



AGENDA REPORT
May 3, 2018

SUBJECT:

Public Hearing, Re: Matthew C. Strickland (Z. Sid Cheyhayeb) requests a change of zoning classification from AU to RR-1. The property is 2.96 acres, located at 2155 Tomato Farm Rd., Mims. (18PZ00005) (District 1)

FISCAL IMPACT:

None.

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board conduct a public hearing to consider the request for a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential).

SUMMARY EXPLANATION and BACKGROUND:

The applicant is seeking a change of zoning classification from AU to RR-1 for the purpose of creating a second lot. The subject parcel's lot frontage "width" is 203.50 feet. The RR-1 zoning classification requires a minimum lot width of 125 feet. Even if the requested RR-1 zoning classification were to be approved, insufficient lot width exists to subdivide the lot and allow two (2) lot frontages to be established. In order to further subdivide the parcel, the applicant would then take advantage of the administrative flag lot minimum 25-foot "width" requirement, for the flag stem for the rear parcel, per Section 62-102(b)(3)(b) of Brevard County Code. The existing single-family residence will be located on the flag lot to the rear. The new parcel proposed to be created will lie between the existing single-family residence and the street, and will meet the 125-foot lot frontage requirement for RR-1. At almost three (3) acres in size, the two subdivided parcels will exceed the one (1) acre minimum lot size that RR-1 requires.

The abutting lot to the south was previously granted an administrative action for flag lot approval under AA-1648, dated September 27, 2001, with a single-family residence constructed in 2006 on the newly created parcel.

Both the AU and RR-1 zoning classifications are consistent with the current Res 1 (Residential 1) Future Land Use designation.

Single-family residential development adjacent to the subject parcel has been on parcels with both AU and RR-1 zoning classifications. The Board may wish to consider whether

the trend for changes to parcel's zoning classification from AU to RR-1 within the surrounding area demonstrates the compatibility of the request.

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

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

ATTACHMENTS:

Description

- ▣ **Staff Comments**
- ▣ **Maps**

IVB

RESOLUTION NO. 18PZ00005

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

WHEREAS, MATTHEW C. STRICKLAND has applied for a change of classification from AU (Agricultural Residential) to RR-1 (Rural Residential), on property described as Tax Parcel 22, as recorded in ORB 6253, Pages 506 – 509, of the Public Records of Brevard County, Florida. (2.96 acres) Located on the east side of Tomato Farm Rd., approx. 390 ft. south of Lion Lane. (2155 Tomato Farm Rd., Mims); and

Section 23, Township 21S, Range 34E, and,

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

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

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from AU to RR-1, be APPROVED as recommended, and that the zoning classification relating to the above described property be changed to RR-1, and the Planning & Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of May 3, 2018.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



by Rita Pritchett, Chair
Brevard County Commission

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

ATTEST:



SCOTT ELLIS, CLERK
(SEAL)

(P&Z Hearing – April 9, 2018)

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

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

REZONING REVIEW WORKSHEET

18PZ00005

Commission District # 1

Hearing Dates: P&Z 04/09/18

BCC 05/03/18

Owner Name: MATTHEW C. STRICKLAND

Request: AU to RR-1

Subject Property:

Parcel ID# 21-34-23-00-22

Tax Acct.# 2111233

Location: East side of Tomato Farm Rd., approx. 390 ft. south of Lion Lane

Address: 2155 Tomato Farm Rd., Mims

Acreage: 2.96 acres

Consistency with Land Use Regulations

- YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255
- YES Proposal can be considered under the Future Land Use Designation. Sec. 62-1255
- YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	AU	RR-1
Potential*	1	2
Can be Considered under FLU MAP	YES Residential 1	YES Residential 1

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

	ADT	PM PEAK		
Trips from Existing Zoning	10	1	Segment Number	310B
Trips from Proposed Zoning	19	2	Segment Name	SR-46 Fawn Lake - I-95
Maximum Acceptable Volume (MAV)	14,160	1,274	Acceptable LOS	D
Current Volume	9,925	893	Directional Split	0.51
Volume With Proposed Development	9,944	895	ITE CODE	
Current Volume / MAV	70.09%	70.09%	210	
Volume / MAV with Proposal	70.23%	70.23%		
Current LOS	C	C		
OS With Proposal	C	C		
Findings	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

Background & Purpose of Request

The applicant is seeking a change of Zoning classification from Agricultural Residential (AU) to Rural Residential (RR-1) for the purpose of creating a second lot. The subject parcel's lot frontage "width" is 203.50 feet. The RR-1 zoning classification requires a minimum lot width of 125 feet. Even if the requested RR-1 Zoning classification were to be approved, insufficient lot width exists to subdivide the lot and allow two (2) lot frontages to be established. If the Board approves the requested RR-1 zoning, the owner/applicant will follow up with filing an administrative action called a flag lot application to formally subdivide the lot.

In order to further subdivide the parcel, the applicant would then take advantage of the administrative flag lot minimum 25 feet "width" requirement, for the flag stem for the rear parcel, per **Section 62-102 (b) (3) (b)** of Brevard County Code. The existing single-family residence will be located on the flag lot to the rear. The new parcel proposed to be created will lie between the existing single-family residence and the street, and will meet the 125' lot frontage requirement for RR-1. At almost 3 acres in size, the two subdivided parcels will exceed the one (1) acre minimum lots size that the RR-1 Zoning classification requires.

The abutting lot to the south was previously granted an administrative action for flag lot approval under **AA-1648**, dated September 27, 2001, with a single-family residence constructed in 2006 on the newly created parcel.

Land Use Compatibility

The subject parcel retains the Residential 1 (Res 1) Future Land Use designation. **FLUE Policy 1.9** addresses the Res1 Future Land Use designation, which permits low density residential development with a maximum density of up to one (1) unit per acre, except as otherwise may be provided for within the Future Land Use Element. The requested RR-1 Zoning classification is consistent with the Res 1 Future Land Use designation. Minimum lot size of one acre shall be maintained.

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

Environmental Constraints

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

Applicable Land Use Policies

The request is for a change of Zoning classification from AU to RR-1. The AU Zoning classification permits single-family residences and agricultural pursuits on 2 ½ acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping. Accessory buildings are exempt from the size limitations when located within agricultural zoning classifications pursuant to subsection (g) of Section 62-2100.5 of Brevard County Code.

The 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 keeping of horses and agricultural pursuits are permissible, accessory to a principle residence within the RR-1 Zoning classification.

The abutting parcels to the North, South and East have AU Zoning. A parcel separated by a flag stem to the South has RR-1 Zoning, which was previously subdivided in a similar fashion. The trend in the surrounding area is a slow transition from AU to RR-1. There is also significant single-family residential development within the area on parcels with the RR-1 Zoning classification.

The latest four (4) zoning applications in the surrounding area sought a change of Zoning classification from AU to RR-1 Zoning and occurred from 11/3/2005 – 2/7/2008. Those actions are: **Z-11137**, **Z-11232**, **Z-11242** and **Z-11395**.

Z-11137 was an approval from AU to RR-1, dated 11/03/2005.

Z-11232 was an approval from AU to RR-1, dated 5/24/2006.

Z-11242 was an approval from AU to RR-1 with a BDP recorded in ORB 5645 PGs 8159-8165 dated 5/15/2006 limiting water discharge to the west only; addressing the sharp turn; providing a methodology for drainage issues and connection to County water on 79.98 acres.

Z-11395 was an approval from AU to RR-1, dated 2/07/2008.

For Board Consideration

The owner/applicant is pursuing a two-step process in order to change the Zoning classification from Agricultural Residential (AU) and Rural Residential (RR-1) and then create a second lot. If the zoning request is approved, the applicant will be permitted to pursue the administrative flag lot application

Both the AU and RR-1 Zoning classifications are consistent with the current Residential 1 (Res 1) Future Land Use designation.

Single-family residential development adjacent to the subject parcel has been on parcels with both AU and RR-1 Zoning classifications. The Board may wish to consider whether the trend for changes to parcels' Zoning classifications from AU to RR-1 within the surrounding area demonstrate the compatibility of the request.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review

SUMMARY

Item #: 18PZ00005	Applicant: Matthew Strickland
Request: AU to RR-1	
P&Z Hearing Date: 04/09/18	BCC Hearing Date: 05/03/18

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

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

Comments:

**This review relates to the following property: Twp. 21, Rng. 34, Sec. 23;
Tax ID No. 2111233**

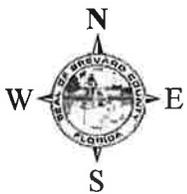
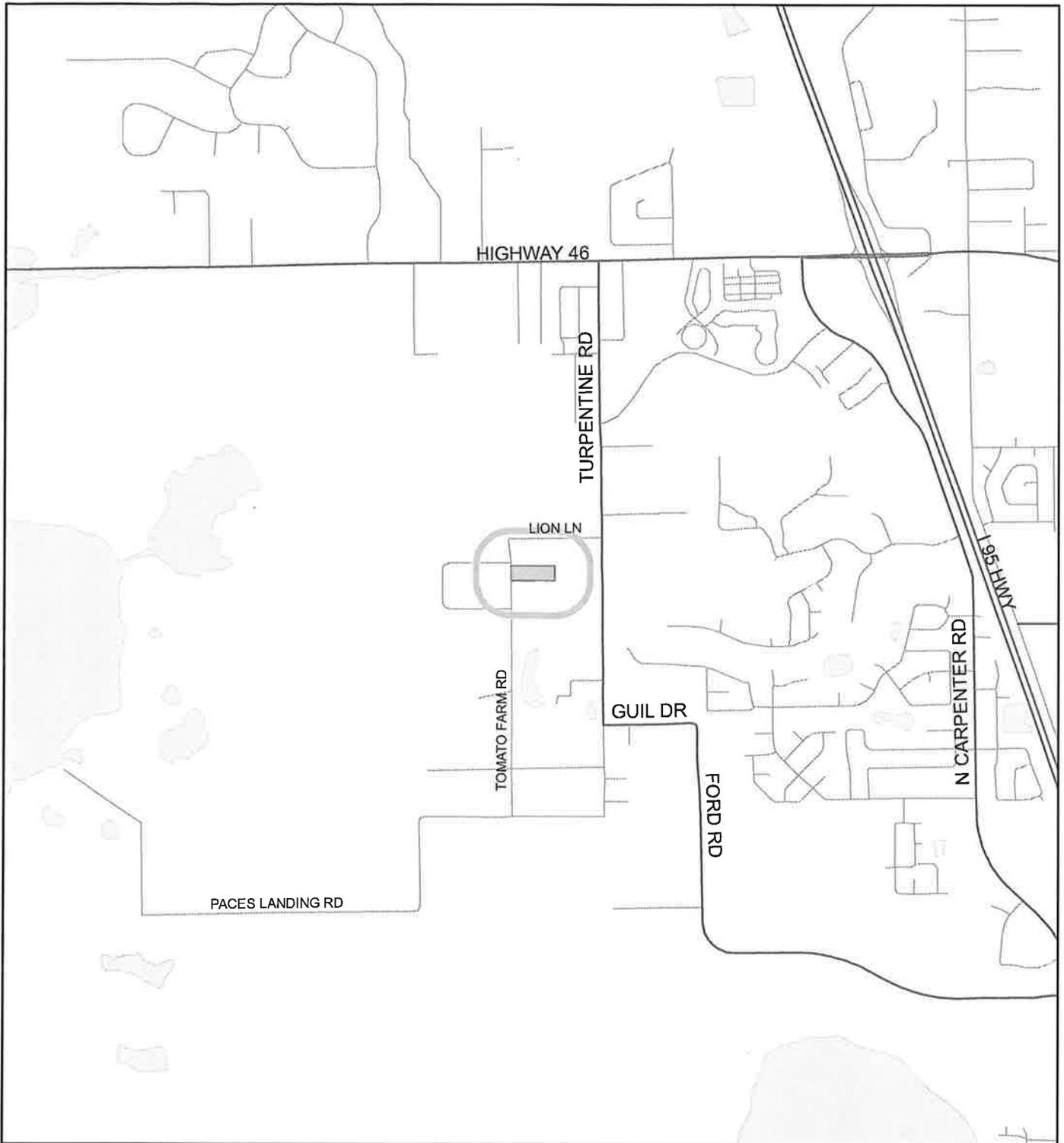
Information available to NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and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

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

LOCATION MAP

STRICKLAND, MATTHEW C.

18PZ00005



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

Buffer Distance: 500 feet

— Buffer

■ Subject Property

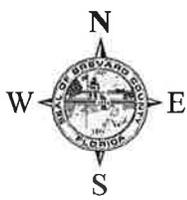
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 1/31/2018

ZONING MAP

STRICKLAND, MATTHEW C.

18PZ00005



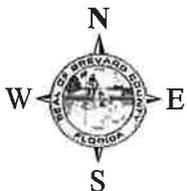
1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels
-  Zoning

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

FUTURE LAND USE MAP

STRICKLAND, MATTHEW C.
18PZ00005



1:4,800 or 1 inch = 400 feet

 Subject Property
 Parcels

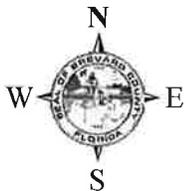
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 1/30/2018

AERIAL MAP

STRICKLAND, MATTHEW C.

18PZ00005



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2017

 Subject Property

 Parcels

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

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 1/30/2018