



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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**STAFF COMMENTS
24Z00050**

William Braselton

RU-1-7 (Single-Family Residential) to RU-1-11 (Single-Family Residential)

Tax Account Number: 2800475
Parcel I.D.: 28-36-01-51-*317
Location: North side of Miami Ave, approximately 335 feet east of Wood St.
(District 5)
Acreage: 0.37 acres

Planning & Zoning Board: 11/18/2024
Board of County Commissioners: 12/12/2024

Consistency with Land Use Regulations

- Current zoning cannot be considered under the Future Land Use Designation, Section 62-1255.
- The request can be considered under the Future Land Use Designation, Section 62-1255.
- The request would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	RU-1-7	RU-1-11
Potential*	0 Single family	1 Single family
Can be Considered under the Future Land Use Map	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-1-11 (single-family Residential) to develop the property with a single-family residence. The current RU-1-7 zoning classification is not consistent with the RES 4 Future land Use designation. Rezoning the property to RU-1-11 will provide compatibility with the RES 4 FLU.

The subject property was created in May 1925 as part of Pine Grove Subdivision, per Plat Book 4, page 32 A-B.

On June 1, 1972, the zoning classification RU-1 was replaced with the RU-1-7, Single-Family Residential zoning classification.

The current configuration of the property is 0.37 acres with a width of 120ft., and depth of 133 ft.

The subject parcel is located on the north side of Miami Ave, a County maintained road.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence	RU-1-7	RES 4
South	Single-family residence	RU-1-7	RES 4
East	Single-family residence	RU-1-7	RES 4
West	Single-family residence	RU-1-7	RES 4

North of the subject property is 1 parcel, 0.19 acres, developed with a single-family residence with RU-1-7 zoning.

South of the subject property is 1 parcel, 0.12 acres, developed with a single-family residence with RU-1-7 zoning.

East of the subject property is 1 parcel, 0.36 acres, developed with a single-family residence with RU-1-7 zoning.

West of the subject property is 1 parcel, 0.54 acres, developed with a single-family residence with RU-1-7 zoning.

The current RU-1-7 zoning classification permits single-family residences on 5,000 sq. ft. lots, with a minimum width of 50 ft. and minimum depth of 100 ft. The minimum living area is 700 sq. ft.

The proposed RU-1-11 zoning classification permits single-family residences on 7,500 sq. ft. lots, with a minimum width and depth of 75 ft. The minimum living area is 1,100 sq. ft.

Future Land Use

The subject property is currently designated as Residential 4 (RES 4) Future Land Use Map (FLUM) designation. The current RU-1-7 zoning is not consistent with the existing RES 4

FLUM designation. The proposed RU-1-11 zoning can be considered consistent with the existing RES 4 FLUM designation.

FLUE Policy 1.7 –The Residential 4 Future land use designation affords an additional step down in density from the more highly urbanized areas. The Residential 4 land use designation permits residential development with a maximum density of up to four (4) dwelling units per acre, except as otherwise may be provided for within the Future Land Use Element.

The applicant’s request can be considered consistent with the proposed Future Land Use. 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 applicant intends to construct a single-family residence on this vacant property. The request is not anticipated to diminish the enjoyment of, safety or quality of life in the existing residential 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 (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 in the surrounding area can be categorized as a developed residential area with single-family residences on properties approximately 0.21 acres to 2.5 acres.

RES 4 is the predominant residential FLU in the area while there are commercial FLU designations located North of the subject property along W. New Haven Ave.

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

There have been six developments within 0.5 miles. All six properties were developed with single-family residences.

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

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

Zoning actions within one half mile within the past three years:

•22Z00044- Approved rezoning from RU-1-7 (Single-Family Residential) to RU-1-11(Single-Family Residential) on 11/03/2022 and is developed with five single-family residences.

•22Z00011- Approved rezoning from RU-1-7 (Single-Family Residential) to SR (Suburban Residential) on 05/26/2022 and is undeveloped, vacant land.

•21Z00040- Approved rezoning from BU-1(General Retail Commercial) and BU-2 (Retail, Warehousing and Wholesale Commercial) to all BU-2 on 02/03/2022. This property is located along W. New Haven Ave and is a developed commercial property.

- 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.

There are multiple zoning classifications within a 0.5 mile radius of the subject parcel. The prominent zoning classification is RU-1-7 (Single-Family Residential).

The closest parcel with RU-1-11 zoning is South of the subject property approximately 0.30 miles at the intersection of Commodore Blvd. and Henry Ave. There are multiple other parcels with RU-1-11 zoning with the prominent number being South of the subject property.

The proposed request will recognize existing development trends.

This request provides consistency with the FLUM and immediate surrounding zoning classifications.

The request is not anticipated to impact the surrounding established residential neighborhood materially or adversely.

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 within residential area of character. There are clearly defined roads and residential lot boundaries.

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 intended for residential purposes.

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 a developed residential area of character.

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, a Level of Service (LOS) 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 0.02%. The corridor is anticipated to operate at 76.38% 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.

There is no County or City sewer or water utilities in the area. The subject property will have a well for water and septic for sewer.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- 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 consider if the request is consistent and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 24Z00050

Applicant: William Braselton (Owners: Brookside Development LLC)

Zoning Request: RU-1-7 to RU-1-11

Note: for consistency with RES 4 FLU (for SFR 24BC11799)

Zoning Hearing: 11/18/2024; **BCC Hearing:** 12/12/2024

Tax ID Nos.: 2800475

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

Land Use Comments:

Hydric Soils

The entire subject parcel contains mapped hydric soils (EauGallie sand); an indicator 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.**

Indian River Lagoon Nitrogen Reduction Septic Overlay

The 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 (≥ 10 inches in diameter) and Specimen (≥ 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.**