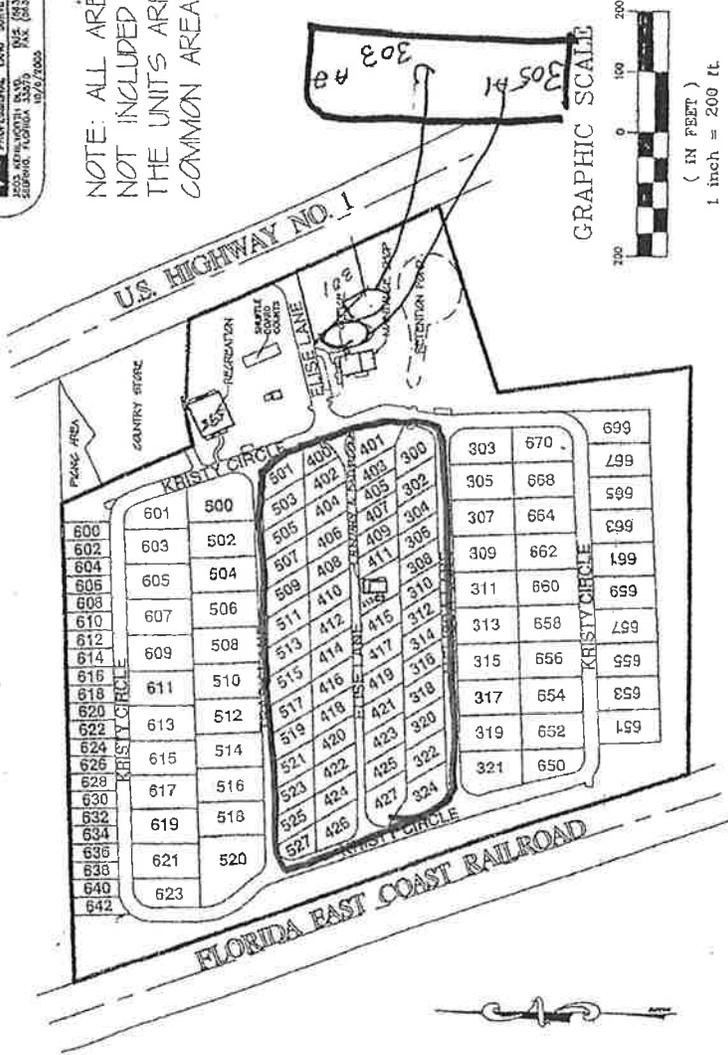
Subject Property Parcels

FYI
 19PZ00064
 Casa Loma
 Estates

GERMAINE SURVEYING INC.
 PROFESSIONAL LAND SURVEYORS
 2000 METROPOLITAN BLVD. SUITE 1000
 SEASIDE, FLORIDA 32963-3651
 (888) 365-1653

NOTE: ALL AREAS
 NOT INCLUDED IN
 THE UNITS ARE
 COMMON AREAS.

CASA LOMA ESTATES CO-OP, INC.



PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, July 8, 2019**, at **3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order by the Chair, Henry Minneboo, at 3:00 p.m.

Board members present were: Henry Minneboo, Chair; Ron Bartcher, Rochelle Lawandales; Brian Hodgers, Mark Wadsworth; Peter Filiberto; and Dane Theodore.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; Rebecca Ragain, Assistant Director, Planning and Development; and Jennifer Jones, Special Projects Coordinator II.

Henry Minneboo, Chair, announced that the Board of County Commissioners will have the final vote on the recommendations made by the Planning and Zoning Board on Thursday, May 30, 2019, at 5:00 p.m.

Excerpt from Complete Agenda

Casa Loma Estates Co-Op, Inc. (Karl Bohne)

A CUP (Conditional Use Permit) for Mitigation of a Non-Conforming Mobile Home Park to allow mobile homes to be replaced with recreational vehicles. The property is 20 acres, located on the west side of U.S. Highway 1, approximately 1 mile north of Pineda Causeway. (No assigned address. In the Melbourne area.) (19PZ00064) (District 4)

Karl Bohne, 1311 Bedford Drive, Melbourne, stated his clients are seeking a CUP to mitigate a nonconformity. The subject property has been a mobile home site since 1983. In 2005 the co-op was formed and changed the form of ownership to a cooperative ownership, which means the co-op owns the dirt and people buy membership certificates which allows them to occupy sites. In your package is a plot plan, and the middle area and two other smaller sites, from at least 2005, has had some RV's parked there, and the reason for that is because the DOH (Department of Health) said some of the sites were not fit for mobile homes under their rules. Mobile homes would be allowed under the County's code, so that's not an issue. The issue is the RV's that are there, so they need the CUP to mitigate those nonconformities. There's approximately 56 lots in one area, 41 of which continue to have mobile homes on them, and will continue to do so until they are replaced and the DOH will only allow them to be replaced with RV's. He stated they are not changing anything on the property, they just want to change its designation to allow those RV's to continue to exist under the conditional use in the County Code. He stated Americana Resorts is to the north which is a mobile home park co-op; across the street on U.S. 1 are some private residences; there is scattered commercial and industrial abutting Casa Loma; and there may be one private residence to the west. He noted there have not been any objections, and the staff comments do not seem to raise any unfavorable situations for the property.

Dane Theodore asked for clarification on the DOH declares the mobile homes nonconforming. Karl Bohne replied the DOH requires a minimum of 2,400 square feet per lot, and these are less than 2,400 square feet. They will not permit a mobile home going forward on those sites, but they will allow an RV to be placed because it's less of an impact on sewers and septic tanks. Mr. Theodore asked if the homes that are there now were conforming at the time they were initially in place. Mr. Bohne replied the mobile homes conform to the County's code. He further stated he didn't know what happened in 2005 or 2006, but what triggered this is that there was a gentleman who occupied sites, and he applied to the County for an awning permit, or carport, and the County noticed he had an RV

on the site, and that's what triggered the review. That's all we know that happened out there. We know that the DOH (Department of Health) has no said going forward they will only allow RVs (Recreational Vehicles) on those smaller lots, and that's the 56 spaces being considered today.

Henry Minneboo stated the State must have criteria on what they consider a mobile home and what they consider an RV.

Jad Brewer stated a mobile home is defined under HUD (Department of Housing and Urban Development) guidelines; and RV's are defined under Florida Statutes. It's a disconnect between County code and the DOH. Once the mobile home is destroyed, the DOH will not allow it to be replaced with another mobile home.

Karl Bohne explained when the site was originally planned as a co-op, there were 22 RV sites, and then some mobile homes were placed, which triggered the DOH's concern. Right now, we have 15, but we need to get those 56 lots part of the CUP (Conditional Use Permit) for the future. He said the alternative is that every time a mobile home gets condemned, or moved, or destroyed, the owners have to come to the board to request a CUP. Today's request would only require them to come to the board once. The other alternative required a complete tear-down and start over, which really cannot be done with a co-op. If approved, the Board would be allowing the sites to be modified in the future if necessary, as far as the occupancy is concerned.

Mr. Theodore asked if staff has worked with the applicant and is recommending this solution.

Erin Sterk replied yes, and stated several years ago there was a point where the County created nonconforming mobile home park files, and this park is in one of those circumstances where they had a nonconformity already that was recognized by the County and we have the plan on file that brought the conformity of the existing 22 RV sites on the park already. That's been in place for decades. The problem is that the lots were so small back then, and the DOH increased their criteria over the years to eliminate close proximity of homes. This request today seems to be the best fit so that they residents have conforming rights so they can replace their units.

Rochelle Lawandales asked if the RV's will be allowed to be permanent residences on these particular lots under the CUP.

Mr. Brewer replied yes, on the particular lots they are asking to add. They have 22 allowed now.

Karl Bohne noted it's 56 additional lots.

No public comment.

Motion by Rochelle Lawandales, seconded by Dane Theodore, to approve the CUP for Mitigation of a Non-Conforming Mobile Home Park to allow mobile homes to be replaced with recreational vehicles. The vote passed unanimously.