



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.6.

2/6/2020

Subject:

John Vogt requests a change of zoning classification from RU-1-7 and TR-1 to AU(L). (19PZ00134) (Tax Accounts 2002584, 2002585, 2002587, 2003161, 2002586, 2003162, 2002593, 3020704) (District 1)

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 RU-1-7 (Single-Family Residential) and TR-1 (Single-Family Mobile Home) to AU(L) (Agricultural Residential - Low Intensity).

Summary Explanation and Background:

The applicant is seeking a change of zoning classification from RU-1-7 and TR-1 to AU(L) on 3.20 acres for the purpose of building a barn for agricultural equipment in order to maintain the property before building a single-family home. The subject property is located on the east side of Palm Street, approximately 245 feet south of Magoon Avenue in Mims.

The AU(L) zoning classification permits single-family residences and agricultural pursuits on 2.5-acre lots, including the raising and grazing of animals, fowl, and beekeeping for personal use, but prohibits commercial agricultural activities and no selling of agricultural products from the site.

The surrounding zoning along Palm Street is RU-1-7 and TR-1; AU and RR-1 exists to the east of the subject property, separated by the undeveloped Mangrove Street. Abutting parcels to the north and south are zoned RU-1-7.

The Board may wish to consider whether the requested AU(L) zoning classification is consistent and compatible with the surrounding zoning classifications. Also, the Board wish to consider the potential effect of agritourism to the surrounding single -family residences.

On January 13, 2020, the Planning and Zoning Board heard the request and recommended approval with an 8:1 vote.

Clerk to the Board Instructions:

Once resolution is received, please execute and return to Planning and Development.

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Resolution 19PZ00134

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

WHEREAS, John Vogt has requested a change of zoning classification from RU-1-7 (Single-Family Residential) and TR-1 (Single-Family Mobile Home) to AU(L) (Agricultural Residential, Low-Intensity) on property described as Lots 8, 10, 11, 13, 14, 15, 17, Scottsmoor Re-subdivision, as recorded in ORB 8572, Page 614 – 616, of the Public Records of Brevard County, Florida. **Sections 37 & 41, Township 20G, Range 34.** (3.20 acres) Located on the east side of Palm Street, approximately 245 feet south of Magoon Avenue. (No assigned address. In the Mims 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 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 RU-1-7 and TR-1 to AU(L) 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 February 6, 2020.

BOARD OF COUNTY COMMISSIONERS

Brevard County, Florida

Bryan Andrew Lober

Bryan Lober, Chair

Brevard County Commission

As approved by the Board on February 6, 2020.

ATTEST:

Scott Ellis

SCOTT ELLIS, CLERK

(SEAL)

Planning and Zoning Board Hearing – January 13, 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

19PZ00134

John Vogt

**RU-1-7 (Single-Family Residential) and TR-1 (Single-Family Residential)
to AU(L) (Agricultural Residential)**

Tax Account Numbers: 2002584, 2002585, 2002587, 2003161, 2002586, 2003162, 2002593, 3020704
Parcel I.D.: 20G-34-37-AF-37-10; 20G-34-37-AF-37-11; 20G-34-37-AF-37-17; 20G-34-41-AF-37-8; 20G-34-37-AF-37-15; 20G-34-41-AF-37-13; 20G-34-37-AF-89-14; 20G-34-37-AF-*-R
Location: No assigned address. In the Mims area. (District 1)
Acreage: 3.20 acres

Planning and Zoning Board: 01/13/20

Board of County Commissioners: 02/06/20

Consistency with Land Use Regulations

- Current zoning cannot be considered under the Future Land Use Designation, Section 62-1255, however lots are considered nonconforming to the Comprehensive Plan and are subject to Section 62-1188 Nonconforming lots of record.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255 and removes the Nonconforming status.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	RU-1-7 and TR-1	AU(L)
Potential*	18 units	One unit
Can be Considered under the Future Land Use Map	No requires RES 6 However Lots are nonconforming to the FLU subject to section 62-1188	YES

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

Background and Purpose of Request

The applicant is seeking a change of zoning classification from RU-1-7 (Single-Family Residential) and TR-1 (Single-Family Mobile Home) to AU(L) (Agricultural Residential (Low Intensity) for the purpose of building a barn for agriculture supplies and equipment to maintain the property before building a single-family house. The subject parcel is vacant land.

The owner of the subject parcel has a combined 18 platted lots along with the vacated 50 feet right-of-way of Pike Street under one deed per Official Records Book 8572, Page 614 to meet the 2.5-acre minimum lot size required for AU(L). Previously, the 50 feet Pike Street right-of-way was vacated by the County Commission per Resolution 2019-116 on July 23, 2019, and recorded in Official Records Book 8514, Page 2278.

Land Use

The subject property retains the RES 1 (Residential 1) Future Land Use designation. The existing zoning classifications RU-1-7 and TR-1 are not consistent with the Future Land Use designation RES 1, however the lots are considered nonconforming to the Comprehensive Plan and are subject to Section 62-1188 Nonconforming lots of record. The proposed AU(L) is consistent with the RES 1 (Residential 1) Future Land Use designation.

FLUE Policy 1.9, The Residential 1 Future Land Use designation permits lower 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 Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

Environmental Constraints

The subject parcel contains 90% mapped National Wetlands Inventory wetlands; hydric soils; aquifer recharge soils; heritage specimen trees and protected species. A wetland delineation will be required prior to any site planning, land clearing activities, or building permit submittal. The applicant is encouraged to contact Natural Resources Management at 321-633-2016 for further information.

Preliminary Transportation Concurrency

The closest concurrency management segment to the subject property is Highway US 1, between Burkholm Road and the Volusia County line, which has a Maximum Acceptable Volume (MAV) of 40,300 trips per day, a Level of Service (LOS) of C, and currently operates at 10.52% of capacity daily. The maximum development potential from the proposed rezoning does increase the proposed trip generation by 0.03%. The corridor is anticipated to continue to operate at 10.53% of capacity daily (LOS C). The proposal is (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 approximately 7.25 miles south of the subject parcel and is located on Highway U.S. 1.

The parcel is not serviced by Brevard County water. The closest available Brevard County water line is approximately 4.75 miles south of the subject parcel, and this water line runs along the east side of Highway U.S. 1.

Applicable Land Use Policies

The current RU-1-7 classification permits single family residences on minimum 5,000 square-foot lots with minimum width of 50 feet and depth of 100 feet. The minimum house size is 700 square feet.

The AU(L) zoning classification permits single-family residences and agricultural pursuits on 2.5 acre lots for personal use, with a minimum lot width and depth of 150 feet. The minimum house size in AU(L) is 750 square feet. The AU(L) classification also permits the raising/grazing of animals, fowl and beekeeping for personal use and prohibits commercial agricultural activities and no selling of agricultural products from the site.

The developed character of the area along Palm Street is RU-1-7 and TR-1 zoning with a Future Land Use (FLU) designation of RES 1. There is AU (Agriculture Residential) and RR-1 (Rural Residential) zoning located west of the subject parcel which is separated from the subject parcel by the undeveloped 40 feet wide Mangrove Street. The RR-1 classification permits single-family residential land uses on a minimum one-acre lot, 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 abutting parcels to the north are zoned RU-1-7 and the northwesterly parcel is developed with a single-family home on 0.82 acres. The abutting northeasterly parcel is vacant land and is owned by the applicant, but is not part of this application. The abutting parcel to the east is the undeveloped 40 feet wide Mangrove Street. The parcels east of the said undeveloped 40 feet Mangrove Street are zoned AU, RR-1 and RU-1-7. The abutting parcel to the south is zoned RU-1-7. West of the parcel is Palm Street a 50 feet wide Right-of-Way. The parcels abutting Palm Street to the west are zoned RU-1-7 and TR-1. Each of the adjacent parcels has RES 1 Future Land Use.

There has been one zoning action within a half-mile of the subject property within the last six years. On December 05, 2013, application **13PZ-00082** changed the zoning from AU to RR-1 on a parcel totaling 4.25 acres located approximately 1,250 feet northeast of the subject parcel.

For Board Consideration

The applicant is seeking a change of zoning classification from RU-1-7 (Single-Family Residential) and TR-1 (Single-Family Mobile Home) to AU(L) (Agricultural Residential (Low Intensity)) for the purpose of building a barn for agriculture supplies and equipment to maintain the property before building a single-family house. The proposed AU(L) is consistent with the Residential 1 Future Land Use.

The owner of the subject parcel has a combined 18 platted lots along with the vacated 50 feet right-of-way of Pike Street under one deed per Official Records Book 8572, Page 614 to meet the 2.5 acre minimum lot size required for AU(L). Previously, the 50 feet Pike Street Right-of-Way was vacated by the County Commission per Resolution 2019-116 on July 23, 2019 and recorded in Official Records Book 8514, Page 2278.

The Board may wish to consider the setbacks allowed for a barn in AU and AU(L) require a 50 feet side and rear setback.

The Board may wish to consider whether the request is consistent and compatible with the surrounding areas with RU-1-7 and TR-1 parcels to the north, south and west. The Board may also wish to consider the effect of the potential agritourism adjacent to single-family residential.

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

Item # 19PZ00134

Applicant: John Vogt

Zoning Request: RU-1-1 & TR-1 to AU(L)

Note: Applicant wants to rezone combined parcels to erect a barn for personal storage.

P&Z Hearing Date: 01/13/20; **BCC Hearing Date:** 02/06/20

Tax ID Nos: 2002593, 2002585, 2002584, 2002587, 2003161, 2002586, & 2003162

- 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:

- NWI Wetlands
- Hydric Soils
- Aquifer Recharge Soils
- Heritage Specimen Trees
- Protected Species

The subject parcel contains 90% mapped NWI wetlands and hydric soils. A wetland delineation will be required prior to any site planning, land clearing activities, or building permit submittal. The applicant is encouraged to contact NRM at 321-633-2016.

Land Use Comments:

Wetlands

The subject parcel contains approximately 90% mapped NWI wetlands and hydric soils (Pompano sand) as shown on the NWI Wetlands and USDA Soil Conservation Service Soils Survey maps, respectively; indicators that wetlands may be present on the property. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes),

any activity of a **Bona Fide Agricultural Use** on land classified as agricultural land pursuant to Section 193.461, Florida Statute is exempt. **The Brevard County Property Appraiser's Office establishes Bona Fide Agricultural land classification and should be contacted at 321-264-5393 for further requirements related to obtaining this classification.**

Section 62-3694 states that non-bona fide agricultural and forestry operations utilizing best management practices are permitted in wetlands provided they do not result in permanent degradation or destruction of wetlands, or adversely affect the functions of the wetlands. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and Section 62-3696.

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. The preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts as described in Sec. 65-3694(c)(1)a above. 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).

A wetland delineation will be required prior to any structure planning or land clearing activities.

Aquifer Recharge Soils

Pompano 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.

Heritage Specimen Trees

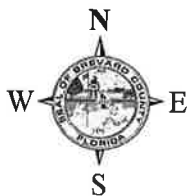
Aerials indicate that Heritage Specimen Trees (greater than or equal to 24 inches in diameter) may reside on subject property. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Specimen Trees shall be preserved or relocated on site to the Greatest Extent 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. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

Protected Species

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

LOCATION MAP

VOGT, JOHN
19PZ00134



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.

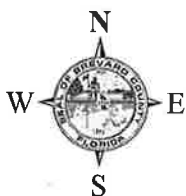
Produced by BoCC - GIS Date: 11/4/2019

— Buffer
■ Subject Property

ZONING MAP

VOGT, JOHN




19PZ00134



1:4,800 or 1 inch = 400 feet

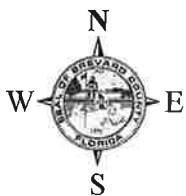
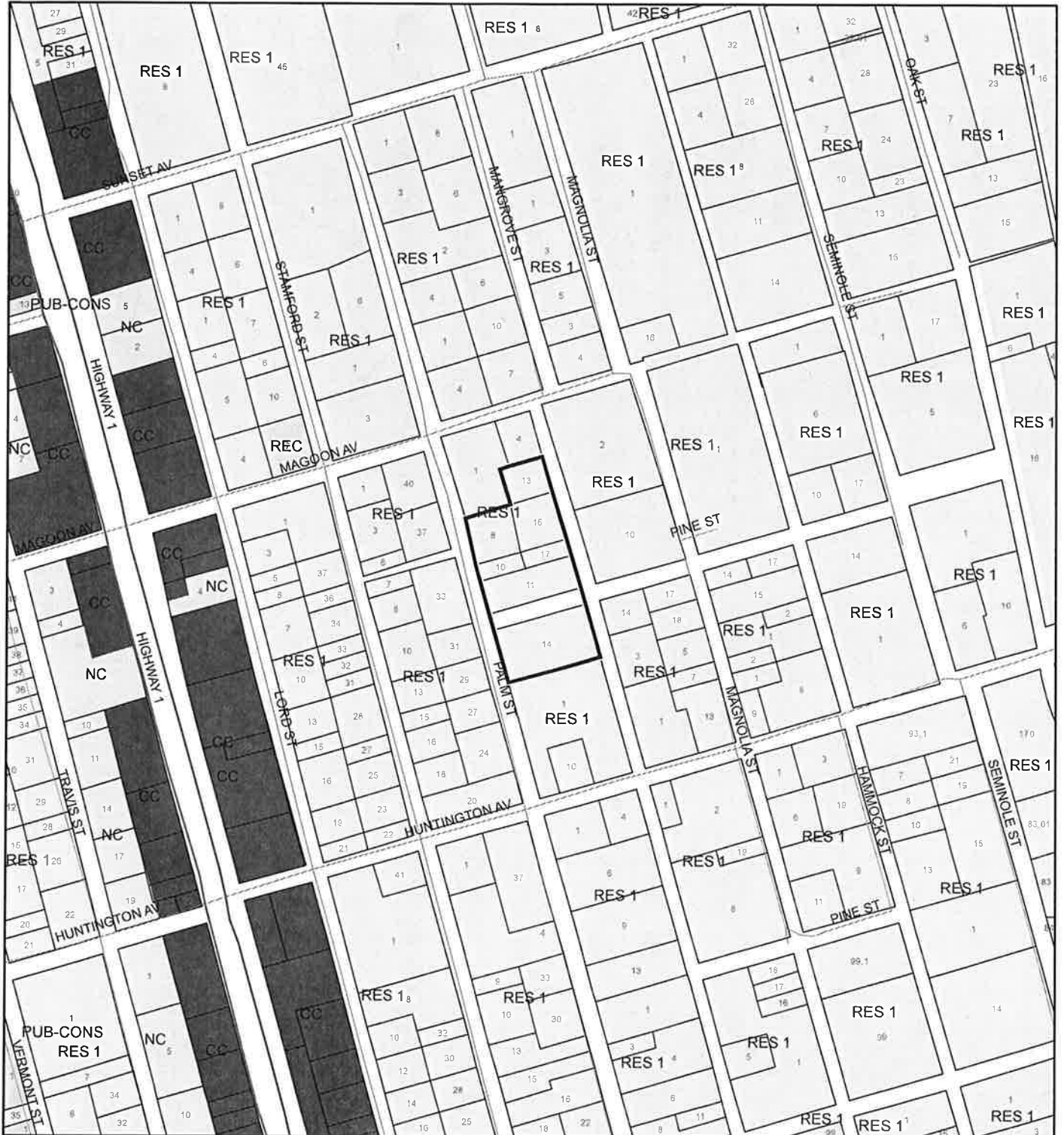
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 11/4/2019

-  Subject Property
-  Parcels
-  Zoning

FUTURE LAND USE MAP

VOGT, JOHN
19PZ00134



1:4,800 or 1 inch = 400 feet

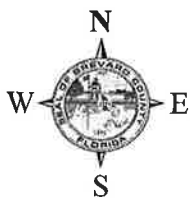
— Subject Property
□ Parcels

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: 11/4/2019

AERIAL MAP

VOGT, JOHN
19PZ00134



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2019

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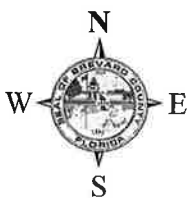
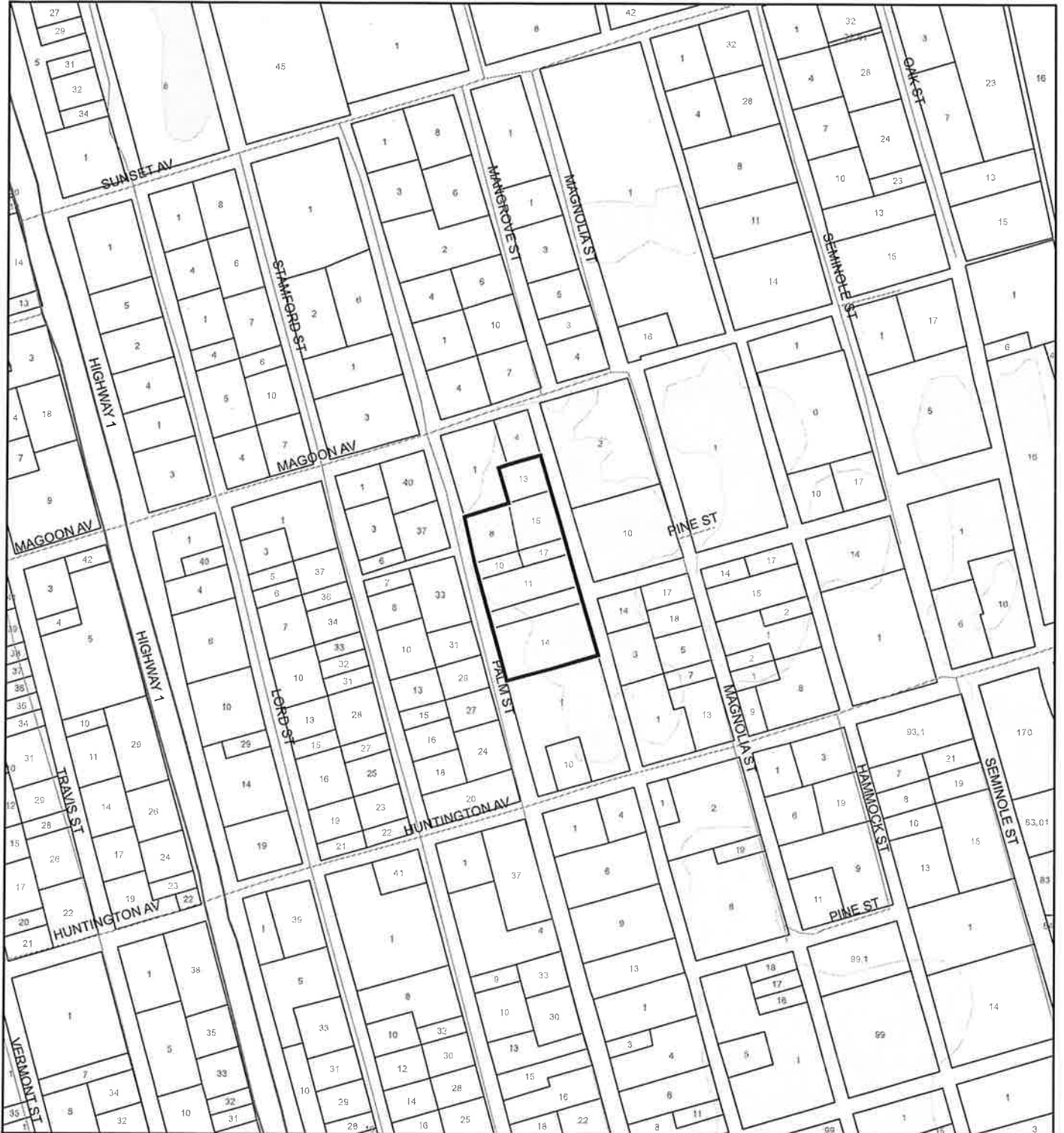
Produced by BoCC - GIS Date: 11/4/2019

— Subject Property
□ Parcels

NWI WETLANDS MAP

VOGT, JOHN

19PZ00134



1:4,800 or 1 inch = 400 feet

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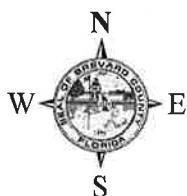
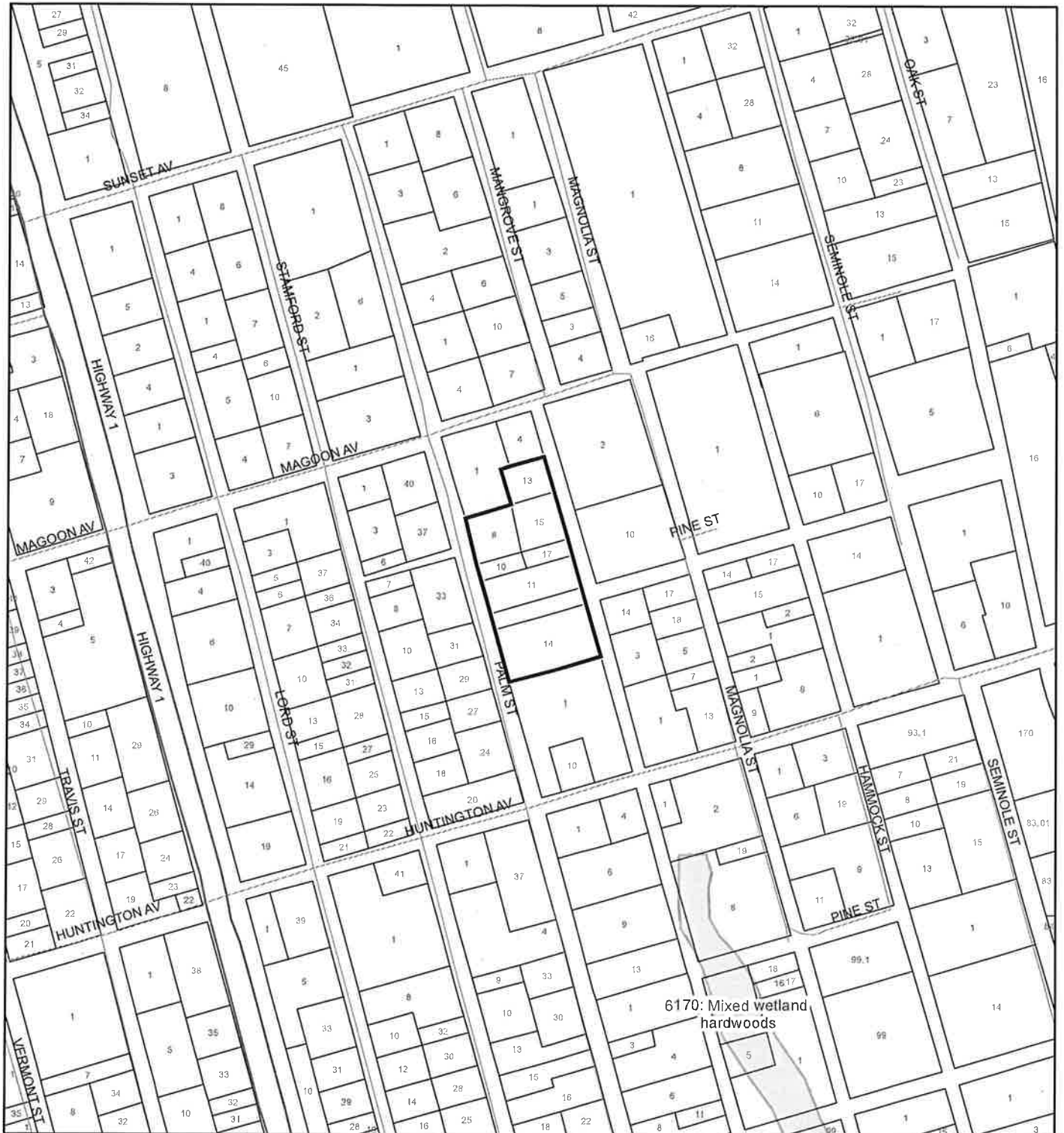
Produced by BoCC - GIS Date: 11/4/2019

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

VOGT, JOHN
19PZ00134



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/4/2019

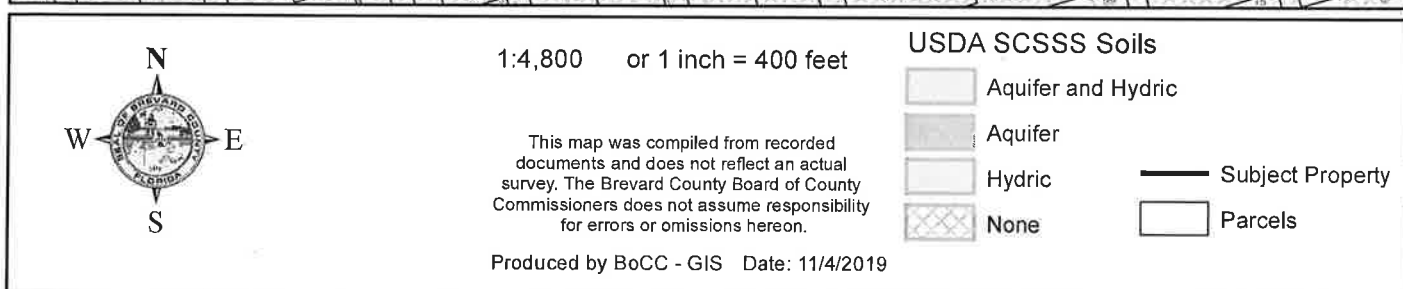
SJRWMD FLUCCS WETLANDS

-  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

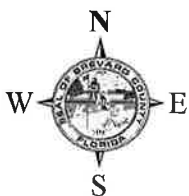
19PZ00134



FEMA FLOOD ZONES MAP

VOGT, JOHN

19PZ00134



1:4,800 or 1 inch = 400 feet

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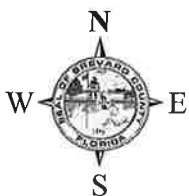
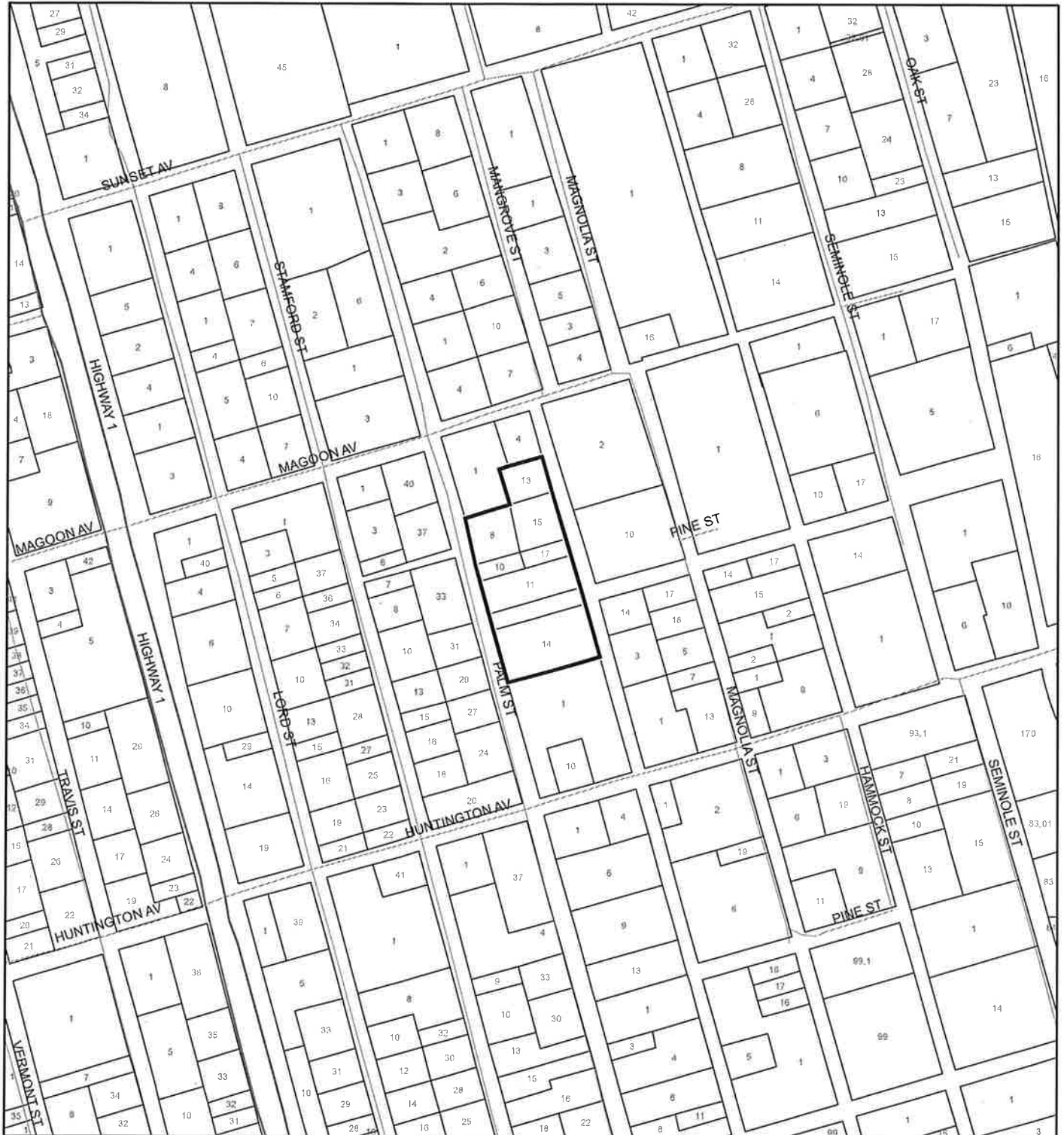
Produced by BoCC - GIS Date: 11/4/2019

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 | |

COASTAL HIGH HAZARD AREA MAP

VOGT, JOHN
19PZ00134



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/4/2019

— Subject Property

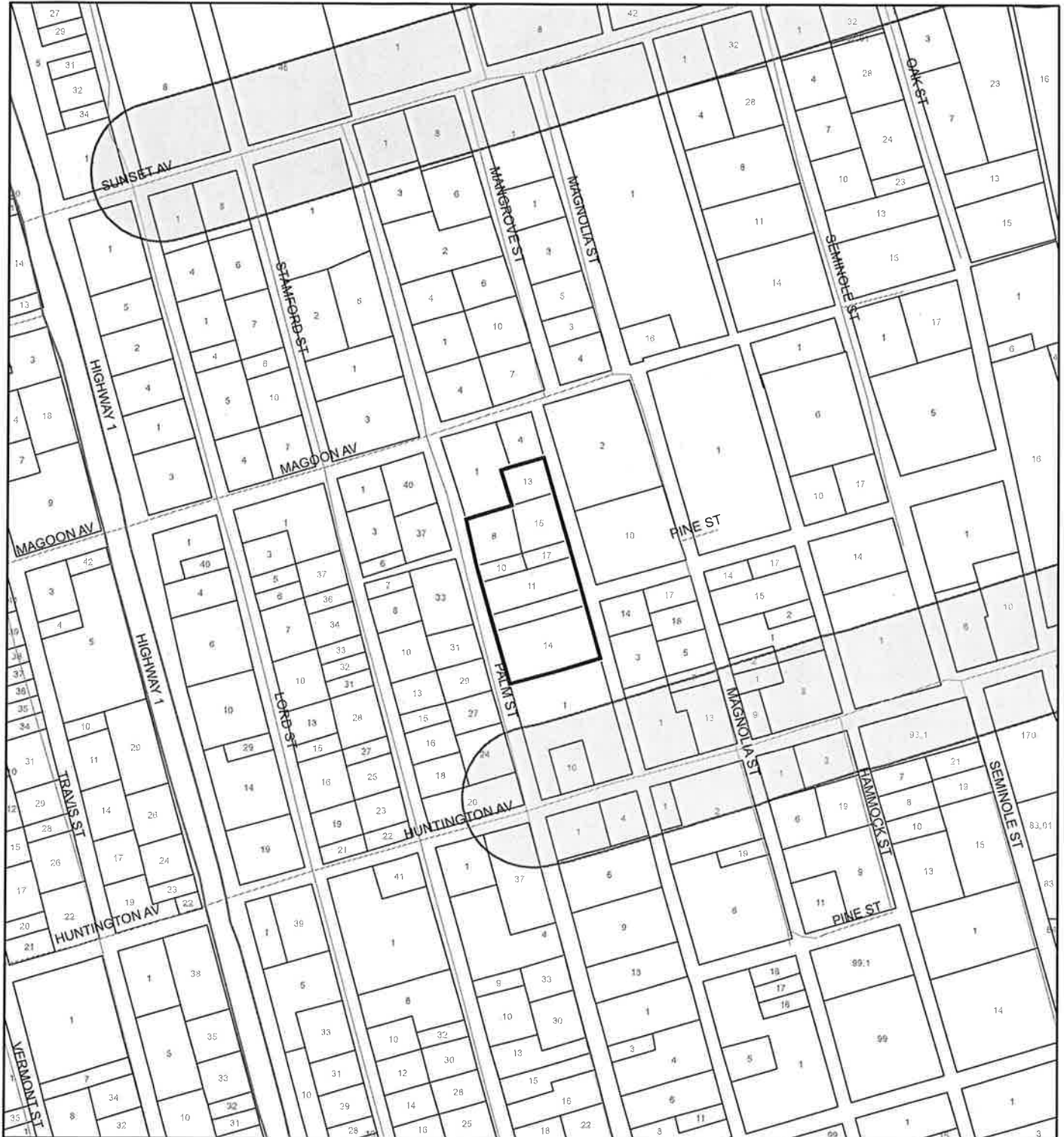
□ Parcels

Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

VOGT, JOHN
19PZ00134



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/4/2019

— Subject Property

□ Parcels

Septic Overlay

■ 40 Meters

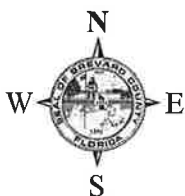
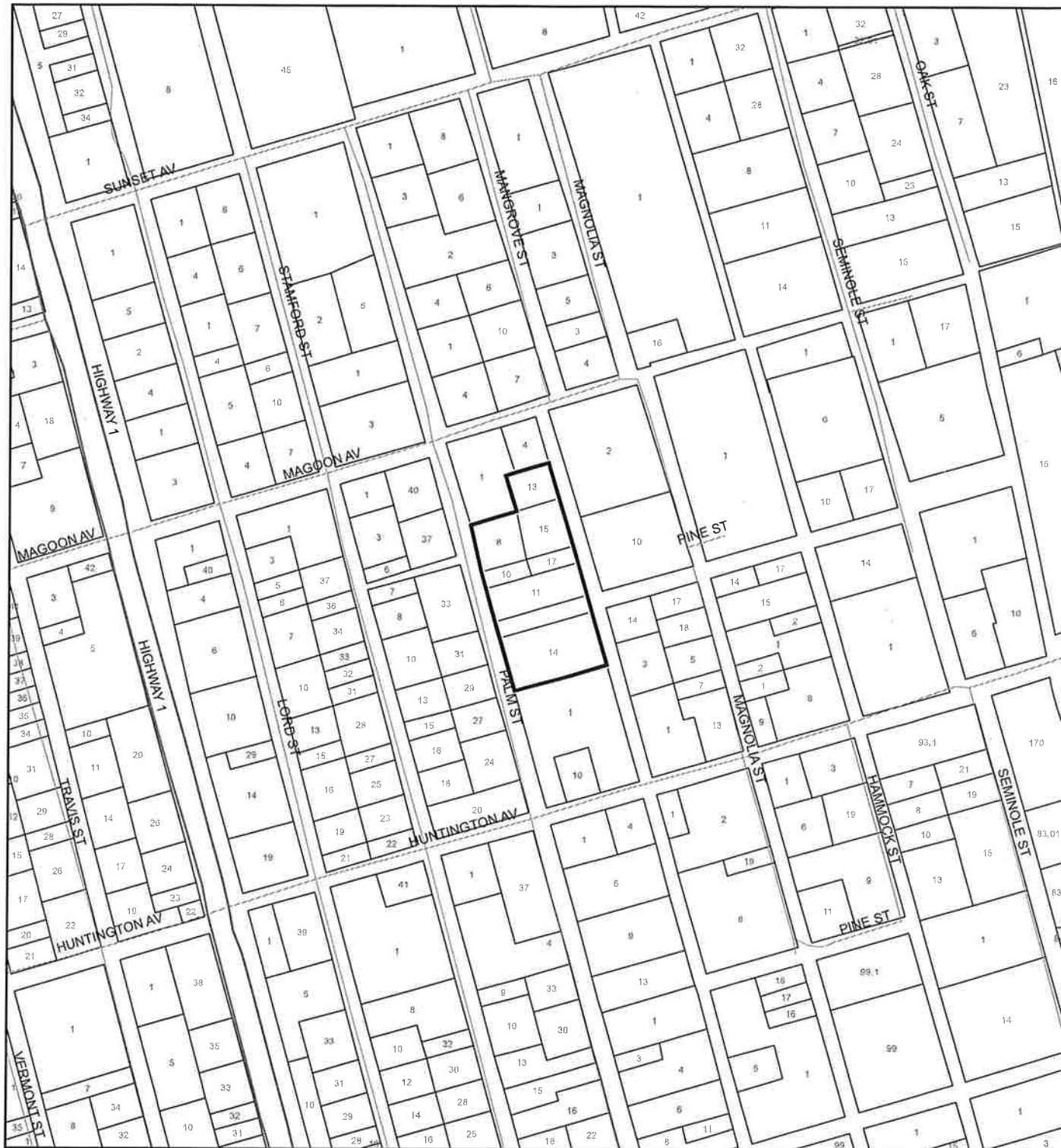
■ 60 Meters

■ All Distances

EAGLE NESTS MAP

VOGT, JOHN

19PZ00134



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/4/2019

 Subject Property

 Parcels

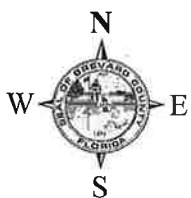
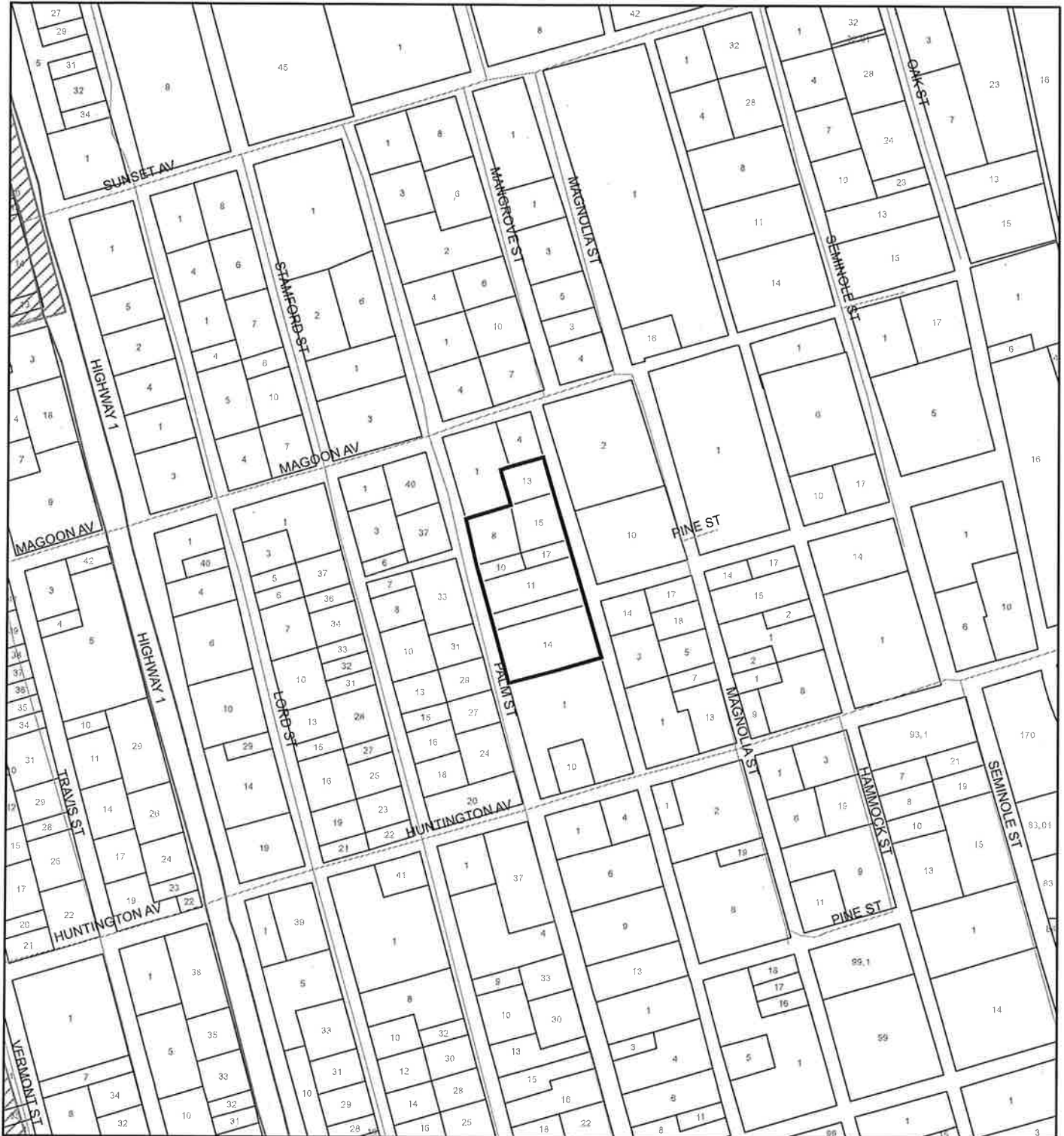


Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

VOGT, JOHN




19PZ00134



1:4,800 or 1 inch = 400 feet

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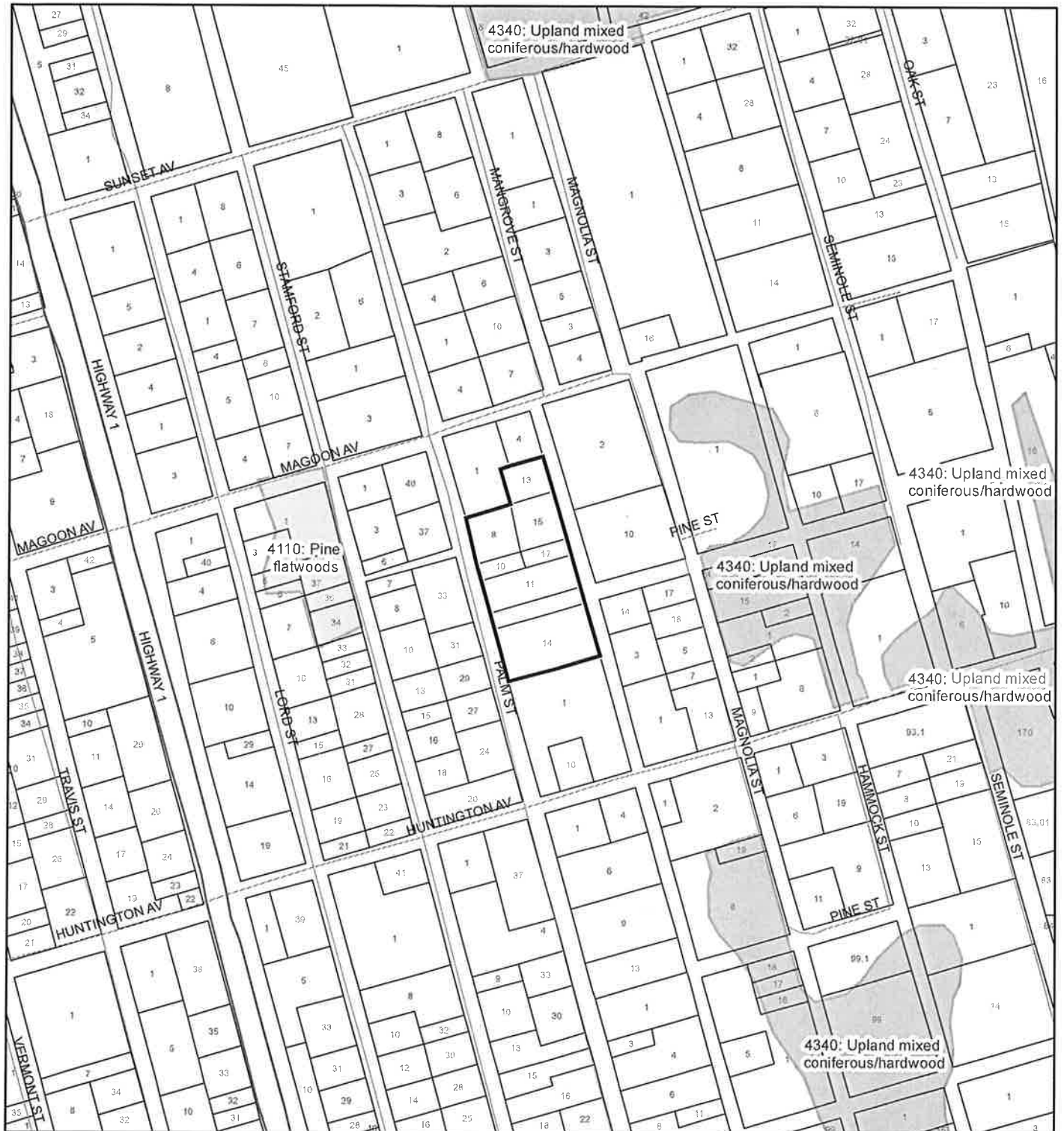
Produced by BoCC - GIS Date: 11/4/2019

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

VOGT, JOHN

19PZ00134



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/4/2019

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

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, January 13, 2020**, 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 at 3:00 p.m.

Board members present were: Ron Bartcher; Brian Woltz; Brian Hodgers; Ben Glover; Mark Wadsworth; Joe Buchanan; Bruce Moia; Peter Filiberto; and Dane Theodore.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Eden Bentley, County Attorney; George Ritchie, Planner III; Paul Body, Planner II; Jeanne Allen, Environmental Specialist I; and Jennifer Jones, Special Projects Coordinator.

Mark Wadsworth introduced new members Joe Buchanan, District 4; and Brian Woltz, District 1. Mr. Wadsworth also recognized the resignation Rochelle Lawandales and thanked her for her service to the Planning and Zoning Board. Bruce Moia stated Ms. Lawandales had a wealth of knowledge as a planner and she will be missed on the board.

Excerpt of Complete Agenda

6. John Vogt

A change of zoning classification from RU-1-7 (Single-Family Residential) and TR-1 (Single-Family Mobile Home) to AU(L) (Agricultural Residential, Low-Intensity). The property is 3.20 acres, located on the east side of Palm Street, approximately 245 feet south of Magoon Avenue (No assigned address. In the Mims area.) (19PZ00134) (Tax Accounts 2002584, 2002585, 2002587, 2003161, 2002586, 2003162, 2002593, 3020704) (District 1)

John Vogt, 7215 Milton Avenue, Cocoa, stated he'd like to build a barn on the south end of the property, and in a year or so build a house on the north end, and put a pond between the two. He said all of his neighbors seem to be in favor of it, and he only wants one house and a barn.

Hal Jurka, 5940 Magnolia Street, Mims, stated his property adjoins Mr. Vogt's property, and there's been some issues already with excessive noise from the subject property. He stated at times, Mr. Vogt has used the property as a racetrack for all terrain vehicles; they kicked up a lot of dust, and the noise was unbearable, forcing he and his wife inside. He further stated Mr. Vogt is using his property for storage of a large motor home and travel trailer and it seems they will have a permanent home there, and the proposed construction of a barn will continue to make the property a storage lot, which is not compatible with the residential neighborhood. He said Mr. Vogt recently had a portion of Pine Street vacated in order to construct a single-family residence, but now that's no longer his plan. He pointed out that agricultural zoning allows for other uses such as livestock, and he doesn't think those uses are compatible with the residential nature of the neighborhood. He asked the board to deny the request.

Mr. Vogt explained that they had a birthday party for his five-year old grandson last February and they are going to have another one this February. He said the kids are on 50-cc four-wheelers riding around on the property, and there were about 15 little kids there that day and it lasted for six or seven hours, and most of the other neighbors stopped by and had lunch with them.

Ron Bartcher asked what kind of agricultural uses Mr. Vogt plans to do on the property. Mr. Vogt replied maybe a 4-H cow for the kids. He stated he just wants a large piece of property with a barn at one end, a pond in the middle, and his house at the other end.

Mr. Bartcher stated his concern is that this the residential portion of Scottsmoor. Mr. Vogt pointed out that behind his property is RR-1 zoning, and to the north is another AU-zoned property.

Ben Glover asked staff if AU allows the applicant to sell agricultural products from the property. Jeffrey Ball explained the difference between AU and AU(L) is the ability to sell commercially from the property, and the applicant has requested AU(L), so the selling of products would not be allowed.

Bruce Moia asked how the AU zoning exempts him from the wetland impacts and heritage tree preservation. Jeanne Allen responded that in order to be exempt from any kind of wetlands or landscaping code the applicant would have to be bona fide agriculture, and that goes through the Property Appraiser's Office. Since the applicant is requesting the low-intensity AU(L) zoning, she doesn't think he'll get it because he would need to be able to sell things and prove it with receipts to get bona fide, so he would not be exempt.

Bruce Moia stated the noise comment that was made is a Code Enforcement issue. Mr. Ball stated the County has a noise ordinance, so if there's a noise violation, neighbors can call Code Enforcement to investigate.

Dane Theodore stated under the 'For Board Consideration' of the staff comments it says the board may wish to consider the setbacks allowed for a barn in AU(L) are 50 -feet from the side and rear, and asked if that is not the case if the board doesn't require that.

Paul Body replied yes, the setbacks are still required.

Dane Theodore asked if the applicant will have difficulty building barn with all of the wetlands and meeting the setbacks. Mr. Body replied, possibly, but it will be up to Natural Resources to enforce.

Motion by Ben Glover, seconded by Bruce Moia, to approve the change of zoning classification from RU-1-7 and TR-1, to AU(L). The vote passed 8:1, with Ron Bartcher voting nay.

In Favor
19PZ00134
Vogt

Commissioner, D1

From: kingzeppelin@yahoo.com
Sent: Tuesday, January 28, 2020 7:08 PM
To: Commissioner, D1
Subject: Zoning in Scottsmoor for the Vogt's

Categories: EMAIL CAMPAIGNS

As a home owner in the Scottsmoor area, I would like to see the zoning be approved for the property located on Palm Street. My husband has talked to the land owners and believes what they plan on doing would be a great asset for our area and home values.

Thank you,
Zeppelin King

Commissioner, D1

From: JERRAD ATKINS <jer_rad@yahoo.com>
Sent: Tuesday, January 28, 2020 4:21 PM
To: Commissioner, D1
Subject: 19PZ00134 Zoning Change in Scottsmeer

Categories: EMAIL CAMPAIGNS

Commissioner Pritchett,

I am writing to you in support of 19PZ00134, which is a proposed zoning change in Scottsmeer.

When I heard that there was a re-zoning request in Scottsmeer and had an opportunity to learn the details of the application, I reached out to the Vogt family and learned specifically what they intend to do with their new property.

As Scottsmeer is a small farming community, I feel that this change in zoning from RU-1-7 (Single-Family Residential and TR-1 (Single-Family Mobile Home) to AU(L) (Agricultural Residential (Low Intensity)) is a great fit for the area. As you already know, we have several small farms in the area and this family intends to add another. The agricultural classification requested will not allow for commercial farming and I feel that this small hobby farm would be a great addition to our community.

After what Scottsmeer went through a year ago, I and others in the community are pleased to see this family move to the area and assimilate to our laid-back rural lifestyle.

Please consider this when making a decision on this matter at the P/Z meeting on 2/6.

Many thanks for all you are doing for Scottsmeer!

Jerrad Atkins

Project Manager

(321) 432-1451 mobile

Commissioner, D1

From: dlaney <borogove@att.net>
Sent: Saturday, February 1, 2020 5:58 AM
To: Commissioner, D1
Subject: rezoning request 19PZ00134

Categories: EMAIL CAMPAIGNS

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Commissioner Pritchett,

I am writing to encourage you to give serious consideration to this rezoning request in Scottsmeer. What a wonderful surprise, a request to reduce density and help to maintain the rural environment we are trying so hard to preserve in our community!

Respectfully,

Cheryl Ann Barnes, Scottsmeer, FL

OBJECTION
19PZ00134
Vogt

Brevard County Board of County Commissioners

Harold Jurka

Planning & Development Department

PO Box 338

2725 Judge Fran Jamieson Way, Bldg. A

Scottsmoor, FL 32775

Viera, FL 32940

ID# 19PZ00134

January 23, 2020

Dear Ms Pritchett,

I respectfully request that you consider my comments regarding this matter.

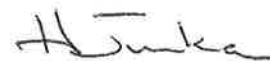
John Vogt requests a change of zoning classification from RU-1-7 (Single-Family Residential) and TR-1 (Single-Family Mobile Home) to AU(L) (Agricultural Residential, Low-Intensity). The property is 3.20 acres, located on the east side of Palm Street, approximately 245 feet south of Magoon Avenue (No assigned address. In the Mims area.) (19PZ00134) (Tax Accounts 2002584, 2002585, 2002587, 2003161, 2002586, 2003162, 2002593, 3020704) (District 1)

Together with my wife, Kathleen, we reside at 5940 Magnolia Street in Scottsmoor, where the back of our property borders that of Mr Vogt. I attended the public hearing held by the Planning and Zoning Board on January 13, 2020 and voiced our opposition to this requested change of zoning classification. At the hearing Mr Vogt stated that he wanted to build a barn, a pond, a residence, and to have livestock, "a cow." This area of Scottsmoor is by a far majority zoned residential, with single family homes on smaller lots. The few agricultural zoned lots here are only used as residential, with single family residences. The one exception being orange groves at the northern end of the neighborhood.

Mr Vogt's proposed 3 acre farm would not be at all compatible with the nature of this residential neighborhood. As such, I ask that the requested zoning change from residential to agricultural be denied, and that Mr Vogt develop his property only within existing permitted residential zoning.

Sincerely,

Harold Jurka



Commissioner, D1

From: vogtfsmt@aol.com
Sent: Monday, February 3, 2020 8:06 AM
To: Commissioner, D1
Subject: Rezoning Vogt property in Scottsmore
Attachments: CCF02032020.pdf

Categories: EMAIL CAMPAIGNS

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Commissioner Pritchett,

My name is John Vogt. I have only had 1 objection to the rezoning of the property on Palm ave. I really dont understand why Herold Jurka is against this zoning in the first place. I believe he thinks I am starting a cattle farm witch is the farthest from my plans. I have been working on acquiring the different parcels for almost 3 years now. I have had great interaction with 99% of neighbors on this adventure over that period of time. Herold is the one neighbor that until the 1st zoning board meeting I never met. This could be due to the fact that he only resides at his property in the winter months.

I went to all my neighbors that touch or can see my property on my block and they all signed my petition in favor of the proposed zoning. Obviously Harold Jurka did not sign it. I tried to stop in and talk with him but could not catch him at home. Also I have a new neighbor on Magnolia that I could not catch at home either. I am going to continue to try to catch that new neighbor this week before the next meeting. That being said I have been by that house everyday for the last 2 weeks and it just seems our time tables never match. I have attached the petition.

Looking forward to talking on the 6th at the meeting.

John Vogt
321 269 0031

Pettition for re zoning for John Vogt

John Vogt request a change for zoning classification from RU-1-7

(single family residential) and TR-1 (single family mobile home)

to AU (L) (agricultural residential, low intensity) The property is

3.20 acres, located on the east side of Palm St. approximately 245 feet south of Magoon Avenue. (no assigned address. In the mims area) (19pz00134) (tax accounts 2002584,2002585,2002587,2003161,2002586,2003162,2002593,3020704) (distric 1)

After re zoning John Vogt plans on putting a barn at the south end of property, a pond in the central part of the property and a Single family house at the north end of the property.

The following imediate neighbors have NO OBJECTIONS for the rezoning of the listed property.

Heaven Alcock
5919 PALM ST
MIMS, FL 32754

Ron Hallinan 321-795-0617
5926 Palm St
Mims FL 32754

Melvin Byrd
5954 PALM ST
MIMS FL 32754

Joe Gofa
PO Box 463
Scotts mims FL
5995 Palm St mims

0 de

Pettition for re zoning for John Vogt

John Vogt request a change for zoning classification from RU-1-7

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After re zoning John Vogt plans on putting a barn at the south end of property, a pond in the central part of the property and a Single family house at the north end of the property.

The following imediate neighbors have NO OBJECTIONS for the rezoning of the listed property.

JAMES BARRY
3641 MAGOON AVE
MIMS, FL 32754

Edward Woodring
5920 Magnolia St
Mims FL 32754

JULIET PATTERSON
3639 HUNTINGTON AVE
MIMS FL 32754

JOSHUA SHANE BEARS
5966 Palm St mims FL 32754



2/6/20 H.16.
John Vest
RU-1-7-RE-1
to
AU-L

Parcel's in orange are all.

4.6

From: vogtfsmt@aol.com
To: [Commissioner, D1; Jones, Jennifer](#)
Subject: Fwd: Map
Date: Thursday, February 6, 2020 3:13:03 PM
Attachments: [Vogt Land vs AG Lines.png](#)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

This is for the Vogt property zoning meeting.

-----Original Message-----

From: Scottsmoor Community Association <scottsmoorcommunityassociation@gmail.com>
To: John Vogt <vogtfsmt@aol.com>; beverly.vogt <beverly.vogt@att.net>
Sent: Thu, Feb 6, 2020 3:09 pm
Subject: Map



Everything in orange is currently zoned ag

--
Jerrad Atkins

President

Scottsmoor Community Association

"Neighbors Helping Neighbors"

From: vogtfsmt@aol.com
To: [Commissioner, DL; Jones, Jennifer](#)
Subject: Fwd: Map
Date: Thursday, February 6, 2020 3:13:03 PM
Attachments: [Vogt Land vs AG Lines.png](#)

H.6

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Jerrad Atkins

President

Scottsmoor Community Association

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Scottsmoor Community Association

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Subject: Map



Everything in orange is currently zoned ag

--
Jerrad Atkins

President

Scottsmoor Community Association

"Neighbors Helping Neighbors"

H-6

Commissioner, D1

From: Patti & Andy Root <paroot777@aol.com>
Sent: Wednesday, February 5, 2020 8:00 PM
To: Commissioner, D1
Subject: rezoning in scottsmoor

Categories: EMAIL CAMPAIGNS

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

We hope that the County Commission will vote to approve the zoning request by the Voghs on Palm Ave. It is consistent with the current zoning and even better as the density that they are requesting is less than is currently approved. Residential - agricultural is what we are. Please approve this requested change as we would welcome them as neighbors. thanks for listening, Andy Root

H. 6

Commissioner, D1

From: kim <kim@digital.net>
Sent: Wednesday, February 5, 2020 8:59 PM
To: Commissioner, D1
Subject: Scottsmoor agricultural zoning

Categories: EMAIL CAMPAIGNS

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Re:
The applicant is seeking a change of zoning classification from RU-1-7 (Single-Family Residential and TR-1 (Single-Family Mobile Home) to AU(L) (Agricultural Residential (Low Intensity) for the purpose of building a barn for agriculture supplies and equipment to maintain the property before building a single-family house. The proposed AU(L) is consistent with the Residential 1 Future Land Use.

I have reached out to the applicant (John and Bev Vogt) for additional information and what they intend to do is to change the zoning on the almost 4 acres to Agricultural-light so that they can build their home and a barn, and get a cow or two and be compliant with zoning.

I FULLY SUPPORT this request

Kim Lucks
5829 Stamford
(321) 269-5253