



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

25Z00008

NDW Consultants LLC

AU (Agricultural Residential) to RR-1 (Rural Residential)

Tax Account Number: 2004246, 2004248
Parcel I.D.: 20G-34-41-02-46-6, 20G-34-41-02-45
Location: Southside of Coral Ave., approximately 560 ft. east of Highway 1
(District 1)
Acreage: 17.20 acre

Planning & Zoning Board: 7/14/2025
Board of County Commissioners: 8/7/2025

Consistency with Land Use Regulations

- Current zoning is consistent under the Future Land Use Designation, Section 62-1255.
- The proposed zoning and Future Land Use Designation is consistent per Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS).

	CURRENT	PROPOSED
Zoning	AU	RR-1
Potential*	6 Single-family residence	17 Single-family residence
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 applicant is requesting to rezone the subject property from AU (Agricultural Residential) to RR-1 (Rural Residential) on a combined 17.20-acre lot. The combined lot is made up of two parcels, 16.90 acres and 0.30 acres, both of which are under the same warranty deed. The applicant would like to subdivide and build single-family residential homes on one-acre lots. This proposal would allow for 17 single-family residential homes.

The subject parcel was not part of the Mims 2007 Small Area study.

The subject property's current configuration was recorded in the North End Extension of Scottsmoor, a portion of the Fontaine Grant Plat Book 3, Page 96 dated January 9, 1925.

The subject property retains the original FLU designation, Residential 1 (RES 1), established by the 1988 Brevard County Comprehensive Plan. The AU zoning is the original classification established on the subject property in 1958.

AU zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character on 2.5-acre lots, with a minimum lot width and depth of 150 feet. The AU classification also permits the raising/grazing of animals, fowl, and beekeeping.

The proposed RR-1 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 a minimum one-acre lot, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns, and horticulture as accessory uses to a single-family residence. Keeping of horses and agricultural uses are accessory to a principal residence within the RR-1 zoning district.

Staff analysis from Brevard County Public Works indicates the proposed request would be required to have paved road access per Brevard County Code Section 62-2804. Access to the property is currently off Coral Avenue, which is considered not to be paved to county standards. This would require the developer to pave Coral Avenue as part of the development plan.

In addition, staff also commented that when developing the property, it will need to meet Stormwater Management criteria, Section 62-3751 Exhibit A, which requires roadside stormwater management for both Coral Avenue and Sunset Avenue. There is an existing County ditch, "Sunset Avenue Outfall," along the north side of Sunset Avenue. The design of the development will need to address the ditch crossing if they were to have a connection to Sunset Avenue.

The subject parcel is located on the south side of Coral Ave., 560 ft. east of Highway 1, a county-maintained road.

As of June 26, 2025, there is one open code violation on the property: digging and hauling dirt off the property without a permit (25CE-00248).

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Vacant land	AU	RES 1
South	Church	IN (L)	RES 1
East	Vacant land	AU	RES 1
West	(2) Single-family residence, vacant land, and single-family mobile home	AU	RES 1

North of the subject parcel, across Coral Ave., is a 23.0-acre parcel of vacant land with AU zoning and RES 1 FLU designation.

South of the subject parcel, across Sunset Ave., is a 2.18-acre parcel, developed with a church which has IN(L) zoning and RES 1 FLU designation.

East of the subject property is a 14.16-acre parcel of vacant land which has the same owner as the subject property for this zoning action. This parcel of land is zoned AU and has a RES 1 FLU designation.

West of the subject property is four (4) parcels: One (1) parcel is 2.95 acres, developed with a single-family residence, second (2) parcel is 7.57 acres of vacant land, third (3) parcel is 2.51 acres developed with a single-family mobile home and the last parcel, and fourth (4) parcel is 3.23 acres developed with a single-family residence. All four (4) parcels have AU zoning with a RES 1 FLU designation.

AU zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character 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.

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.

Future Land Use

The subject property's AU zoning classification is consistent with the RES 1 Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. The applicant's request for RR-1 zoning classification can be considered consistent under the existing 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;

This request is not anticipated to significantly diminish the enjoyment, safety or quality of life.

The proposed development increases the percentage of MAV utilization by 0.67%. The corridor is anticipated to operate at 12.48% of capacity daily. The proposed development is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

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.

- 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 a 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 proposed use is consistent with the existing pattern of surrounding development, which is characterized as single-family residential.

There are four (4) FLU designations: RES 1, Community Commercial (CC), Neighborhood Commercial (NC) and Public Conservation (PUB-CONS) within a 0.5-mile radius of the subject property. RES 1 is the prominent FLU in the surrounding area on the east side of Highway 1 while PUB-CONS is the predominant FLU designation on the west side of Highway 1.

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

There has been no new development within 0.5 miles of the subject property within the last three years.

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

There has not been any approved development within this area in the preceding three (3) years that has yet to be constructed.

- 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 requested RR-1 zoning would allow seventeen (17) single-family residences due to a minimum lot size of one (1) acre. Parcels surrounding the subject property to the north, east, and west are sparsely developed, varying in size from one to approximately 100 acres. South of Sunset Avenue does, however, include smaller lots, primarily approximately half-acre in size, with a couple of lots mixed in at approximately 0.25 acres.

There are multiple zoning classifications within a 0.5-mile radius of the subject property: AU, BU-1, PUD and RR-1 zoning classifications. AU is the predominant zoning on the east side of Highway 1. PUD zoning is the predominant zoning on the west side of Highway 1.

The Highway 1 corridor has predominantly AU residential zoning with a couple BU-1 commercially zoned properties blended in.

Traffic from the proposed development is not anticipated to impact the surrounding area. The corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The proposal would not create a deficiency in Adopted Level of Service (LOS). No commercial or industrial activity is proposed.

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 property is in a platted residential area with established roads. However, this area is not considered an established residential neighborhood.

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 are no neighborhood commercial land uses established in this 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.

This area is not transitional.

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 wetlands, water bodies or habitat for listed species.

Wetlands and Hydric Soils

A small portion of the subject parcel contains mapped National Wetlands Inventory (NWI) wetlands and hydric soils (St. Johns sand, depression); 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 applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map.

The northern portion of this property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay.

Federally and/or state protected species may be present on the property. Specifically, a large area of mapped Scrub Jay occupancy is located approximately 630 feet to the east of the subject property.

Preliminary Concurrency

The closest concurrency management segment to the subject property is U.S.1 between Burkholm Road and Volusia County Line, which has a Maximum Acceptable Volume (MAV) of 40,300 trips per day, a Level of Service (LOS) of C, and currently operates at 11.81% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.67%. The corridor is anticipated to operate at 12.48% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

School concurrency information provided from the Brevard County School Board, has determined that Pinewood Elementary School, Madison Middle School and Astronaut High School are projected to have capacity for the projected and potential students from the development.

Potable water and sanitary sewer service to the subject property is not available from any provider. The property owner would need to provide their own services for water and sewer.

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements
- Protected Species
- Potential Code Enforcement

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 No. 25Z00008

Applicant: Norman D. White (Owner: NDW Consultants LLC)

Zoning Request: AU to RR-1

Note: to subdivide into 1-ac lots and build SFRs

Zoning Hearing: 06/16/2025; **BCC Hearing:** 07/03/2025

Tax ID No.(s): 2004246 & 2004248

- 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:

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements
- Protected Species
- Potential Code Enforcement

Land Use Comments:

Wetlands and Hydric Soils

A small portion of the subject parcel contains mapped National Wetlands Inventory (NWI) wetlands and hydric soils (St. Johns sand, depressionnal); 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. **For residential parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis 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 Pomello sand, classified as an aquifer recharge soil. Additionally, the mapped topographic elevations show that the property falls within Type 3 Aquifer Recharge areas, which are subject to 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.

Floodplain Protection

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Indian River Lagoon Nitrogen Reduction Septic Overlay

The northern 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 (≥ 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.**

Protected Species

Federally and/or state protected species may be present on the property. Specifically, a large area of mapped Scrub Jay occupancy is located approximately 630 feet to the east of the subject property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.

Potential Code Enforcement

As of June 26, 2025 there is an active Code Enforcement case (25CE-00248) for unpermitted land alteration activities on the property. The case is pending.