



Brevard County Board of County Commissioners

H. 11
2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 1748, Version: 1

Subject:

Bud and Mary Carol Crisafulli request a change of zoning classification from GU to SEU. (20PZ00017) (Tax Account 2316832) (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 GU (General Use) to SEU (Suburban Estate Use Residential).

Summary Explanation and Background:

The applicants are seeking a change of zoning classification from GU (General Use) to SEU (Suburban Estate Use Residential) on the north 485 feet of their parcel for the purpose of bringing the parcel into conformity with the surrounding area and for future single-family development. The remainder of the parcel to the south is zoned SR (Suburban Residential) and is developed with a single-family home that is the applicants' homestead. The SEU zoning classification permits residential uses on lots of a minimum of one acre, having a width of 125 feet, a depth of 200 feet, and a minimum living area of 2,000 square feet.

The developed character of the area is single-family residential. The subject parcel and the surrounding area along Country Lane have a Future Land Use designation of Residential 1, which is not compatible with the EU and SR zonings, but is compatible with the proposed SEU zoning classification.

The parcel is not serviced by Brevard County sewer. The closest available Brevard County sewer line is located directly across North Courtenay Parkway along the west side of North Courtenay Parkway. The parcel is not serviced by City of Cocoa water; however, the surrounding parcels are all serviced by City of Cocoa.

The Board may wish to consider whether the request is consistent and compatible with the surrounding single-family residences along Country Lane and Kings Way.

On June 11, 2020, the North Merritt Island Dependent Special District Board heard the request and unanimously recommended approval. On June 15, 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.

Resolution 20PZ00017

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

WHEREAS, Bud and Mary Carol Crisafulli have requested a change of zoning classification from GU (General Use) to SEU (Suburban Estate Use Residential), on property described as the north 485 ft. of Tax Parcel 502.1, as recorded in ORB 1160, Pages 588 - 589, of the Public Records of Brevard County, Florida. Section 26, Township 23, Range 36. (2.23 acres) Located on the west side of Country Lane, approximately 162 ft. south of Kings Way. (5305 Country Lane, Merritt Island); and

WHEREAS, a public hearing of the North Merritt Island Dependent Special District Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the North Merritt Island Dependent Special District Board recommended that the application be approved; 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 as recommended; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from GU to SEU be approved as recommended. 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 July 9, 2020.

BOARD OF COUNTY COMMISSIONERS

Brevard County, Florida

Bryan Andrew Lober

Bryan Lober, Chair

Brevard County Commission

As approved by the Board on July 9, 2020.

ATTEST

Scott Ellis
SCOTT ELLIS, CLERK

(SEAL)

North Merritt Island Dependent Special District Board Hearing – June 11, 2020

Planning and Zoning Board Hearing – June 15, 2020

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if

a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the director of the Planning and Development 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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<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

20PZ00017

Bud and Mary Carol Crisafulli

GU (General Use) to SEU (Suburban Estate Use Residential)

Tax Account Number: 2316832 (North 485 feet)
Parcel I.D.: 23-36-26-00-502.1 (North 485 feet)
Location: West side of Country Lane, approximately 162 feet south of Kings Way
(District 2)
Acreage: 2.23 acres

North Merritt Island Board: 06/11/20
Planning and Zoning Board: 06/15/20
Board of County Commissioners: 07/09/20

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	GU	SEU
Potential*	One single-family unit	Two single family units
Can be Considered under the Future Land Use Map	YES RES 1	YES RES 1

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

Background and Purpose of Request

The applicants are seeking a change of zoning classification from GU (General Use) to SEU (Suburban Estate Use) on the north 485 feet of their parcel for the purpose of bring the parcel into conformity with surrounding area and for future single-family home development. The remainder of the parcel to the south is zoned SR (Suburban Residential) and is developed with a single-family home that is the applicants' homestead.

The subject parcel was rezoned from AU to RU-1 (single-family residential zoning) per zoning action **Z-636** on February 8, 1962. This zoning action was reverted back to AU for not meeting the requirements of the zoning action. Zoning action **Z-2326** on August 29, 1968 rezoned the parcel from AU to EU (Estate Use). Zoning action **Z-2511** on October 2, 1969 rezoned the north 485 feet of the parcel from EU to RU-2 (Two Family Residential Zone). Ordinance **73-13** adopted on August 7, 1973 changed the zoning from RU-2 to GU.

The remainder of the parcel south of the north 485 feet was administratively rezoned per zoning action **Z-10198J** on January 28, 1999 from EU to SR.

Land Use

The subject property retains the RES 1 (Residential 1) Future Land Use designation. The existing zoning classification GU and the proposed SEU are consistent with the RES 1 Future Land Use designation.

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.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Aquifer Recharge Soils
- Indian River Septic Overlay
- Floodplain
- Protected Species
- Land Alteration
- Landscape/Land Clearing

The property is mapped within the Indian River Lagoon Septic Overlay. If sewer is not available, the property will require a septic system that provides at least 65% total nitrogen reduction through multi-stage treatment processes per Chapter 46, Article II, Division IV-Nitrogen Reduction Overlay.

The parcel is subject to compensatory storage for fill required for single family parcels. Delineation of floodplain shall be determined using best available data and pre-alteration ground elevation data. The engineer shall provide a report including the hydraulic and hydrologic modelling and analysis. A topographic survey or engineered site plan delineating floodplain limits on the property is required. Please see floodplain section below for more information.

A Minor Land Alteration Permit will be required for any pre-approved land alteration activities, including excavation, filling and grading less than $\frac{3}{4}$ acre on the subject property. If the owner/applicant has questions regarding any potential limitations, s/he is encouraged to contact NRM at 321-633-2016 prior to any design of plans and land clearing/filling activities.

Preliminary Transportation Concurrency

The closest concurrency management segment to the subject property is North Courtenay Parkway, between Hall Road and North Tropical Trail, which has a Maximum Acceptable Volume of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 35.64% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 00.04%. The corridor is anticipated to continue to operate at 35.68% of capacity daily (LOS D). The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

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

The parcel is not serviced by City of Cocoa water however the surrounding parcels are all serviced by City of Cocoa.

Applicable Land Use Policies

The developed character of the surrounding area along Country Lane South of Kings Way is EU, SR (Suburban Residential) and RR-1 (Rural Residential) and developed with single-family houses. The subject parcel and the surrounding area along Country Lane have a Future Land Use (FLU) designation of RES 1 which is not compatible with the EU and SR zonings. Although the EU and SR zoning classifications are not consistent with the Future Land Use designation RES 1 these lots are nonconforming to the Comprehensive Plan and are subject to Section 62-1188 (Nonconforming lots of record). The proposed SEU zoning is consistent with the Future Land Use designation RES 1. Although there are different zonings for the abutting and surrounding parcels they are all single-family zonings.

The proposed SEU zoning permits suburban estate residential uses on lots of one acre (minimum) with a width of 125 feet and a depth of 200 feet. Minimum floor area is 2,000 square feet of living area.

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

The 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 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 EU zoning classification is an estate single family residential zoning classification. The minimum lot size is 15,000 square feet with a minimum lot width and depth of 100 feet. The minimum living area is 2,000 square feet.

The abutting parcels to the north are zoned GU and EU and are developed with single-family homes on 0.41 acre and 0.34 acre. The east 50 feet of the parcel is Country Lane a private road maintained by the applicants and has no zoning classification. The abutting parcels along the east of Country Lane are zoned SR and RR-1 and are developed with single-family homes. The abutting parcels south of the parcel are zoned RR-1. The abutting parcel to the west is North Courtenay Parkway and has no zoning classification.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area. This portion of property (North 485 feet of site) is currently undeveloped and lies within the Residential 1 Future Land Use designation. The parcel abuts GU and EU zoning along its northern boundary and against an existing private road (Country Lane) along the east of the parcel. The abutting parcels along the east of Country Lane are zoned SR and RR-1. The applicant is proposing a future single-family home. This portion of property is also bounded by North Courtenay Parkway along the west side. The proposed SEU zoning is compatible with the Residential 1 Future Land Use designation.

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The developed character of the surrounding area along Country Lane South of Kings Way is EU, SR (Suburban Residential) and RR-1 (Rural Residential) and developed with single-family houses. The subject parcel and the surrounding area along Country Lane have a Future Land Use (FLU) designation of RES 1 which is not compatible with the EU and SR zonings. The proposed SEU zoning is consistent with the Future Land Use designation RES 1. Although there are different zonings for the abutting and surrounding parcels they are all single-family zonings.

For Board Consideration

The applicants are seeking a change of zoning classification from GU (General Use) to SEU (Suburban Estate Use) on the north 485 feet of their parcel for the purpose of bring the parcel into conformity with surrounding area and for future single-family home development.

The Board may wish to consider whether the request is consistent and compatible with the surrounding EU, SR and RR-1 single-family residences along Country Lane and Kings Way.

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

Item # 20PZ00017

Applicant: Crisafulli

Zoning Request: GU to SEU

Note: Applicant wants to rezone portion of parcel to make it conform with rest of parcel

LPA Hearing Date: 06/15/20; **BCC Hearing Date:** 07/09/20

Tax ID No: 2316832 (north portion)

- 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:

- Hydric Soils
- Aquifer Recharge Soils
- Indian River Septic Overlay
- Floodplain
- Protected Species
- Land Alteration
- Landscape/Land Clearing

The property is mapped within the Indian River Lagoon Septic Overlay. If sewer is not available, the property will require a septic system that provides at least 65% total nitrogen reduction through multi-stage treatment processes per Chapter 46, Article II, Division IV-Nitrogen Reduction Overlay.

The parcel is subject to compensatory storage for fill required for single family parcels. Delineation of floodplain shall be determined using best available data and pre-alteration ground elevation data. The engineer shall provide a report including the hydraulic and hydrologic modelling and analysis. A topographic survey or engineered site plan delineating floodplain limits on the property is required. Please see floodplain section below for more information.

A Minor Land Alteration Permit will be required for any pre-approved land alteration activities, including excavation, filling and grading less than $\frac{3}{4}$ acre on the subject property. If the owner/applicant has questions regarding any potential limitations, s/he is encouraged to contact NRM at 321-633-2016 prior to any design of plans and land clearing/filling activities.

Land Use Comments:

Hydric Soils

The subject parcel contains a small portion of mapped hydric soils (St. Johns sand, depressional), as shown on the USDA SCSSs soils map; an indicator that wetlands may be present on the property. Per Section 62-3694(c)(2), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. Application of the one-unit-per-five-acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property as defined in Sec. 65-694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and Section 62-3696.

Aquifer Recharge Soils

St. Johns sand may also function as an aquifer recharge soil. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Indian River Lagoon Septic Overlay

The entire property is mapped within the Indian River Lagoon Septic Overlay. If sewer is not available, the property will require a septic system that provides at least 65% total nitrogen reduction through multi-stage treatment processes per Chapter 46, Article II, Division IV-Nitrogen Reduction Overlay.

Floodplain

Per Section 62-3724(4), any development, land alteration, or grading on North Merritt Island in the area from Hall Road, north to State Road 405, herein after referred to as "Area," is subject to compensatory storage, and written certification from the engineer of record that there will be no adverse flooding impacts upon properties within the Area resulting from the proposed development. Delineation of floodplain shall be determined using best available data. The engineer shall provide a report that includes full engineering data and analysis, including the hydraulic and hydrologic modelling and analysis demonstrating that there is no impact. A topographic survey or engineered site plan delineating floodplain limits on the property. Delineation of floodplains shall use best available pre-alteration ground elevation data.

Compensatory storage for fill in the Area shall be required for single family parcels created prior to the effective date of this ordinance. However, written certification in shall not be required. If compensatory storage is not available as a result of insufficient depth to groundwater, a compensatory storage waiver must be obtained from the county manager or designee by property

owner or designee. The amount of fill for which a waiver may be granted shall be limited to the volume necessary to construct no more than the minimum floor area designated by the applicable zoning classification, plus on-site disposal system and necessary ingress and egress. Accessory structures requiring fill within the floodplain are not permitted. Any engineered compensatory storage shall be maintained by the owner in perpetuity. Any modifications to the system require approval under Section 62-3724.

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.

Land Alteration

Per Sec. 62-4421 (5), a Minor Land Alteration Permit is required for any land alteration activities, including excavation, filling and grading less than $\frac{3}{4}$ acre on North Merritt Island in the area from Hall Road, north to State Road 405.

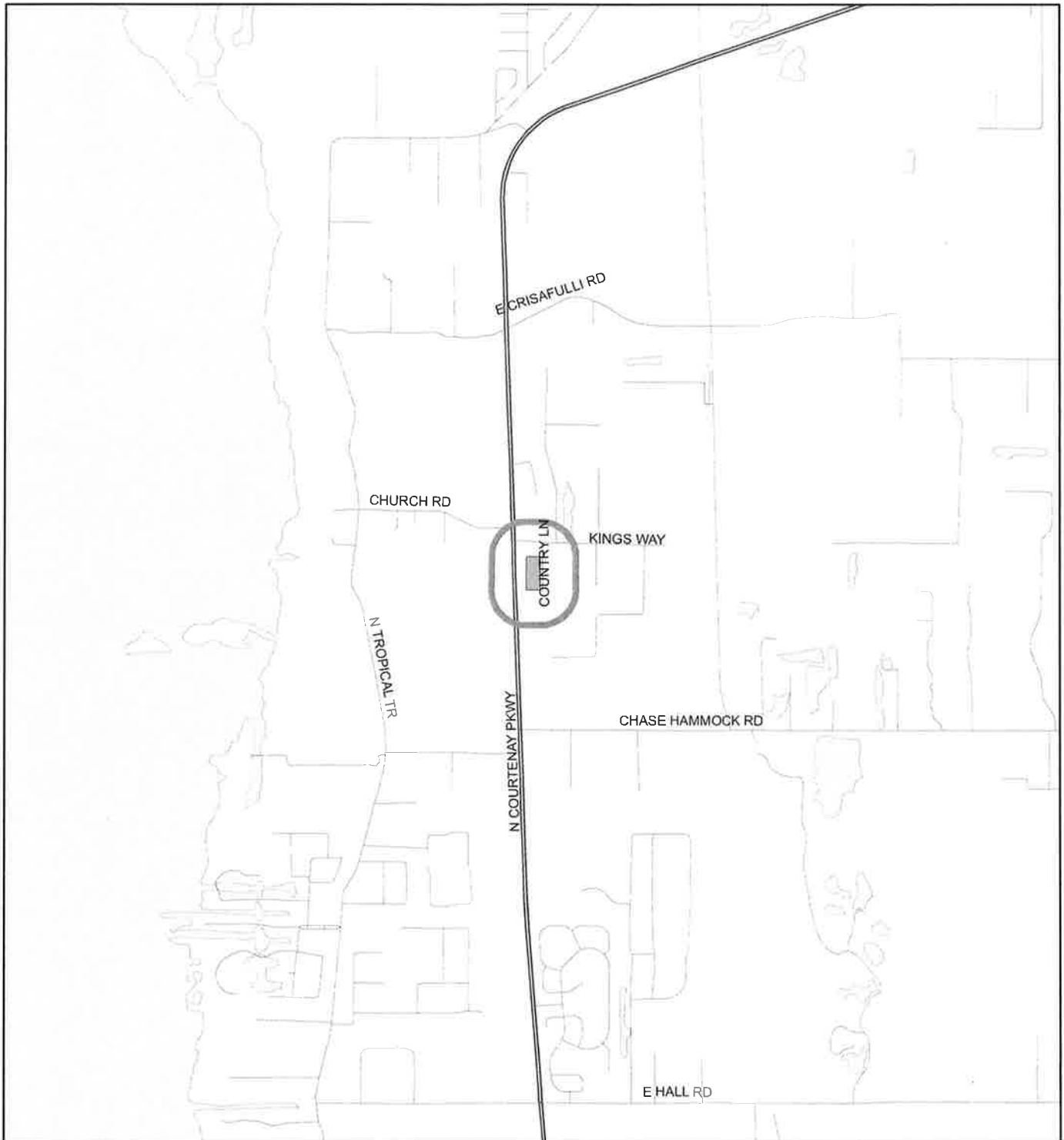
Landscape/Land Clearing

Aerials indicate the subject property may contain Heritage Specimen trees (greater than or equal to 24 inches in diameter), or Protected trees (greater than or equal to 10 inches in diameter). Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen and Protected trees. In addition, per Section 62-4341(18), 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.

LOCATION MAP

CRISAFULLI, BUD AND MARY CAROL

20PZ00017



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.

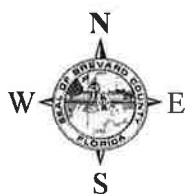
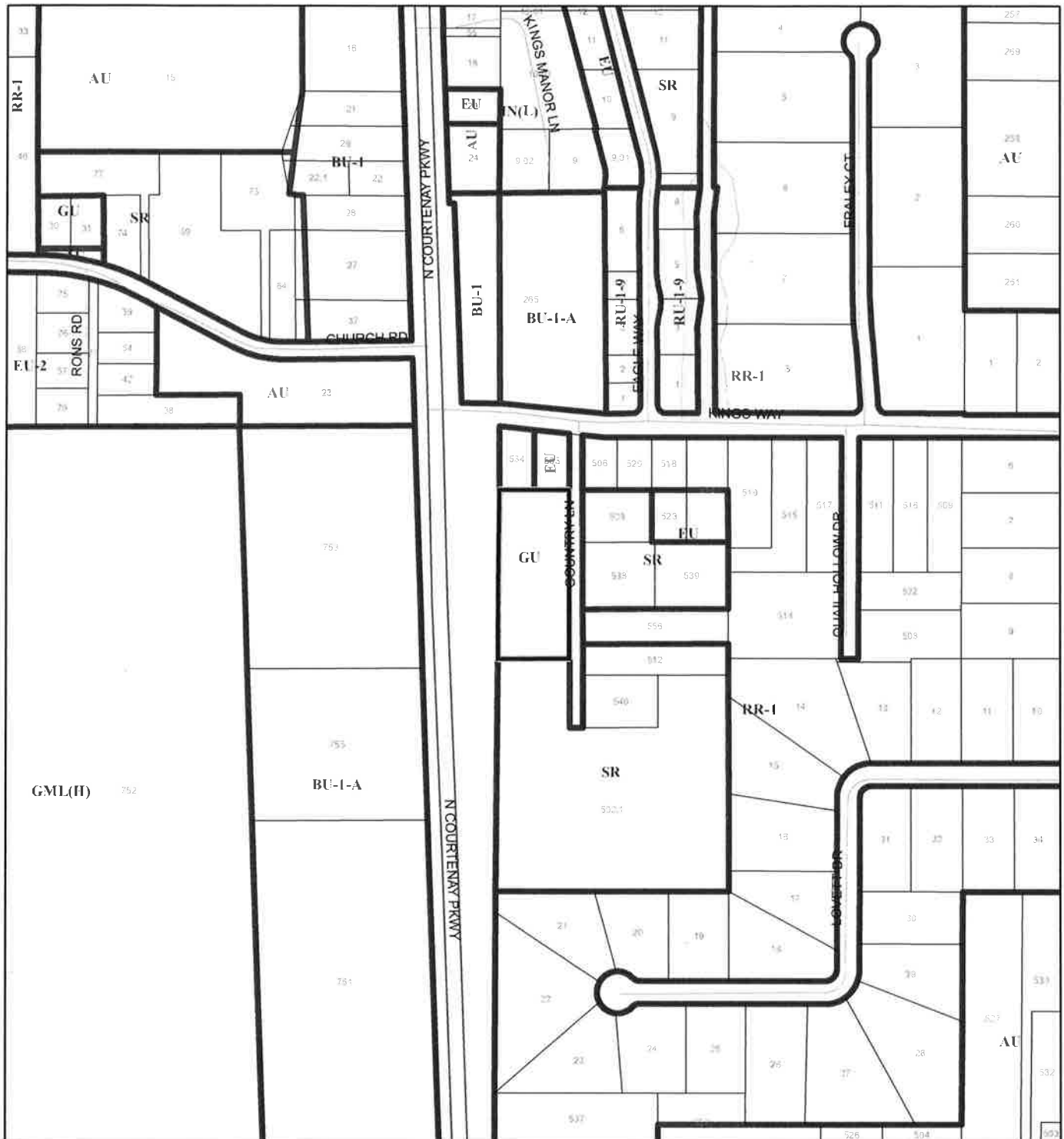
Produced by BoCC - GIS Date: 2/3/2020

Buffer

Subject Property

ZONING MAP




CRISAFULLI, BUD AND MARY CAROL
20PZ00017



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/3/2020

-  Subject Property
-  Parcels
-  Zoning

FUTURE LAND USE MAP

CRISAFULLI, BUD AND MARY CAROL

20PZ00017



1:4,800 or 1 inch = 400 feet

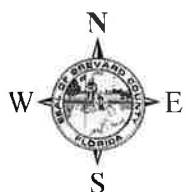
Subject Property
Parcels

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Produced by BoCC - GIS Date: 2/3/2020

AERIAL MAP

CRISAFULLI, BUD AND MARY CAROL
20PZ00017



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2019

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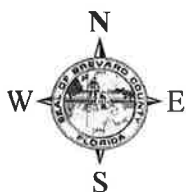
— Subject Property

▭ Parcels

NWI WETLANDS MAP

CRISAFULLI, BUD AND MARY CAROL

20PZ00017



1:4,800 or 1 inch = 400 feet

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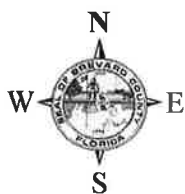
National Wetlands Inventory (NWI)

Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
Freshwater Emergent Wetland	Other
Freshwater Forested/Shrub Wetland	Riverine
Subject Property	
Parcels	

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

CRISAFULLI, BUD AND MARY CAROL

20PZ00017



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/3/2020

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

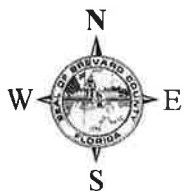
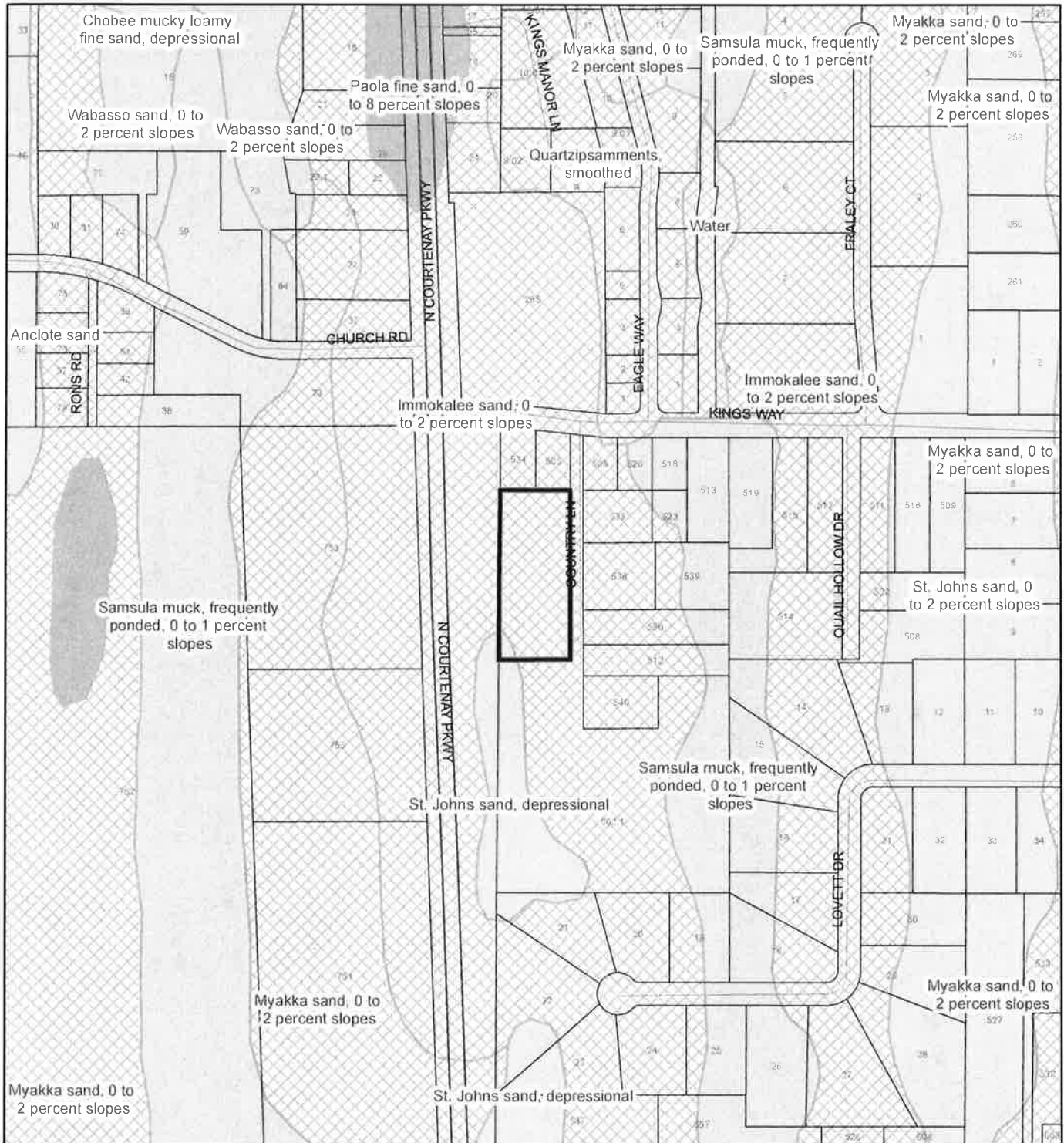
Subject Property

Parcels

USDA SCSSS SOILS MAP

CRISAFULLI, BUD AND MARY CAROL

20PZ00017



1:4,800 or 1 inch = 400 feet

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USDA SCSSS Soils

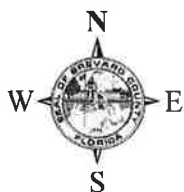
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

CRISAFULLI, BUD AND MARY CAROL

20PZ00017



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/3/2020

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 |

COASTAL HIGH HAZARD AREA MAP

CRISAFULLI, BUD AND MARY CAROL

20PZ00017



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/3/2020

— Subject Property

□ Parcels

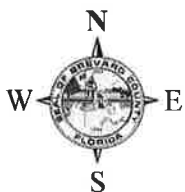
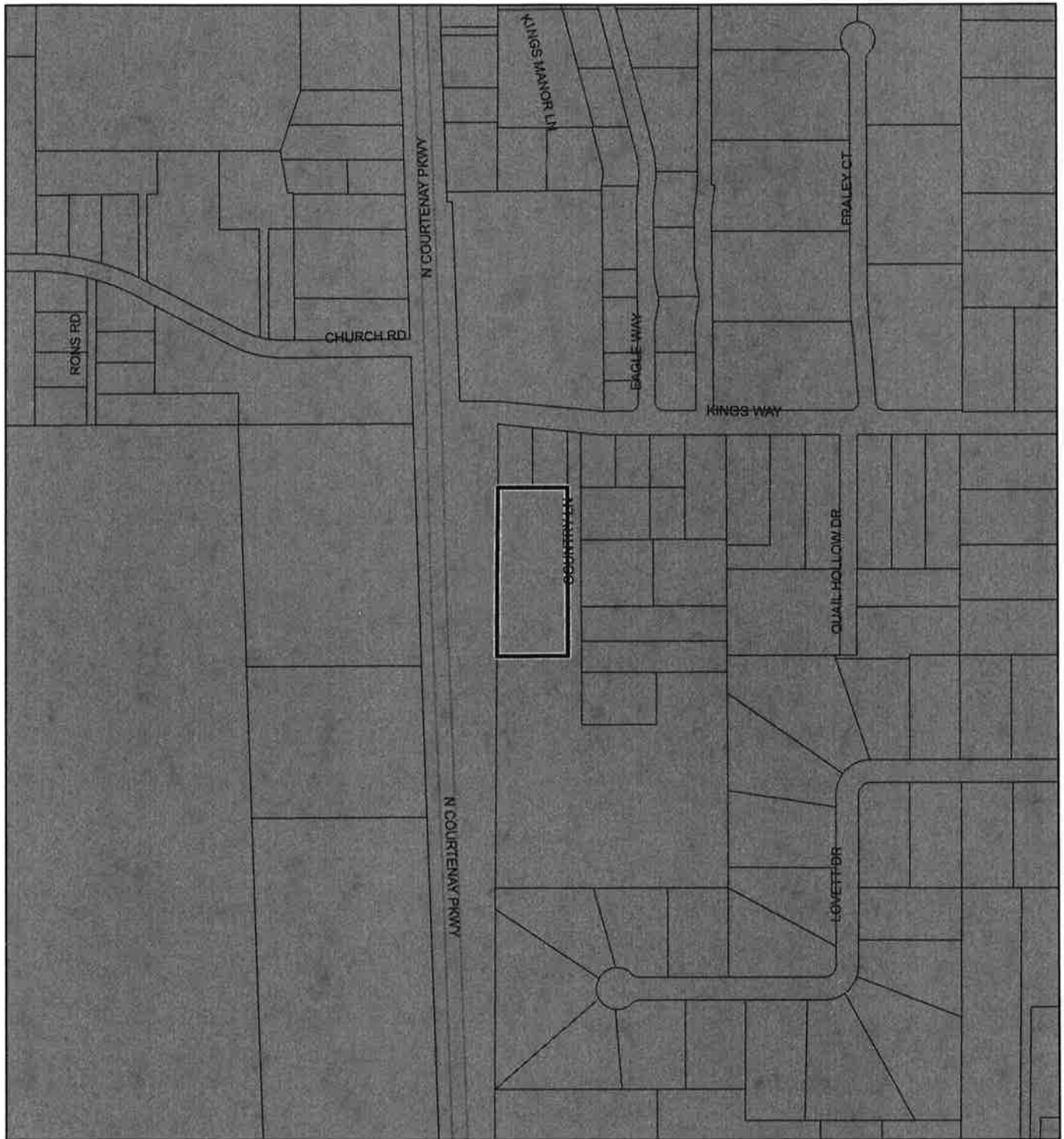
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

CRISAFULLI, BUD AND MARY CAROL

20PZ00017



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/3/2020

— Subject Property

□ Parcels

Septic Overlay

■ 40 Meters

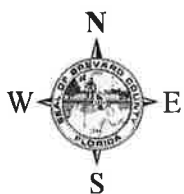
■ 60 Meters

■ All Distances

EAGLE NESTS MAP

CRISAFULLI, BUD AND MARY CAROL

20PZ00017



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Produced by BoCC - GIS Date: 2/3/2020

 Subject Property

 Parcels

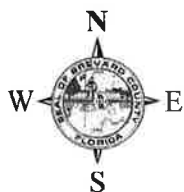


Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

CRISAFULLI, BUD AND MARY CAROL




20PZ00017



1:4,800 or 1 inch = 400 feet

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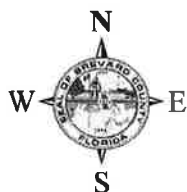
Produced by BoCC - GIS Date: 2/3/2020

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

CRISAFULLI, BUD AND MARY CAROL

20PZ00017



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Produced by BoCC - GIS Date: 2/3/2020

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

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, June 15, 2020**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Ron Bartcher; Brian Rodgers; Harry Carswell; Ben Glover; Mark Wadsworth, Chair; Peter Filiberto, Vice Chair; Bruce Moia; Joe Buchanan; and Dane Theodore.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; George Ritchie, Planner III; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Minutes

Bud and Mary Carol Crisafulli

A change of zoning classification from GU (General Use) to SEU (Suburban Estate Use Residential). The property is 2.23 acres, located on the west side of Country Lane, approximately 162 feet south of Kings Way. (5305 Country Lane, Merritt Island) (20PZ00017) (Tax Account 2316832) (District 2)

Bud Crisafulli, 5525 North Courtenay Parkway, Merritt Island, stated the property has been in his family since the 1960's. It is a small parcel that was part of the overall 15 or 20 acres that had some multi-use zoning on it, but was changed to GU many years ago so they could do whatever they wanted to do with it, and what he has done is turn it into an experimental nursery for our citrus, trying to bring citrus back to Merritt Island. He said he doesn't have any plans, it is just housekeeping so they don't have GU in the middle of their homestead.

Motion by Ben Glover, seconded by Brian Rodgers, to approve the requested change of zoning classification from GU (General Use) to SEU (Suburban Estate Use Residential) The motion passed unanimously.