



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940  
(321)633-2070 Phone / (321)633-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS**

**22Z00066**

**Lori Ann Halbert**

**RU-1-13 (Single-Family Residential) to RU-2-15 (Multiple-Family Residential)**

Tax Account Number: 2716292  
Parcel I.D.: 27-37-13-78-2-8  
Location: North side of E. Coral Way, 685 feet west of Highway A1A (District 5)  
Acreage: 0.57 acres

Planning and Zoning Board: 2/13/2023  
Board of County Commissioners: 3/2/2023

**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)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	RU-1-13	RU-2-15
<b>Potential*</b>	1 SF unit	8 MF units
<b>Can be Considered under the Future Land Use Map</b>	YES RES 15	YES RES 15

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

**Background and Purpose of Request**

The applicant is requesting to change the zoning classification from RU-1-13 (Single-Family Residential) to RU-2-15 (Multiple-Family Residential) on a 0.57-acre parcel to develop up to 8 multi-family units. The subject parcel is currently vacant and has frontage on E. Coral Way.

The parcel was rezoned from RU-1 to RU-1-13 on June 1, 1972, as zoning action **Z-2980**.

**Land Use**

The subject property is currently designated as Residential 15 (RES 15) FLU. The existing RU-1-13 zoning can be considered consistent with the existing RES 15 FLU designation.

The proposed RU-2-15 zoning can be considered consistent with the RES 15 FLU.

## **Applicable Land Use Policies**

**FLUE Policy 1.4** –The Residential 15 Future land use designation. The Residential 15 affords the second highest density allowance, permitting a maximum density of up to 15 units per acre.

### **FLUE Policy 1.2 - Public Facilities and Services Requirements**

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

#### **Criteria:**

- C. In the Residential 30, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.
- D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.
- E. Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system.
- F. The County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 2, Residential 1 and Residential 1:2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU's, MSTU's and other means through which the recipients pay for the service or facility.

*Potable water to the parcel is available through the City of Melbourne. The closest Brevard County sewer line is approximately 665 feet to the west at N. Highway 1. Connection to centralized sewer is required under Criterion D, above.*

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 of 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;

**The applicant requests to rezone 0.57 acres to RU-2-15 zoning classification for the purpose of developing eight (8) multi-family residential units. Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 and will be reviewed at the site plan review stage. The proposal is not anticipated to diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area.**

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;

**The subject property was created in 1950 per Plat Book 10, Page 29. This property is located in the Eden Estates Subdivision. Residential 15 (RES 15) is the only FLU designation within 500 feet of the subject property.**

2. actual development over the immediately preceding three years; and

**It appears no changes to the immediate area have occurred within the last three years.**

3. development approved within the past three years but not yet constructed.

**There are no pending zoning actions within one-half mile of the subject property.**

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

**No material violation of relevant policies has been identified.**

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

The developed character of the surrounding area is single-family residential and multi-family residential on lots approximately one-quarter acre or larger in size. There is an existing pattern of multi-family residential zoning (RU-2-10) at the intersection of N. Highway A1A and E. Coral Way that extends west for approximately 900 feet before transitioning into predominantly single-family residential (RU-1-13). The closest RU-2-15 zoning is a 0.4-acre parcel developed as a 6-unit condominium complex located southeast of the subject property.

There has been one zoning action request within a half-mile radius of the subject property within the last three years. **19PZ00124**, denied by the Board on February 6, 2020, was a request to change Single-Family Residential (RU-1-7) to Medium-Density Multi-Family Residential (RU-2-12) on 0.18 acres located approximately 1,310 feet northwest of the subject property. There are no pending zoning actions within a half-mile radius of the subject property.

With the exception of the single-family residences immediately east and west of the subject site, This request may be considered compatible with the surrounding area, recognizing existing development trends.

## Surrounding Area

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	Single-Family Residence	RU-1-13	RES 15
<b>South</b>	Multi-Family Quadruplex, across E. Coral Way	RU-2-10	RES 15
<b>East</b>	Single-Family Residence	RU-1-13	RES 15
<b>West</b>	Single-Family Residence	RU-1-13	RES 15

To the north is a 0.27-acre parcel developed as a single-family residence with RU-1-13 zoning.

To the south, across E. Coral Way, is a 0.4-acre parcel developed as a multi-family quadruplex with RU-2-10 zoning.

To the east is a 0.57-acre parcel developed as a single-family residence with RU-1-13 zoning.

To the west is a 0.72-acre parcel developed as a single-family residence with RU-1-13 zoning.

RU-2-15 classification permits medium-density multiple-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square foot lots.

RU-2-10 classification permits multiple-family residential development or single-family residences at a density of up to 10 units per acre on minimum lot sizes of 7,500 square feet.

RU-1-13 permits single-family residences on minimum 7,500 square foot lots, with minimum widths and depths of 75 feet. The minimum house size is 1,300 square feet. RU-1-13 does not permit horses, barns or horticulture.

## Preliminary Concurrency

The closest concurrency management segment to the subject property is State Road A1A between Paradise and Eau Gallie, which has a Maximum Acceptable Volume (MAV) of 41,970 trips per day, a Level of Service (LOS) of D, and currently operates at 50.77% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.16%. The corridor is anticipated to operate at 50.93% 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.

Potable water to the parcel is available through the City of Melbourne. The closest Brevard County sewer line is approximately 665 feet to the west at N. Highway 1.

### **Environmental Constraints**

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay

Parcel No. 2716292 is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required.

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

### **For Board Consideration**

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item #22Z00066**

**Applicant:** Jason Steele/Smith and Associates

**Zoning Request:** From RU-1-13 to RU-2-15

**Note:** Applicant wants to develop eight units

**P&Z Hearing Date:** 02/13/23; **BCC Hearing Date:** 03/02/23

**Tax ID Nos:** 2716292

- 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:**

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay

Parcel No. 2716292 is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required.

**Land Use Comments:**

**Aquifer Recharge Soils**

The subject parcels contain mapped aquifer recharge soils (Canaveral-Palm Beach Urban complex) as shown on the USDA Soil Conservation Service Soils Survey map. Mapped topographic elevations indicate the soils are designated as Type 3 Aquifer Recharge 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.

**Indian River Lagoon Nitrogen Reduction Overlay**

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer is not available, then the use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required if applicable. If a septic system is applicable, NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

**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 and Protected 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. Land clearing is not permitted without prior authorization by NRM. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.