



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.3.

5/2/2024

Subject:

Jonathan & Emily Schoolfield requests a change of zoning classification from AU to RRMH-1. (24Z00001) (Tax Account 2443960) (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 AU (Agricultural Residential) to RRMH-1 (Rural Residential Mobile Home).

Summary Explanation and Background:

The applicants are requesting to rezone from AU (Agricultural Residential use) to RRMH-1 (Rural Residential Mobile Home) to allow a mobile home. The subject property was rezoned in 2023 from GU to AU via Resolution 23Z00037. The current AU zoning allows for a single-family residence on a lot size of 2.5 acres; however, the classification requires 10 acres for a mobile home. The property owners want to install a mobile home and need to rezone to allow this type of building. The proposed RRMH-1 zoning classification would allow 1 mobile home and meet the development standards for RRMH-1.

The subject property is currently designated as Residential 1 (RES 1) FLU. Both the current AU zoning and proposed RRMH-1 zoning classifications can be considered consistent with the RES 1 FLU designation.

There is an existing pattern of undeveloped properties surrounding the subject parcel on large lots greater than 1 acre. The predominate zoning classification in the surrounding area is AU. There are 2 properties zoned RRMH-1.

The Board may wish to consider if the request is consistent and compatible with the surrounding area.

On April 15, 2024, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

None

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, 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 zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan amendments, vested rights, or other 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 development 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:

- 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

24Z00001

Jonathan and Emily Ann Schoolfield

AU (Agricultural Residential) to RRMH-1 (Rural Residential Mobile Home)

Tax Account Number: 2443960

Parcel I.D.: 24-35-08-01-10-11

Location: South side of Cherven Avenue, approximately 1635 feet east of Satellite Blvd and 352.7 feet northwest of Palmetto Av. (District 1)

Acreage: 4.7 acres

Planning & Zoning Board: 04/15/2024

Board of County Commissioners: 05/02/2024

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	AU	RRMH-1
Potential*	1 single-family	2 single-family
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 requesting to rezone from AU (Agricultural Residential use) to RRMH-1 (Rural Residential Mobile Home) to allow a mobile home. The subject was rezoned in 2023 from GU to AU via Resolution 23Z00037. The current AU zoning allows for a single-family residence on a lot size of 2.5 acres however, requires 10 acres for a mobile home. The property owners want to install a mobile home and need to rezone to allow this type of building. The proposed RRMH-1 zoning classification would allow 2 single mobile homes and meet the development standards for RRMH-1.

The subject parcel was recorded in Survey Book 2, Page 61 on September 1960. Lots 11 and 12 were combined and considered a single lot with its size of 4.7 acres. The subject parcel has a concrete pad on site with a storage type shed or container.

There are two Code Enforcement cases (20CE-01724 & 20CE-01411) associated with the property related to work without permits, (1) alteration of swale (filled in) along county-maintained roadway, (2) land clearing, placement of fill, and wetland impacts. The resulting zoning action will have no effect on the code enforcement cases. These cases were issued to the prior owners of the subject property.

Future Land Use

The subject property is currently designated as Residential 1 (RES 1) FLU. Both the current AU zoning and proposed RRMH-1 zoning classifications can be considered consistent with the RES 1 FLU designation. There is only one Future Land Use Designation, RES 1, within 500-feet of the subject property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence	GU	RES 1
South	Vacant	GU	RES 1
East	Vacant	GU/RRMH-1	RES 1
West	Vacant	GU	RES 1

AU zoning is an agricultural classification that allows for a single-family home on a minimum 2.5-acre site with a minimum 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.

GU zoning allows for rural single-family development, or unimproved land for which there is not a definite current proposal for development, or land in areas lacking specific development trends.

RRMH-1 zoning permits a mobile home or single-family residence on a minimum lot size of 1 acre with a width and depth of 125 feet. The minimum living area is 600 square feet.

Applicable Land Use Policies

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

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.

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;

This request is not anticipated to significantly diminish the enjoyment or safety or quality of life if developed with a single-family home. Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 for hours of operation, lighting, odor, noise levels, traffic, or site activity.

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

Only a certified MAI appraisal can determine if material reduction has or will occur due to the proposed request.

- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns;

There is one (1) FLU designation (RES-1) within a 0.5-mile radius of the subject property. The general area is undeveloped in character with larger lots.

Properties in the area range in size from approximately 1 acre to 9.4 acres.

There have been no zoning actions within a half-mile radius of the subject property within the last three years other than the subjects' rezoning from GU to AU via Resolution 23Z00037 dated August 3, 2023.

2. actual development over the immediately preceding three years; and
3. development approved within the past three years but not yet constructed.

There has been no development approved within the last three years.

- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

The proposed use would not result in a material violation in any elements of the Comprehensive Plan.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

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 or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

The proposed rezoning is for a classification of RRMH-1 which requires 1 acre of land. The site is suitable for a mobile home. The surrounding land uses include GU (General Use) which requires 5 acres to develop, AU which requires 2.5 acres to develop, but 10 acres for a manufactured home and RRMH-1 which requires a single acre for a manufactured home.

There is an existing pattern of undeveloped properties surrounding the subject parcel on large lots greater than 1 acre. A preliminary concurrency analysis does not indicate that the proposed request would materially or adversely impact the surrounding area.

- 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.

The subject is located within West Canaveral Groves area which according to Sec 62-510 is defined as all land laying within Sections 8, 17, 20, 29, Township 24, Ranch 35, south of SR 528 and north of SR 520 herein referred to as the West Canaveral Groves area.

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.

The request is not for commercial 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.

There are two parcels zoned RRMH-1. The first abuts the subject on the southeast corner and is undeveloped. The second is located approximately 1,405 feet southwest of the subject and is improved with a mobile home. The proposed RRMH-1 would allow the splitting of the lot, allowing for 2 single family homes.

Analysis of 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 unmitigable impact on significant natural wetland, water bodies or habitat for listed species.

A re-zoning to RRMH-1 is not anticipated to impact of drainage to surrounding properties nor have signification impact on wetland, water bodies or habitat for listed species. The subject has two code enforcement cases pending. The first is 20CE-01411 which is for unpermitted land clearing and filling including wetlands. The second is 20CE-01724 which is for work without permits. These cases were filed against the previous property owner.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Adamson Road, from Pine Street to Highway SR-524, which has a Maximum Acceptable Volume (MAV) of 17,700 trips per day, a Level of Service (LOS) of D, and currently operates at 31.92% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.11%. The corridor is anticipated to operate at 32.03% of capacity daily. 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.

Water will be provided by the city of Cocoa. There are no sewer lines. The applicant will be installing septic.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Land Clearing and Landscape Requirements
- Protected Species

The entire subject parcel contains mapped wetlands and hydric soils; indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.** The wetland delineation shall be verified at time of site plan or building permit submittal.

Per Section 62-3694(c)(1), 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. This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 62-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Information available to NRM indicates that unpermitted land clearing and alteration activities have occurred on the property, and potentially in wetlands, in 2020/2021. A Notice of Violation is pending. (20CE-01411).

For Board Consideration

The Board should consider if the request is consistent and compatible with the surrounding area.

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

Item No. 24Z00001

Applicant: Jonathon Mark Schoolfield (Owner: Jonathon Mark Schoolfield)

Zoning Request: AU to RRMH-1

Note: 20CE -01411: Lot cleared and fill brought in (2020)

Zoning Hearing: 03/18/2024; **BCC Hearing:** 04/04/2024

Tax ID No.: 2443960

- 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.**
- **During review of this parcel, information indicates that there are two open code enforcement cases. The first case is 20CE-01411 for unpermitted land clearing and unpermitted filling, including in wetlands. The second case is 20CE-01724 for work without permits. Both cases are pending.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Land Clearing and Landscape Requirements
- Protected Species

The entire subject parcel contains mapped wetlands and hydric soils; indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.** The wetland delineation shall be verified at time of site plan or building permit submittal.

Per Section 62-3694(c)(1), 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. This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 62-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Information available to NRM indicates that unpermitted land clearing and alteration activities have occurred on the property, and potentially in wetlands, in 2020/2021. A Notice of Violation is pending. (20CE-01411).

Land Use Comments:

Wetlands and Hydric Soils

The entire subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Basinger sand; Pompano sand, 0 to 2 percent slopes; Malabar sand, 0 to 2 percent slopes; and Terra Ceia muck, frequently flooded); indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal. Per Section 62-3694(c)(1), 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. This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 62-3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Aquifer Recharge Soils

This property contains Basinger sand which may function as an aquifer recharge soil. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Land Clearing and Landscape Requirements

Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), a purpose and intent of the ordinance is to encourage the protection of Heritage Specimen Trees. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen tree preservation, and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

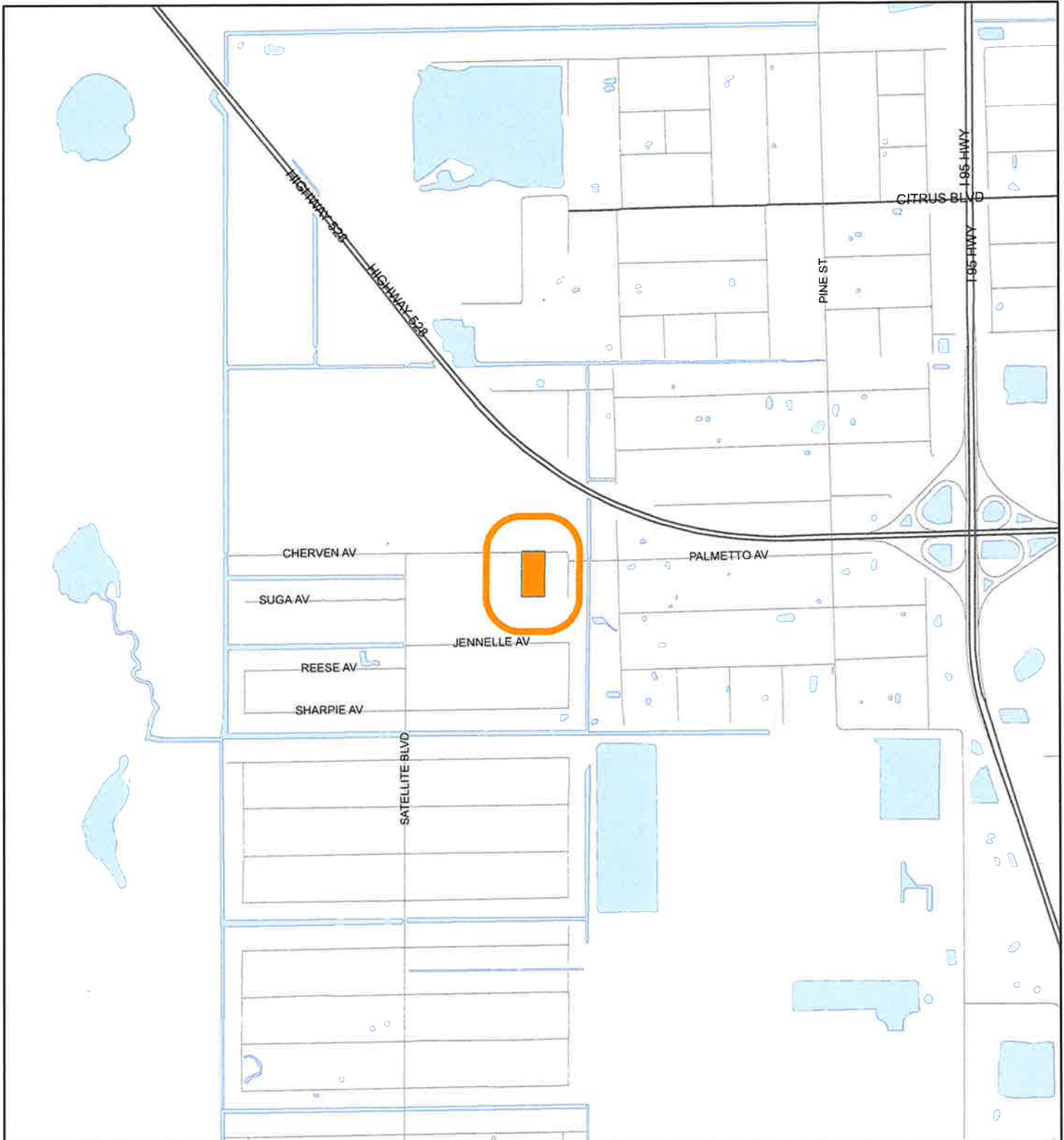
Information available to NRM indicates that unpermitted land clearing and alteration activities have occurred on the property, and potentially in wetlands, in 2020/2021. Brevard County code enforcement cases 20CE-01411 and 20CE-01724 are pending.

Protected Species

Federally and/or state protected species may be present on properties with aquifer recharge soils and/or wetlands. Gopher tortises have been observed in this area. If applicable, 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 prior to any plan, permit submittal, or development activity, including land clearing, as applicable.

LOCATION MAP

Schoolfield, Jonathan & Emily
24Z00001



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

Buffer Distance: 500 feet

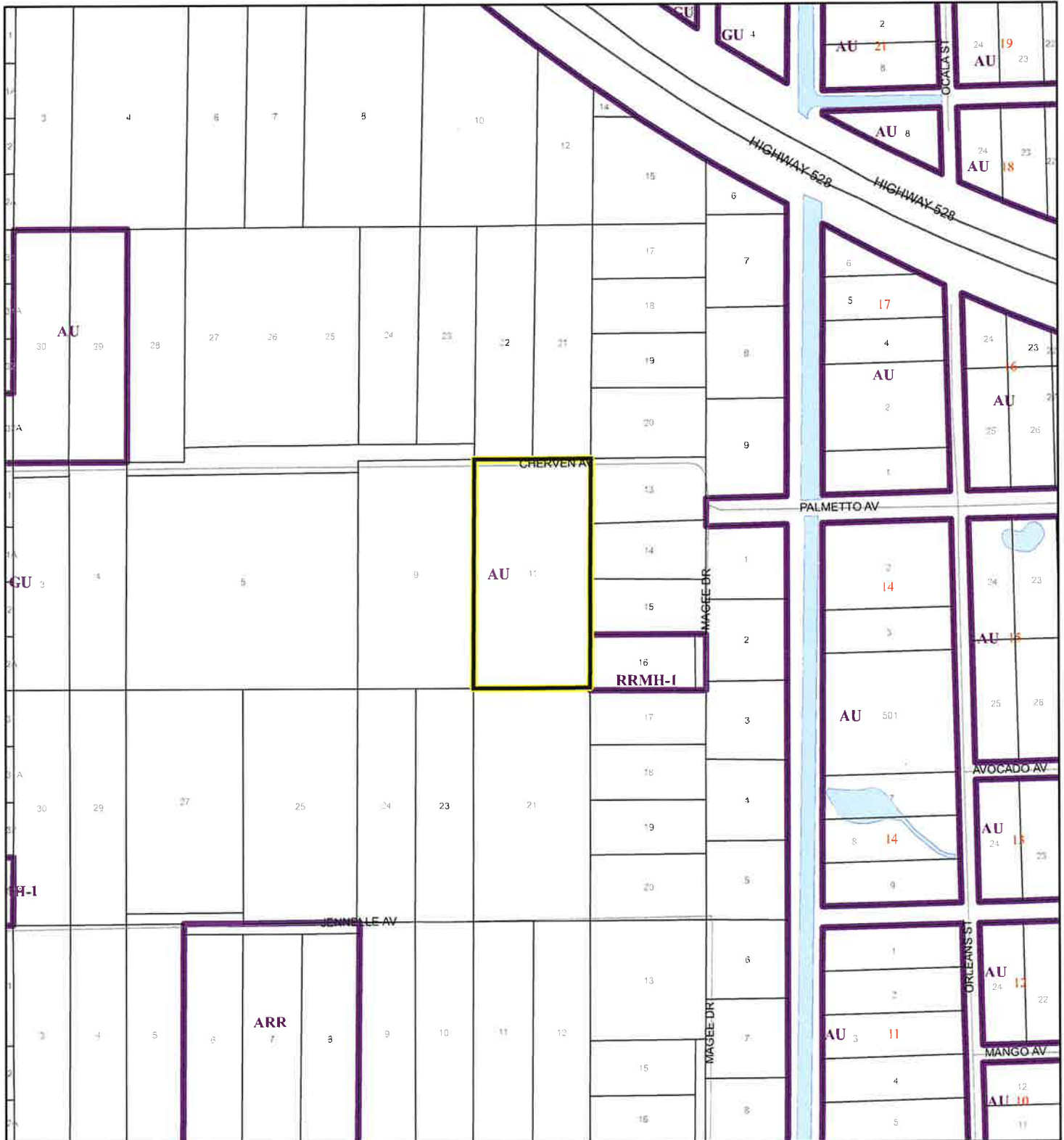
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/8/2024

Buffer
Subject Property

ZONING MAP

Schoolfield, Jonathan & Emily
24Z00001



1:4,800 or 1 inch = 400 feet

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Subject Property

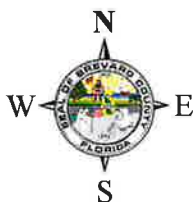
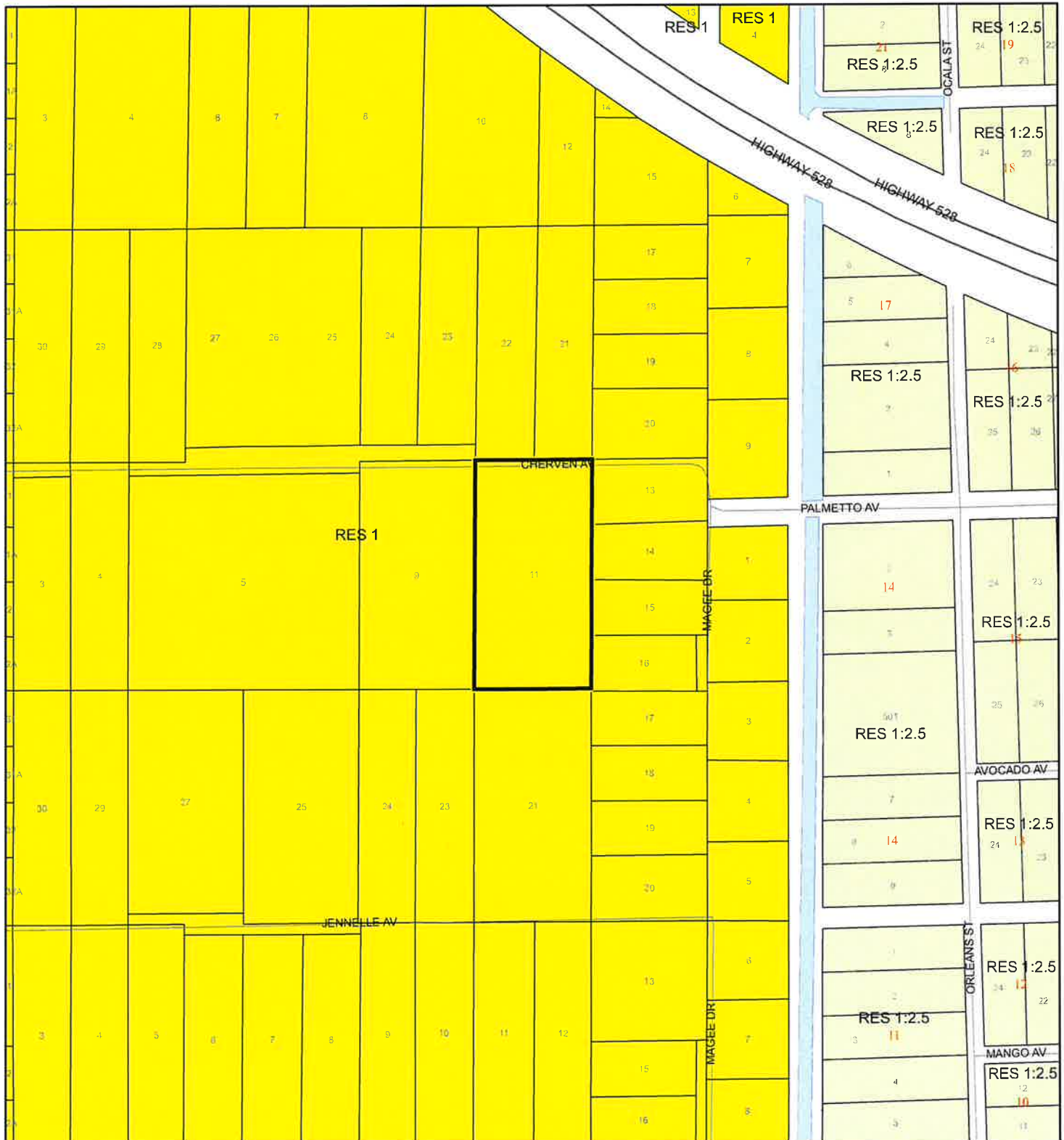
Parcels

Zoning

FUTURE LAND USE MAP

Schoolfield, Jonathan & Emily

24Z00001



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

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AERIAL MAP

Schoolfield, Jonathan & Emily
24Z00001




1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2023

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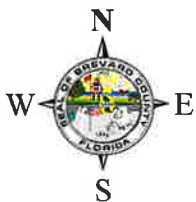
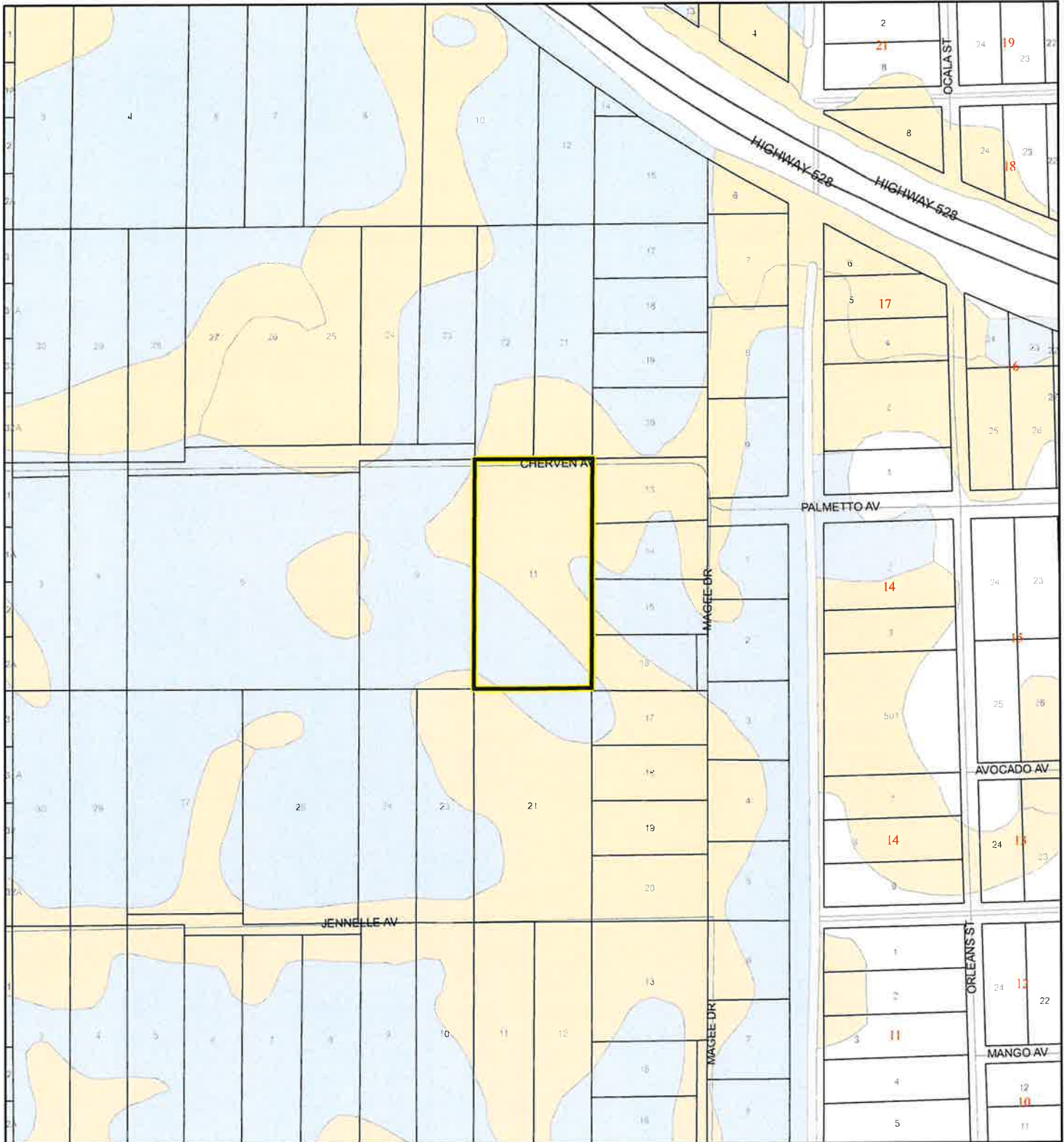
Produced by BoCC - GIS Date: 2/8/2024

 Subject Property

 Parcels

NWI WETLANDS MAP

Schoolfield, Jonathan & Emily
24Z00001



1:4,800 or 1 inch = 400 feet

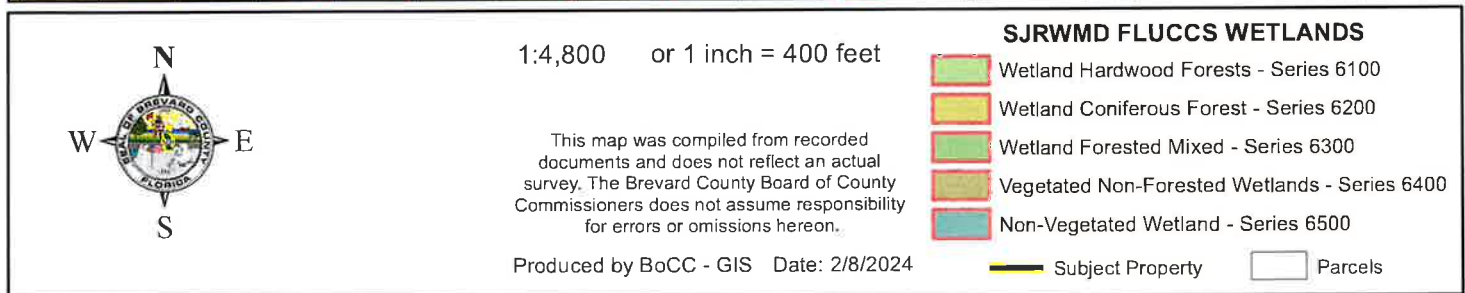
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National Wetlands Inventory (NWI)

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

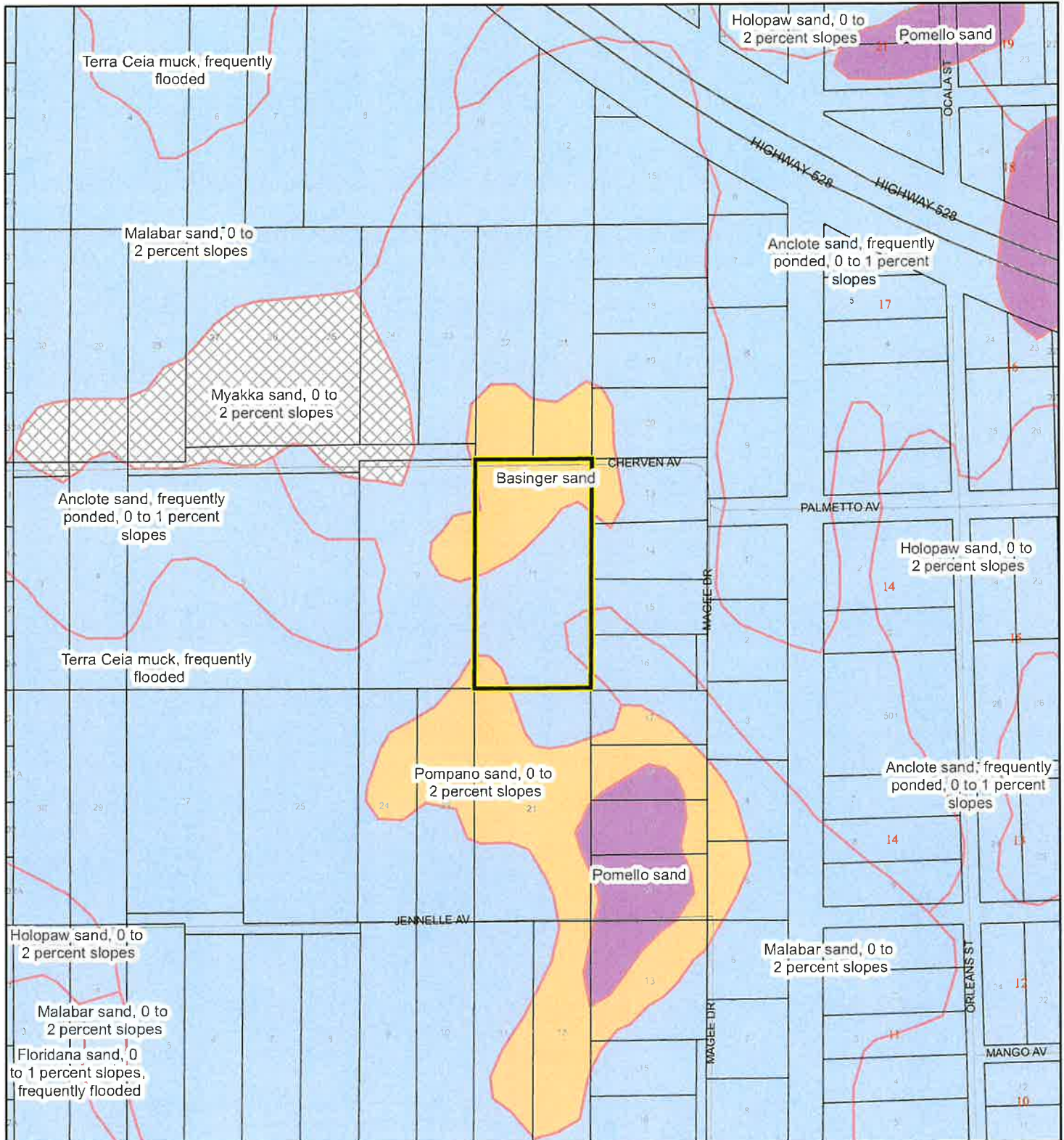
Schoolfield, Jonathan & Emily
24Z00001



USDA SCSSS SOILS MAP

Schoolfield, Jonathan & Emily

24Z00001



1:4,800 or 1 inch = 400 feet

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USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

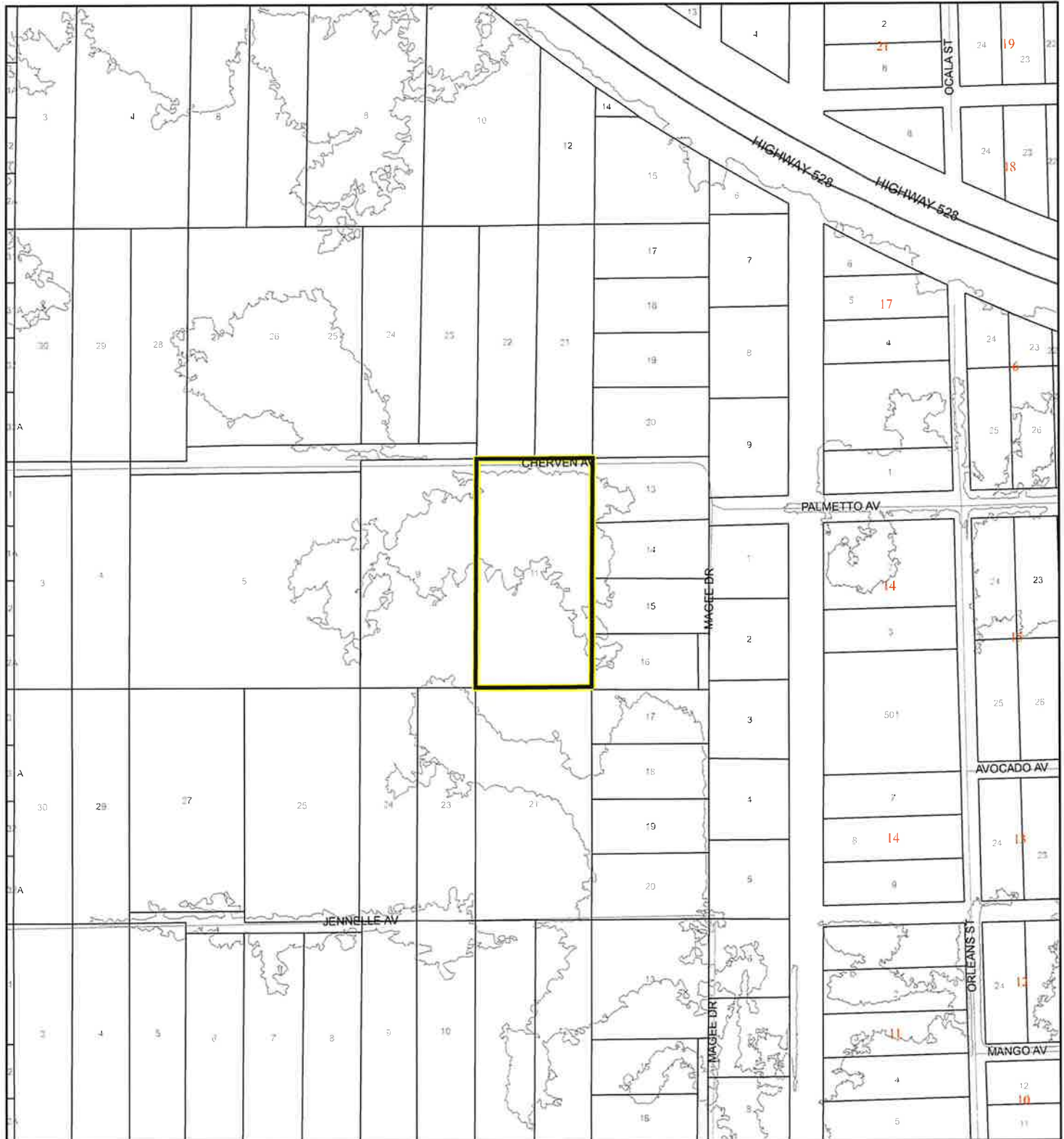
Subject Property

Parcels

FEMA FLOOD ZONES MAP

Schoolfield, Jonathan & Emily

24Z00001



1:4,800 or 1 inch = 400 feet

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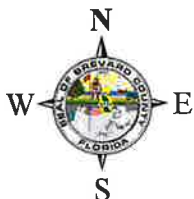
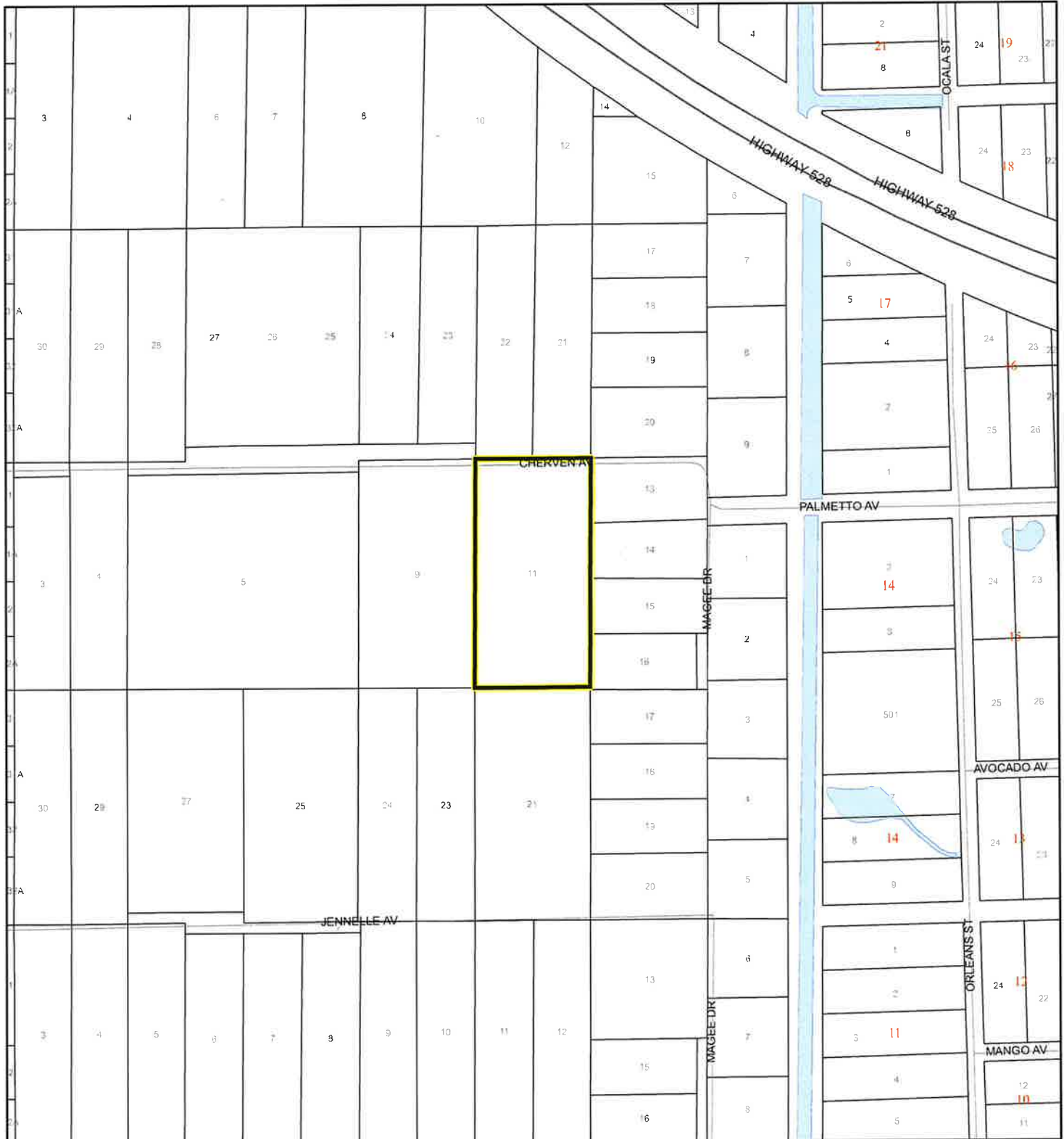
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FEMA Flood Zones		
A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

Schoolfield, Jonathan & Emily

24Z00001



1:4,800 or 1 inch = 400 feet


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 Subject Property

 Parcels

Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

Schoolfield, Jonathan & Emily

24Z00001



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

Septic Overlay

 40 Meters

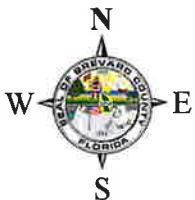
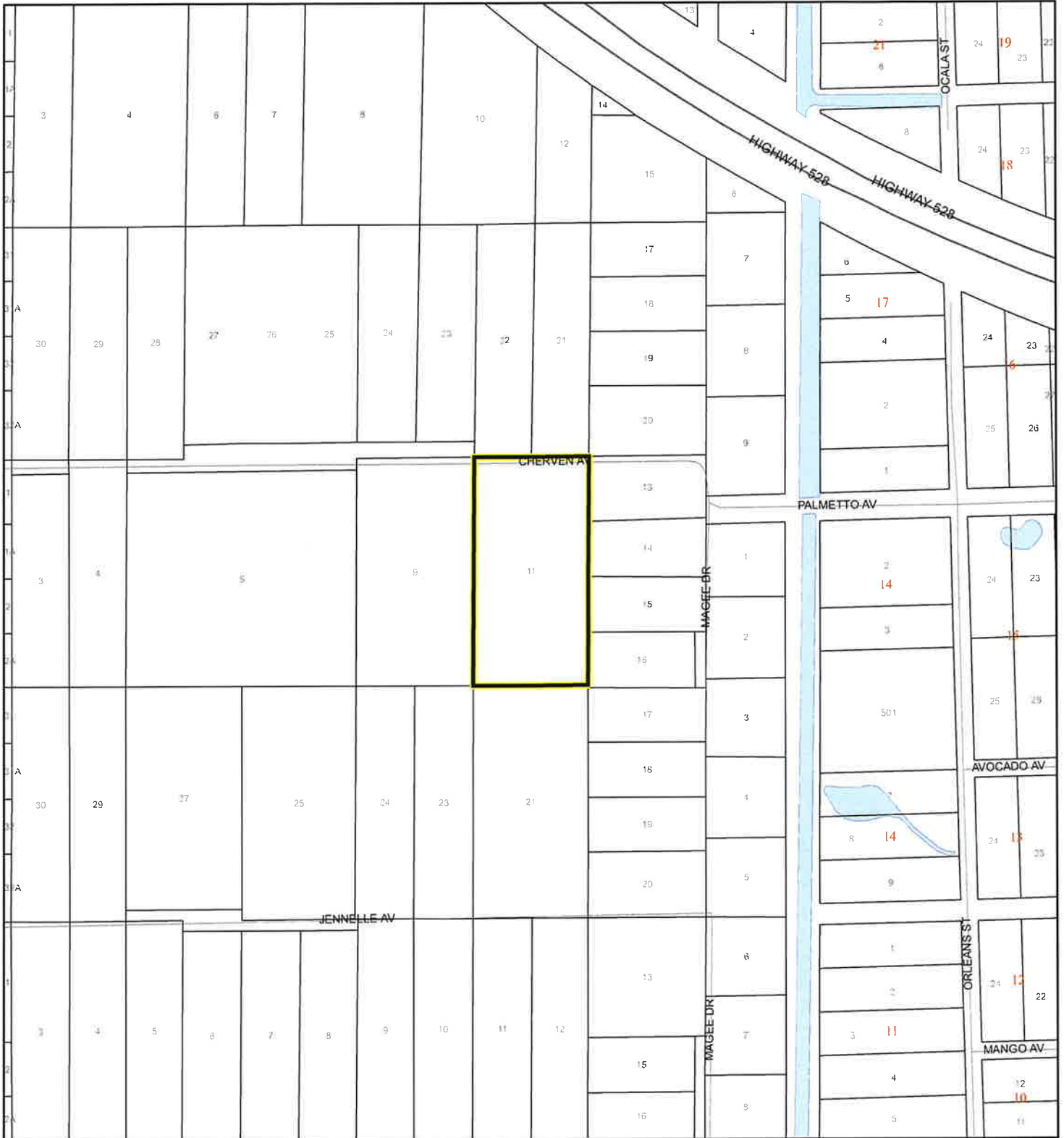
 60 Meters

 All Distances

EAGLE NESTS MAP

Schoolfield, Jonathan & Emily

24Z00001



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

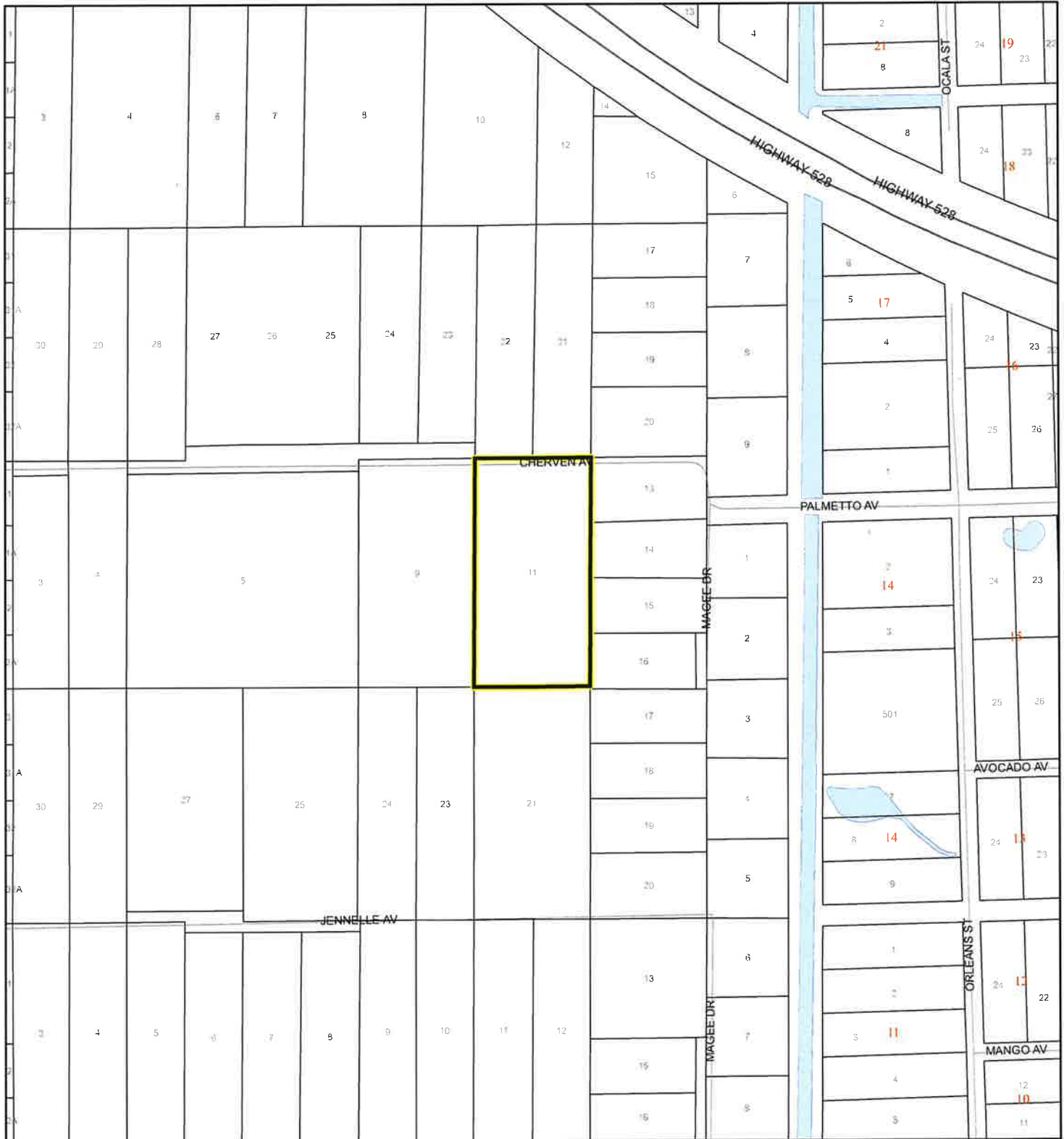


Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

Schoolfield, Jonathan & Emily

24Z00001



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/8/2024

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

Schoolfield, Jonathan & Emily

24Z00001



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS Upland Forests

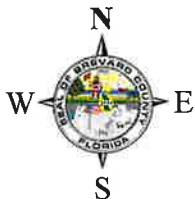
- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property

Parcels

RADIUS MAP

Schoolfield, Jonathan & Emily
24Z00001



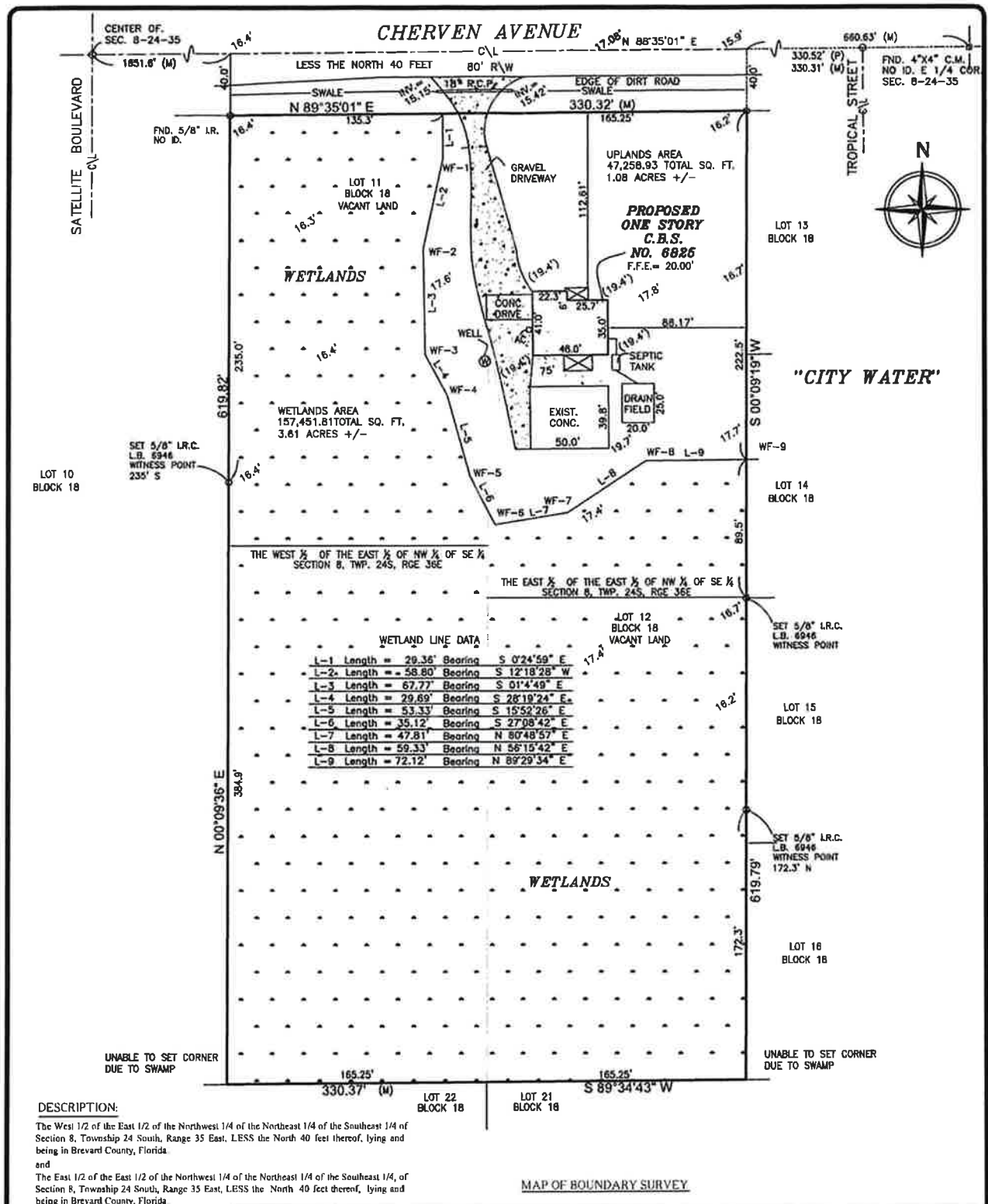
1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

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Produced by BoCC - GIS Date: 2/8/2024

- Buffer
- Subject Property
- Notify Property
- Parcels



SURVEYOR'S NOTES:

- This property is located in Flood Zone(s) X. The Residence is lying in Flood Zone(s) X. Map No. 12009C03250, Panel No. 325, Suffix G, Community No. 125092, Effective Date, March 17, 2014.
- The bearings shown are based on an Assumed North Meridian, Being N 56° 59' 52" W along the South R/W line of Cherven Avenue.
- This is Real Property being situated in Section 8, Township 24S, Range 35E, Brevard County, Florida.

- The Surveyor has not abstracted the property. Only platted or furnished easements or encumbrances that may restrict the property are shown.
- Underground Improvements are not located unless requested.
- Elevations shown herein based on NAVD83.

LEGEND & ABBREVIATIONS:

○ = Set 5/8" Iron rod with plastic cap
 △ = Set nail with metal disc
 — = 4' C.L.F.
 — = 6' W.F.
 — = OHPL
 XXX = Existing Elevations
 (XXX) = Proposed Elevations
 (B.M.) = Benchmark, (CONC.) = Concrete, (C.V.) = Centerline, (C.B.) = Concrete Block
 (C.B.S.) = Concrete Block Structure, (C.A.S.) = Covered and Screened
 (C.M.) = Concrete Monument, (C.M.P.) = Corrugated Metal Pipe, (C.L.F.) = Chain Link Fence
 (D) = Dead, (E.M.) = Electric Meter, (F.F.E.) = Finished Floor Elevation, (Fnd.) = Found
 (F.P.R.) = Fixed Point of Reference, (R.C.) = Iron Rod with Cap, (P.) = Iron Pipe
 (G.M.) = Gas Meter, (L.B.) = Licensed Business, (L.S.) = Licensed Surveyor, (M.) = Measured
 (M.E.S.) = Metered End Section, (M&D) = Nail & Disc, (O.R.B.) = Official Records Book
 (OHPL) = Over Head Power Line, (P.C.P.) = Permanent Control Point, (P.) = Plot
 (P.O.B.) = Point of Beginning, (P.O.C.) = Point of Commencement
 (P.R.M.) = Permanent Reference Monument, (P.U. & D.E.) = Public Utility & Drainage Easement
 (R.N.C.) = Range, (R.C.P.) = Reinforced Conc. Pipe, (R.W.) = Right of Way, (SEC.) = Section
 (TWP.) = Township, (W.U.P.) = Wood Utility Pole, (W.F.S.) = Wood Frame Structure, (W.M.) = Water Meter

CERTIFIED TO: JONATHAN SCHOOLFIELD

Eric Nielsen

Digitally signed by Eric Nielsen
 Date: 2023.04.17 17:35:45

Certified By: _____
 I, Eric Nielsen Professional Surveyor & Mapper, No. 5388, L.B. 6946, State of Florida
 certify this map of survey meets the standards set per Florida Administrative Code
 5J-17.051 pursuant to Chapter 472.007 per Florida Statutes.

Eric Nielsen Land Surveying, Inc.

Revisions: 09/16/21
 SITE PLAN
 REV. SITE PLAN & WETLANDS
 ADDED 02-23-2022
 RECERTIFICATION 04-13-23

12 STONE STREET, COCOA, FL. 32922
 PH: (321) 631-5654
 email: nielsenlandsurveying@bellsouth.net

SCALE: 1" = 60' DATE: 06-14-2021 JOB NO. 21-317-05



PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, April 15, 2024**, 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: Henry Minneboo (D1); Ron Bartcher (D1); Robert Sullivan (D2); Mark Wadsworth, Chair (D4); Debbie Thomas (D4); Logan Luse (D4 Alt); Bruce Moia (D5); Robert Brothers (D5); and John Hopengarten (BPS).

Staff members present were: Tad Calkins, Planning and Development Director; Jeffrey Ball, Planning and Zoning Manager; Alex Esseesse, Deputy County Attorney; Paul Body, Senior Planner; Sandra Collins, Planner I, and Kristen Champion, Special Projects Coordinator.

Excerpt of Complete Agenda

Jonathan & Emily Schoolfield request a change of zoning classification from AU (Agricultural Residential) to RRMH-1 (Rural Residential Mobile Home). The property is 4.7 acres, located on the south side of Cherven Ave., approx. 352.7 ft. northwest of Palmetto Ave. (6825 Cherven Ave., Cocoa) (24Z00001) (Tax Account 2443960) (District 1)

Sandra Collins read the application into the record.

Mr. Schoolfield stated he and his wife have found a manufactured home that they'd like to purchase and place on the property to move into but it will need to be rezoned to be able to do so.

No Board comment.

No public comment.

Motion to approve rezoning from AU to RRMH-1 by Ron Bartcher, seconded by Logan Luse. The vote was unanimous.