



BOARD OF COUNTY COMMISSIONERS

## Planning and Development Department

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<https://www.brevardfl.gov/PlanningDev>

### STAFF COMMENTS

24Z00027

Home Nation Cocoa LLC, Roxanne Comino

**AU (Agricultural residential) to RU-1-11 (Single-family residential)**

Tax Account Number: 2419394  
Parcel I.D.s: 24-36-26-00-263  
Location: Southeast Corner of Lucas Rd and Bevis Rd (District 2)  
Acreage: 0.31 acres

Planning & Zoning Board: 08/12/2024

Board of County Commissioners: 09/05/2024

### 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
<b>Zoning</b>	AU	RU-1-11
<b>Potential</b>	0	1 Single-family
<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 a change of zoning classification from AU (Agricultural Residential) to RU-1-11 (Single-family Residential) to legitimize the parcels configuration and build a single-family residence.

The subject property was created into its current configuration as of June 25, 1991 and recorded in ORB 3131 Pg 1505. The subject property is a substandard lot. The subject property's dimensions for minimum lot width, lot depth and lot area each fail to meet current AU zoning standards. From May 22, 1958, to March 6, 1975, the AU zoning classification had minimum lot criteria of 125 feet of width and depth and a minimum lot area of 1.0 acre. Since the lot was altered after March 1975, it cannot be considered a non-conforming lot of record. The current lot has a width of 84 ft. and a depth of 149 ft.

The applicants are requesting the RU-1-11 zoning classification which can be considered consistent with the RES 15 Future Land Use designation and current lot dimensions.

### **Surrounding Area**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Across Lucas Rd. Single-family residence	RU-1-9	RES 6
<b>South</b>	Single-family residence	AU	RES 15
<b>East</b>	Single-family residence	AU	RES 15
<b>West</b>	Across Bevis Rd. Vacant land	RU-1-11	RES 15

The property to the north across Lucas Road is a 0.30 acre parcel improved with a single-family home built in 1967; zoned RU-1-9. The property to the south is 0.23 acre parcel developed with a single-family home built in 1957; zoned AU. The property to the east of the subject property is a 0.33 acre parcel improved with a single-family home built in 1960; zoned AU. The property west across Bevis Rd. is a vacant parcel zoned RU-1-11.

AU zoning classification permits single-family residences and agricultural uses on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

RU-1-9 classification permits single family residences on minimum 6,600 square foot lots with minimum width of 66 feet and depth of 100 feet. The minimum house size is 900 square feet.

RU-1-11 classification permits single family residences on a minimum 7,500 square foot lot, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

### **Land Use**

The subject property has a RES 15 FLUM designation. Both the current AU zoning and the proposed RU-1-11 zoning classifications can be considered consistent with RES 15. This land use designation encompasses the land area south of Lucas Rd. Lands north of Lucas Rd. have a RES 6 FLUM.

### **Applicable Land Use Policies**

**FLUE Policy 1.7** – The Residential 15 Future Land Use designation affords the second highest density allowance, permitting a maximum residential density of up to fifteen (15) units per acre. This land use category allows single-family and multi-family residential development.

### **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 Brevard County's 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 Appraisal 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;

**Land use to the north and south of Lucas Rd. is mostly single-family with two older apartment complexes built in 1964 and 1965. More recent development has been for single-family.**

**North of the subject across Lucas Rd. has a FLUM designation of RES 6. This allows for a density of six units per acre. The land has been developed with single family subdivisions. The historical land use pattern has been single-family residential.**

**Within the past three years there have been no FLUM changes within the defined radius.**

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

**Within the half-mile radius of the subject property there has been one zoning action approved by the Board of County Commissioners which was developed.**

**21Z00024 changed the zoning of AU to RU-1-11 developed with a single-family home. It is located 200 feet south and east of the subject.**

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

- 1. 22Z00058 changed a 0.24 acre parcel zoned AU to RU-1-9.**

**2. 23Z00027 changed a .76 improved parcel from IN(L) to RU-1-7.**

- 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 of the Comprehensive Plan 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 change is not anticipated to adversely impact the overall character of the area. The request, if approved, would generate trips for one household.**

- 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.

**This lot is not within an established subdivision, but can be consider within a residential area. The improved properties with AU zoning near the subject property were developed from 1958 to 1967 and built to a different zoning standard. Much of the area fails to meet current AU zoning standards. The request for RU-1-11 would legitimize the existing development trends of the 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.

**There is no neighborhood commercial use in the general vicinity.**

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 residential as there are no commercial, industrial or other non-residential uses in the immediate one block radius around this site.**

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Lucas Rd. from N. Tropical Trail to N Courtenay Parkway which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 20.53% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.07%. The corridor is anticipated to operate at 20.60% 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.

The subject property has access to potable water and sewer Brevard County.

### **Environmental Constraints**

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

- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

### **For Board Consideration**

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

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

**Item No. 24Z00027**

**Applicant:** Roxanna Comino (Owner: Home Nation Cocoa LLC)

**Zoning Request:** AU to RU-1-11

**Note:** property does not meet minimum lot size for current zoning

**Zoning Hearing:** 08/12/2024; **BCC Hearing:** 09/05/2024

**Tax ID No.:** 2419394

- 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.**

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**Land Use Comments:**

**Indian River Lagoon Nitrogen Reduction Septic Overlay**

The eastern portion of this property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - 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. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

### **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 and Specimen tree preservation, and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.