



BOARD OF COUNTY COMMISSIONERS

**STAFF COMMENTS  
 24Z00061**

**Invest Bright LLC**

**RU-1-7 (Single-Family Residential) to RU-1-13 (Single-Family Residential)**

Tax Account Number: 2800361 & 3033552  
 Parcel I.D. 28-36-01-50-G-22 & 28-36-01-50-G-24  
 Location: 205 & 225 Sagamore St., Melbourne, FL 32904 (District 5)  
 Acreage: 0.5 acres

Planning & Zoning Board: 02/17/2025  
 Board of County Commissioners: 03/13/2025

**Consistency with Land Use Regulations**

- Current zoning cannot 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-1-7	RU-1-13
<b>Potential*</b>	0 Single-family residence	2 Single-family residence
<b>Can be Considered under the Future Land Use Map</b>	No RES 4	Yes RES 4

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

**Background and Purpose of Request**

The applicant is requesting a change of zoning classification from RU-1-7 (Single-family Residential) to RU-1-13 (Single-family residential) on two (2) lots to provide consistency between the property’s zoning and the RES 4 FLU designation. The applicant intends to construct a single-family residence on the vacant lot under building permit number **24BC17245**. The building permit is in deficiency pending the outcome of this zoning request. The second lot in this request is developed with a single-family residence.

The two (2) lots were recorded in the Plat of June Park Addition No. 4 in Plat Book 4, Page 73B on June 23, 1925. The vacant lot is recorded as Block G, Lots 22, 23, and N 19 feet of Lot 24. The developed lot is recorded as the S 6 feet of Lot 24 & All lots 25 thru 27. On May 22, 1958, the subject property was established with the RU-1 (Single-Family Residential) zoning classification.

On June 1, 1972, the lots were administratively rezoned by the Board of County Commissioners under zoning file **Z-2980** from RU-1 to the RU-1-7 zoning classification.

The subject property is located on the south side of Miami St. and the west side of Sagamore St., which are county-maintained roads.

**Surrounding Area**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Vacant Land across Miami Avenue	RU-1-7	RES 4
<b>South</b>	Single-family residence	RU-1-7	RES 4
<b>East</b>	Church across Sagamore Street	IN(L)	RES 4
<b>West</b>	Vacant Land	RU-1-7	RES 4

North of the subject property across Miami Avenue is a vacant 8.33 acre parcel with RU-1-7 zoning.

South of the subject property is a 0.62 acre parcel, developed with a single-family residence with RU-1-7 zoning.

East of the subject property across Sagamore Street is a 1.01 acre parcel, developed with a church with RU-1-7 zoning.

West of the subject property is a 0.56 acre parcel, vacant land with RU-1-7 zoning.

The current RU-1-7 classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on minimum 5,000 square foot lots with minimum widths of 50 feet and depth of 100 feet. The minimum house size is 700 square feet.

The proposed RU-1-13 permits encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings 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.

IN(L) is an Institutional (Light) zoning classification, intended to promote low impact private, nonprofit, or religious institutional uses to service the needs of the public for facilities of an educational religious, health or cultural nature.

The institutional use zoning classification is divided into two types, Low intensity (L) and High Intensity (H). Low intensity uses are low impact and are compatible with residential uses in residential land use designations, or neighborhood commercial uses in neighborhood commercial land used designations.

### **Future Land Use**

The subject property's current RU-1-7 zoning is not consistent with the RES 4 FLUM designation. The proposed RU-1-13 zoning is consistent with the existing RES 4 FLUM designation.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 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 development of one additional single-family residence is not anticipated to diminish the enjoyment of, safety or quality of life in the existing residential area. The proposed is compatible with the established residential character in the area. Any new development would need to meet Performance Standards defined by Sections 62-2251 through 62-2272 for hours of operations, 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 (Master Appraiser Institute) 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 historical land use patterns of the surrounding development can be characterized as predominantly single-family residences with properties ranging in size from 0.25 acres to 8.33 acres in size.**

**Residential 4 (RES 4) is the prominent FLU in this area. The predominant zoning classification is Single-Family Residential (RU-1-7). There is one property east of the subject parcel across Sagamore St. zoned Institutional Use (IN(L)), developed as a church.**

**There are multiple parcels with RU-1-11 zoning located within the 0.5 mile radius of the subject property. The closest parcel with this zoning classification is located south of the subject property, approximately 0.25 mile, at the intersection of Henry Ave. and Commodore Blvd.**

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

**There have been multiple developments within the 0.5 mile radius during the preceding three years. There have been 6 single family residences and one self-storage facility. The commercial facility is approximately 0.25 mile to the northwest located on the north side of W. New Haven Avenue.**

**Zoning Actions within one-half mile within the past three years:**

- **21Z00040 rezoned from BU-1 (General Retail Commercial) & BU-2 (Retail, warehousing, and wholesale commercial) to all BU-2 on 02/03/2022 and is developed with a self-storage facility. It is located approximately 0.35 mile northwest of the subject property on the north side of W. New Haven Avenue lying 1,500 feet west of Katherine Boulevard.**
- **22Z00044 rezoned from RU-1-7 to RU-1-11 (Single-Family Residential) on 11/03/2022 and is developed with five single-family residences. It is located less than a 0.25 mile southwest of the subject property on the southeast corner of Henry Avenue and Commodore Boulevard.**
- **22Z00055 rezoned from RR-1 (Rural Residential) to AU (Agricultural Residential) on 02/02/2023 and is developed with a single-family residence and has farm animals. It is located approximately 0.35 mile southeast of the subject property lying east of the easterly end of Illinois Avenue abutting Maple Street.**

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

**There has been one development approved within the past three years that has not been constructed.**

- **24Z00050 rezoned from RU-1-7 to RU-1-11 (Single-Family Residential) on 12/12/2024 remains undeveloped as the building permit 24BC11799 was withdrawn. It is located less than 0.25 mile west of the subject property lying on the north side of Miami Avenue due east of Elm Street.**

D. 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.**

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 use can be considered compatible with the existing character of the area. Preliminary concurrency indicates a 0.03% increase in MAV utilization. The addition of one single-family dwelling unit will have a minimal impact on the level of service.**

- 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 property is located in an existing platted residential neighborhood. There are clearly established roads and residential lot boundaries. The road boundaries are Miami Ave. to the North and Sagamore St. to the East.**

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. It is located in a residential area.**

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.

**The area is primarily single-family residential with commercial zoning located exclusively along the W. New Haven Ave. corridor to the north.**

**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 wetlands, water bodies or habitat for listed species.

### **Hydric Soils**

**A majority of the subject parcel contains mapped hydric soils (Malabar, Holopaw and Pineda soils); an indicator that wetlands may be present on the property. A wetland delineation may be required prior to any land clearing activities, site plan design, or building permit submittal. The applicant has submitted a building permit. The building permit # 24BC17245 is being reviewed by applicable agencies.**

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is US 192 from S. John Rodes Blvd. to S. Wickham Rd., which has a Maximum Acceptable Volume (MAV) of 39,800 trips per day, an Acceptable Level of Service (ALOS) of D, and currently operates at 76.36% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.03%. The corridor is anticipated to operate at 76.39% of capacity daily. The addition of one single family dwelling unit will have a minimal impact on level of service. This is only a preliminary review and is subject to change.

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.

There are no County or City sewer or water utilities in the area. The property would need to provide its own service for well water and septic.

### **Environmental Constraints**

#### **Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Hydric Soils
- Land Clearing and Landscape Requirements

**For Board Consideration**

The Board should consider whether the proposed zoning request is consistent and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item No. 24Z00061**

**Applicant:** Paulo Jimenez (Owner: Invest Bright LLC)

**Zoning Request:** RU-1-7 to RU-1-13

**Note:** for consistency with RES 4 FLUM

**Zoning Hearing:** 02/17/2025; **BCC Hearing:** 03/13/2025

**Tax ID No.:** 2800361

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

**Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Hydric Soils
- Land Clearing and Landscape Requirements

**Land Use Comments:**

**Hydric Soils**

A majority of the subject parcel contains mapped hydric soils (Malabar, Holopaw, and Pineda soils); an indicator that wetlands may be present on the property. **A wetland delineation may 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. Note that this property was split in 2024. **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.**



### **Land Clearing and Landscape Requirements**

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  inches in diameter) tree preservation. 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.**