



AGENDA REPORT
May 3, 2018

SUBJECT:

Public Hearing, Re: Justin and Lillian Youney request a change of zoning classification from AU to RR-1. The property is 2.64 acres, located at 1500 D'albora Rd., Merritt Island. (18PZ00010) (District 2)

FISCAL IMPACT:

None.

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

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

SUMMARY EXPLANATION and BACKGROUND:

The applicants are seeking a change of zoning classification from AU to RR-1 for the purpose of subdividing the parcel into two lots. Currently, no residential structure exists on the parcel. The rezoning from AU to RR-1 is needed in order to divide the lot into one (1) acre parcels. A prior zoning action request by a previous owner, in March 2004, rezoned the parcel from RR-1 to AU. This request, if approved, would take the zoning back to what it was previously.

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

The Board may wish to consider whether the requested RR-1 zoning classification is consistent and compatible with the surrounding area.

On April 12, 2018, the North Merritt Island Dependent Special District Board heard the request and recommended approval by a 5:1 vote.

On April 23, 2018, the Planning and Zoning Board heard the request and recommended approval. The vote was 8:1.

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

ATTACHMENTS:

Description

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

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RESOLUTION NO. 18PZ00010

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

WHEREAS, JUSTIN AND LILLIAN YOUNEY – requests a change of classification from AU (Agricultural Residential) to RR-1 (Rural Residential), on property described as Tax Parcel 512, as recorded in ORB 7808, Page 1994 – 1995, of the Public Record of Brevard County, Florida. (2.64 acres) Located on the north side of D'albora Rd., approx. 0.44 mile easterly of N. Courtenay Pkwy. (1500 D'albora Rd., Merritt Island)

Section 13, Township 23 S, Range 36 E, 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, the Board, after considering said application and the North Merritt Island Dependent Special District 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 change of classification from AU to RR-1 be APPROVED, 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)

(NMI Hearing – April 12, 2018)
(P&Z Hearing – April 23, 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

18PZ00010

Commission District # 2

Hearing Dates: NMI 04/12/18 P&Z 04/23/18 BCC 05/03/18

Owner Name: JUSTIN AND LILLIAN YOUNEY

Request: AU to RR-1

Subject Property:

Parcel ID# 23-36-13-00-512

Tax Acct.# 2322766

Location: North side of D'albora Rd., approx. 0.44 mile easterly of N. Courtenay Pkwy.

Address: 1500 D'albora Rd., Merritt Island

Acreage: 2.64 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 SF UNIT	2 SF UNITS
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	060C
Trips from Proposed Zoning	19	2	Segment Name	N. Courtenay N Tropical - Space Commerce Way
Maximum Acceptable Volume (MAV)	40,300	3,627	Acceptable LOS	C
Current Volume	10,118	911	Directional Split	0.5
Volume With Proposed Development	10,137	912	ITE CODE	
Current Volume / MAV	25.11%	25.11%	210	
Volume / MAV with Proposal	25.15%	25.15%		
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 applicants are seeking a change of Zoning classification from Agricultural Residential (AU) to Rural Residential (RR-1) for the purpose of subdividing the parcel into two lots (one to be retained by them and the other to be transferred to their daughter). Currently no residential structure exists on the parcel. The rezoning from AU to RR-1 zoning is needed in order to divide the lot into one (1) acre parcels. Prior zoning action **Z-10906** dated March, 2004 rezoned the parcel from RR-1 to AU. This request, if approved, would take the zoning back to what it was previously.

Land Use Compatibility

The subject parcel retains the Residential 1 (Res 1) Future Land Use designation. **FLUE Policy 1.9** – addresses the Res 1 Future Land Use designation, which permits low density residential development with a maximum density of up to one (1) unit per acre, except as otherwise may be provided for within the Future Land Use Element. Both the current AU and the proposed RR-1 Zoning classifications are consistent with the Res 1 Future Land Use designation.

This site is also within North Merritt Island, where there is a history of density reductions, especially at the north end. A previous North Merritt Island Small Area Study Plan drafted June 1, 1992 proposed the reduction of residential densities from two (2) units to one (1) unit per acre, which applied to 65% of the NMI study area. Future Land Use Map Amendment 92B.5.13 changed the Residential Density designation from Suburban 2 to Suburban 1 on 6500 +/- acres, which included the subject property. After the first EAR Amendment to the Comprehensive Plan in 2001, the Residential Density and Future Land Use maps were combined, and the Future Land Use designation was renamed from Suburban 1 to Residential 1 (Res1). This Res 1 FLU designation remains today.

A new North Merritt Island Small Area Study is currently underway, which includes a draft recommendation proposed by the Citizen's Committee, proposing to reduce densities even further. The draft recommendation asks the Board to consider changing the Future Land Use designation of all properties with an existing Residential 1 Future Land Use designation and with an Agricultural Residential (AU) Zoning classification from Residential 1 (up to 1 dwelling unit per acre) to Residential 1:2.5 (up to 1 dwelling unit per 2.5 acres).

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

Three sides of this parcel are bounded by the RR-1 zoning classification. Those sides are the North, West and South sides. 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 East side of the subject parcel abuts Federal lands that are not under the County's jurisdiction.

The existing 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.

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IV.E. (18PZ00010)
04/12/18 NMI; 04/23/18 PZ; 05/03/18 BCC

The most recent zoning action in the area this site's prior rezoning under **Z-10906**. Prior to that, the zoning trends in this area include two zoning actions: **13PZ-00066** approved on October 3, 2013 rezoned a 1.34 acre site from PIP to RR-1 and **17PZ00067** approved on August 3, 2017 rezoned a 2.52 acre site from PIP to AU.

For Board Consideration

The Board may wish to consider whether the requested RR-1 Zoning classification is consistent and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review

SUMMARY

Item #: 18PZ000010	Applicant: Justin and Lillian Youney
Request: AU to RR-1	
NMI: 04/12/18; P&Z Hearing Date: 04/23/18; 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	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Not mapped	Surface Waters	N/A
Floodplains	Mapped	Wildlife	Potential

Comments:

**This review relates to the following property: Twp. 23, Rng. 36, Sec. 13;
Tax ID No. 2322766**

The subject parcel contains mapped hydric soils (Copeland-Bradenton-Wabasso complex-limestone), 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 renders 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 Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) and 62-3696 of the Wetland Protection ordinance. The applicant is encouraged to contact NRM at 321-633-2016 prior to any land clearing activities, site planning or permit submittal.

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

Information available to NRM indicates that federally and/or state protected species may be present on the property. 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.

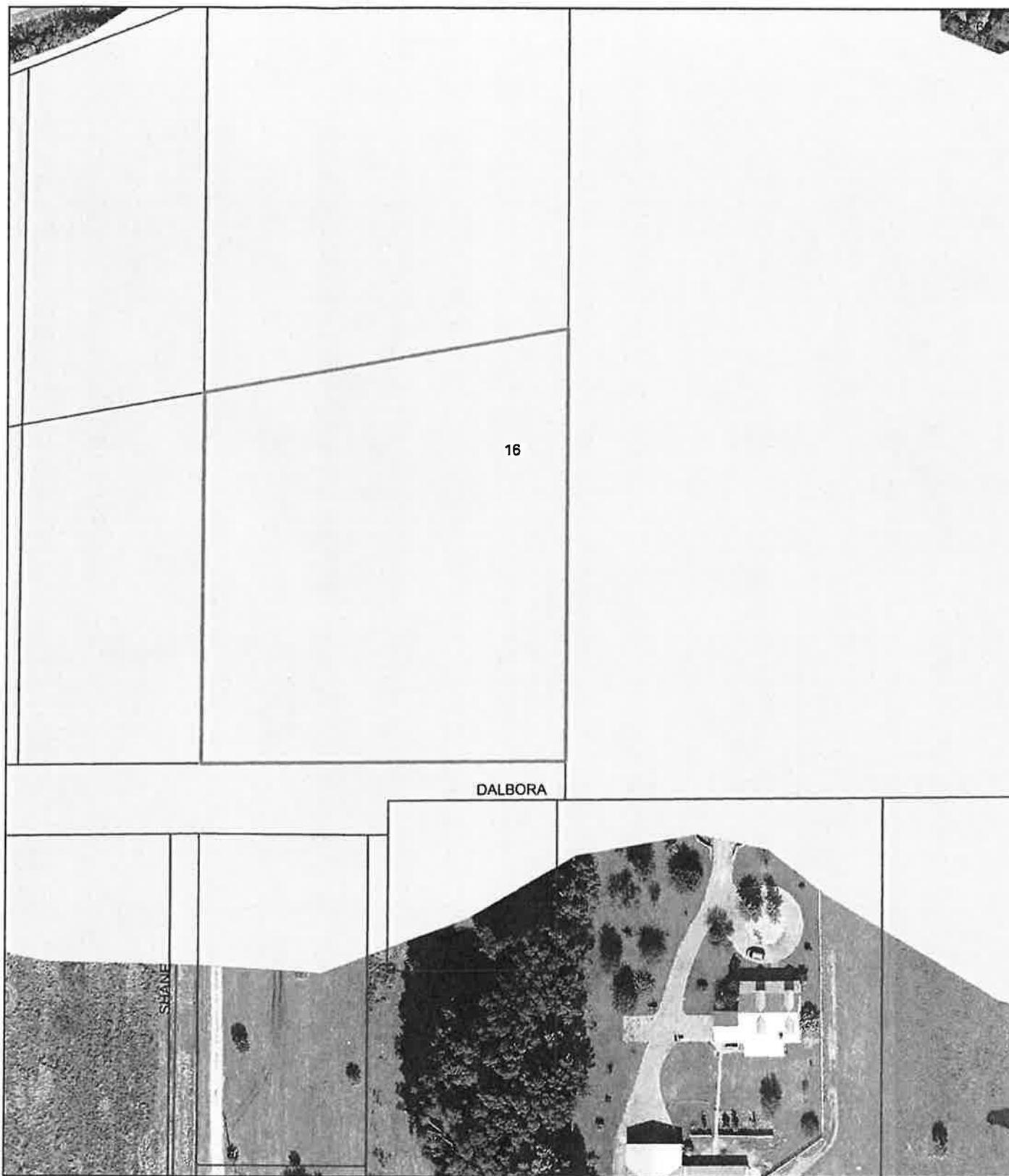
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The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization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



Legend
FLD_ZONE
AE

FEMA SFHA
18PZ00010



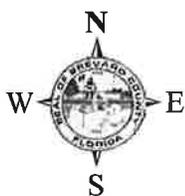
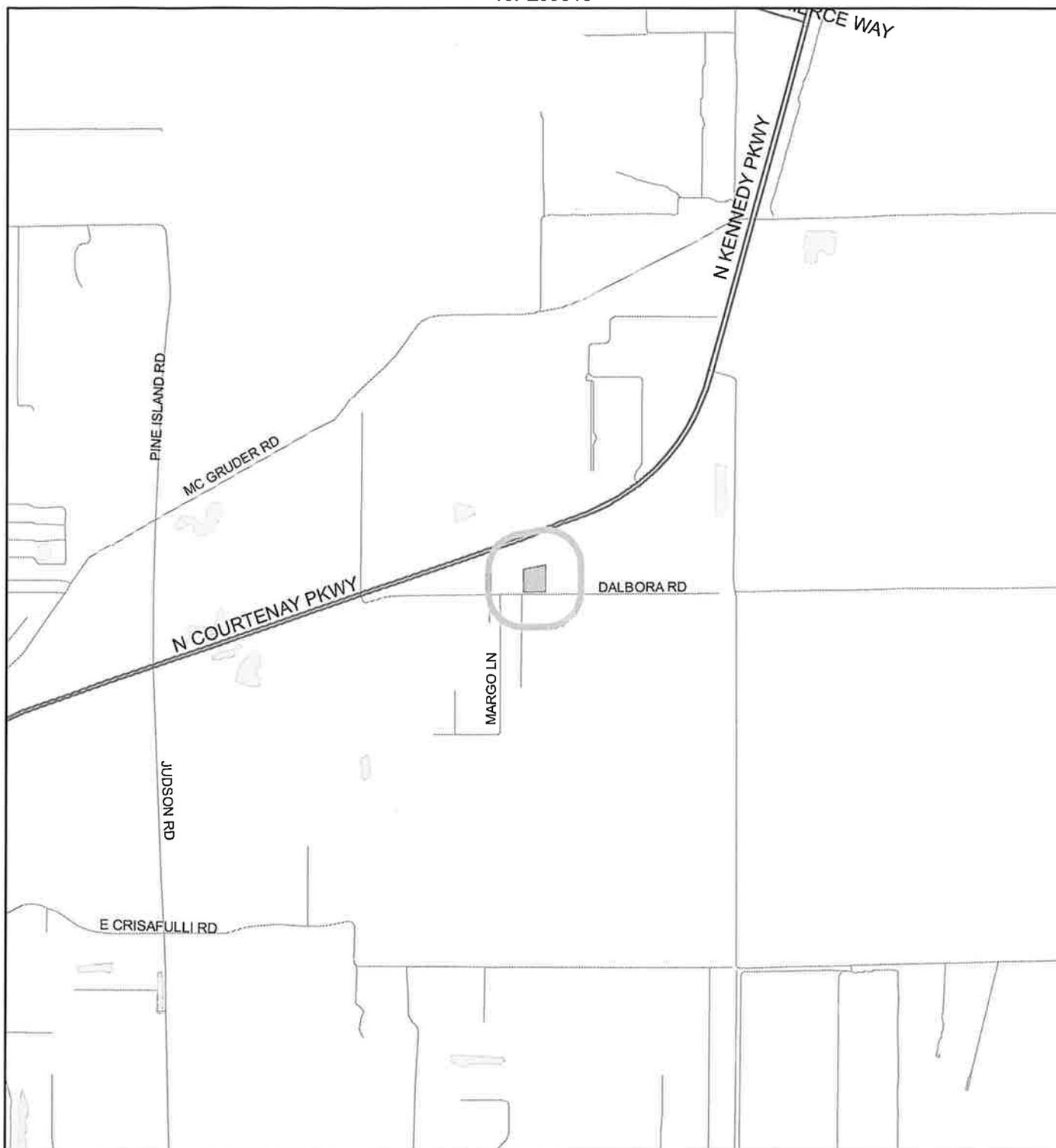
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MUSYM
 16

Soils Classification - 18PZ00010
16 - Hydric - Copeland-Bradenton-Wabasso complex, limestone substratum

LOCATION MAP

YOUNEY, JUSTIN AND LILLIAN

18PZ00010



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

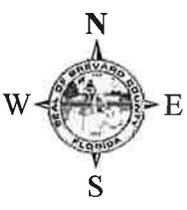
Buffer Distance: 500 feet

-  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.

ZONING MAP

YOUNEY, JUSTIN AND LILLIAN
18PZ00010



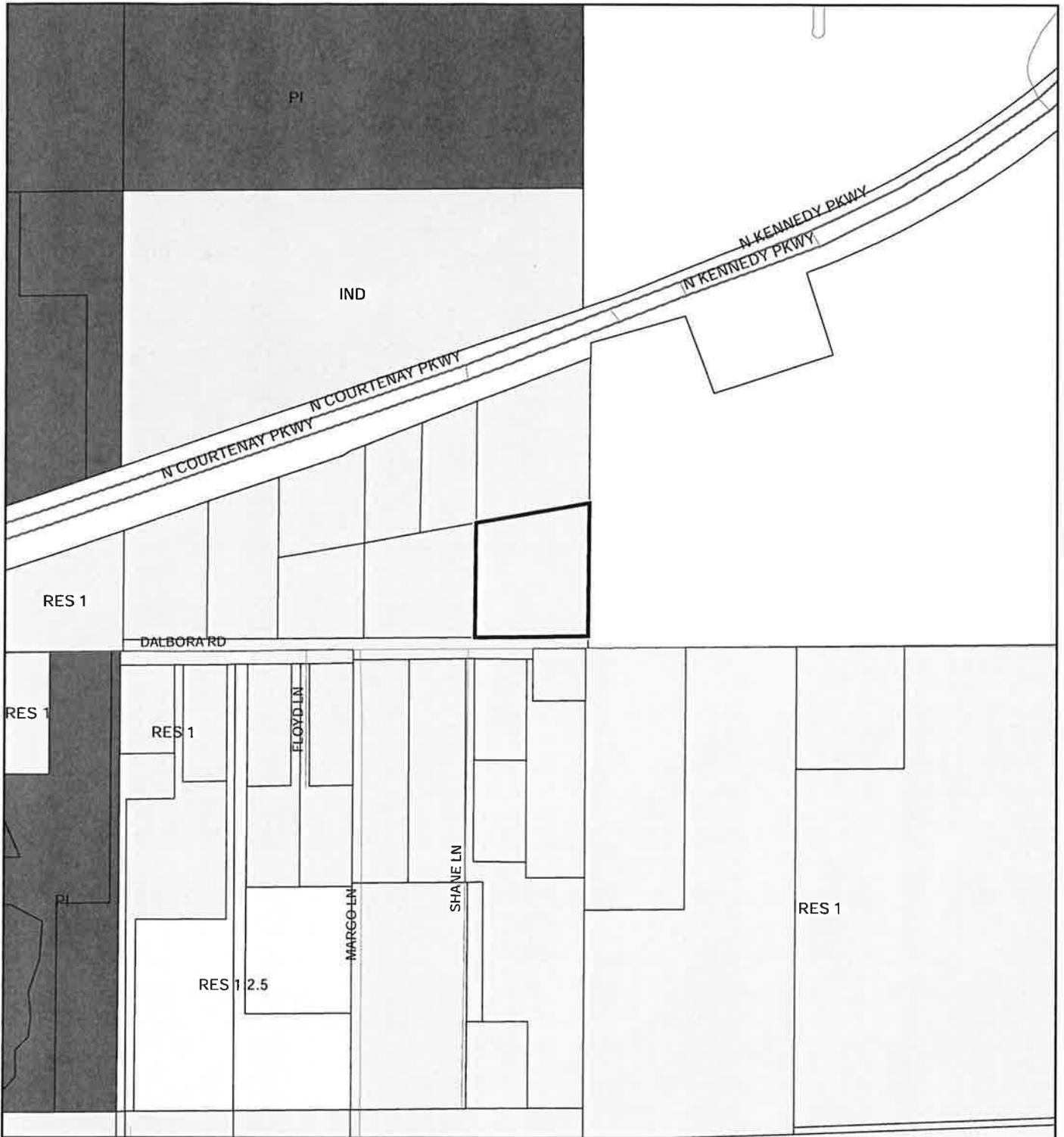
1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels
- Zoning

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FUTURE LAND USE MAP

YOUNEY, JUSTIN AND LILLIAN
18PZ00010



1:4,800 or 1 inch = 400 feet

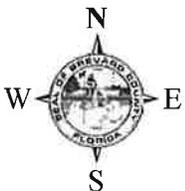
 Subject Property

 Parcels

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Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 2/7/2018

AERIAL MAP
YOUNEY, JUSTIN AND LILLIAN
18PZ00010



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2017

— Subject Property

▭ Parcels

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