



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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

**STAFF COMMENTS**

**25Z00031**

**Blair Foster (Foster Family Living Trust)**

**GU (General Use) to SR (Suburban Residential)**

Tax Account Number: 2802682  
Parcel I.D.: 28-36-13-00-766  
Location: Southwest of Carriage Gate Drive, immediately south of  
3575 Carriage Gate Drive. (District 5)  
Acreage: 1.0 acres

Planning & Zoning Board: 1/12/2026

Board of County Commissioners: 2/05/2026

**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>	GU	SR
<b>Potential*</b>	0 single-family	2 single-family
<b>Can be Considered under the Future Land Use Map</b>	NO RES 2	YES RES 2

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

**Background and Purpose of Request**

The applicant is requesting to rezone 1.0 acre from GU (General Use) to SR (Suburban Residential) to have a zoning classification that is consistent with the subject property's lot size for the construction of a future single-family residence.

The GU zoning classification and RES 2 FLU designation are original to the property. The subject property meets the minimum size, lot width, and depth requirements for the proposed SR zoning classification. The SR zoning classification and the RES 2 Future Land Use Map (FLUM) designation are consistent.

GU classification is a holding category, that encompasses rural single-family residential development or unimproved lands for which there is no definite current proposal for development or land in areas lacking specific development trends on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

SR classification encompasses lands devoted to single-family residential development of relatively spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 square feet.

The SR zoning classification is established on the abutting property north of the subject property.

The lot was recorded on October 1, 1974 in ORB 1486, Page 947 of the Public Records of Brevard County. At that time, the GU zoning classification required a minimum lot width and depth of 150 feet by 150 feet on one (1) acre. The subject properties lot configuration is 131.83 feet by 330.17 feet as noted on the boundary survey provided by the applicant. Therefore, the subject property cannot be classified as a nonconforming lot of record, as it has never satisfied the requisite minimum lot width and depth standards. The Quit Claim Deed and accompanying boundary survey reference an easement described as "Together with an easement over the East 60 feet of the West 192 feet." This easement, however, has not been formally validated as a lawful means of residential access pursuant to Section 62-102(a). At present, the easement functions primarily as access for the adjacent tower site, creating a potential incompatibility with Section 62-102, which mandates that a residential access easement be dedicated exclusively to the residential parcel to qualify for building permit issuance.

To achieve compliance with Section 62-102, the existing 60-foot-wide easement would necessitate modification, specifically through the delineation of a dedicated 20-foot-wide segment reserved exclusively for ingress and egress to the subject property, with the remaining portion continuing to serve the tower tenant. Absent administrative approval of such a revised and compliant easement, the residential lot lacks formally recognized legal access. Accordingly, the applicant is hereby advised that securing an approved access easement is a prerequisite to pursuing a residential building permit.

Staff evaluated the proposed rezoning under Administrative Policy 5, focusing on whether the development would compromise adopted levels of service, significantly exceed design capacities, or materially and adversely affect surrounding neighborhoods. Traffic data from the SCTPO indicate that the Minton Road segment between Hield Road and Eber Road is currently operating above capacity, with an existing utilization rate of approximately 100.99% (37,670 vehicles compared to a MAV of 37,300). The proposed single-family residence is anticipated to increase MAV utilization by an additional 0.04%, resulting in a projected utilization rate of approximately 101.03%. Because the roadway segment is already exceeding its adopted level of service, the Board should consider whether the proposed rezoning—

despite generating a minimal increase in demand—should be approved or denied based on its contribution to an already over-capacity roadway segment.

Pursuant to Section 62-602(b), staff conducted a preliminary concurrency evaluation to illustrate the relationship between the rezoning request and the availability of public facilities and services. Although the traffic generated by a single-family residence is minor, the affected roadway segment remains over its adopted level of service. Section 62-602(e) authorizes the County to deny, defer, or require modification of development proposals that cause or contribute to a public facility deficiency.

In accordance with Section 62-602(e) of the Brevard County Ordinances, the Board of County Commissioners shall determine whether the rezoning should be approved or denied based on its contribution to an already deficient transportation facility and whether the proposal would cause or substantially aggravate any identified level-of-service deficiency. The applicant is also put on notice that approval of this rezoning would not vest transportation concurrency as to the subject property, and that future permitting activities may be impacted by a deficiency in adopted levels of service.

The subject property contains mapped hydric soils, indicating the potential presence of wetlands. The proposed development is not expected to cause substantial drainage issues on adjacent properties or create significant, adverse, and unmitigable impacts on wetlands or habitats for listed species. A wetland delineation may be required prior to land clearing, site plan review, or building permit submittal. Any permitted wetland impacts must comply with Section 62-3694(e), including avoidance of impacts, and must provide no-net-loss mitigation pursuant to Section 62-3696.

There are currently no open Code Enforcement cases or violations noted on the property.

### **Surrounding Area**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Single-family residential	SR	RES 2
<b>South</b>	Tower Communications	GU	RES 2
<b>East</b>	City of West Melbourne/Stormwater pond	R-1A	LD-RES
<b>West</b>	Single-family residential/Tower Communications	AU/GU	RES 2

The property to the north of the subject property is developed with a single-family residence on 0.94 acres, zoned SR.

The property to the south is utilized as a tower communication site on 2.06 acres, zoned GU.

To the east of the subject property is located with the City of West Melbourne jurisdiction. It contains 56 lots, is platted for single-family homes, and is zoned R-1A with a FLU designation of Low Density residential.

There are 2 properties to the west of the subject property. One is utilized as a cell tower communication site on 1.82 acres, zoned GU and the other is developed as single-family residential on 2.78 acres, zoned AU.

Three of the properties are designated as RES 2 FLU and the West Melbourne has a designation of LD-RES FLU.

GU classification is a holding category, that encompasses rural single-family residential development or unimproved lands for which there is no definite current proposal for development or land in areas lacking specific development trends on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

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.

SR classification encompasses lands devoted to single-family residential development of relatively spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 square feet.

## **Land Use**

The subject property's GU zoning classification can be considered consistent with the RES 2 Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. The proposed SR zoning is consistent with the RES 2 designation.

## **Applicable Land Use Policies**

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 proposed single-family residence is not anticipated to 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 the existing neighborhoods within 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 percent or more) in the value of existing abutting lands or approved development.

**Only a certified MAI (Master Appraisers 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.

**There are four (4) FLU designations within County jurisdiction: RES 2, RES 4, CC, and NC within one-half mile of the subject property. The most prominent FLU designation is RES 2.**

**There have been no FLU changes within 0.5 miles of the last 3 years.**

**This analysis focuses on the south side of Highway 95. The existing pattern of development of the surrounding area is single-family residential, both in unincorporated and incorporated areas.**

**Residential lots range in size from approximately 0.21 acres to 2.78 acres. Within the unincorporated areas, there is a mixture of zoning classifications; GU, AU, SR, EU, RU-1-13, RU-1-11, and BU-2 Site within a 0.50 mile radius. SR zoning appears to be the predominate classification in the area.**

**There have been three (3) zoning changes approved within one-half mile over the preceding three (3) years, 22Z00006 (GU to BU-2 with BDP and removal of CUP for tower and antenna), 23Z00012 (Amended BDP; zoned BU-2 southeast fringe), 25Z00031 (GU to SR) to have a zoning that is consistent with the lot size.**

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

**New development of a single-family residential subdivision is in progress within the City of West Melbourne east of the subject property.**

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

**No new development approved but not yet constructed within the past three years.**

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

**The Board may consider whether the proposed is in material violation of Administrative Policy 5 related to the compromise of adopted levels of service.**

#### **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 maximum development potential from the proposed rezoning will increase the percentage of MAV utilization by 0.04%. The proposed use is not anticipated to materially and adversely impact the area 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 area.**

- 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 not located within an existing residential neighborhood but rather in a residential area. There is a residential neighborhood located 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 within an existing single-family 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 subject parcel is not requesting to be rezoned for commercial, industrial, or other non-residential uses.**

### **Analysis of Administrative Policy 5**

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following:

Criteria:

- A. Whether adopted levels of service will be compromised;

**Current traffic counts provided by the Space Coast Transportation Planning Organization (SCTPO) for the segment of Minton Road between Hield Road and Eber Road indicate that the existing volume of 37,670 vehicles exceeds the maximum acceptable volume (MAV) of 37,300, resulting in a utilization rate of approximately 100.99%. The proposed development is anticipated to increase MAV utilization by an additional 0.04%, bringing the projected operating level to approximately 101.03%.**

- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;

**Has not been evaluated at this time.**

- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;

**Has not been evaluated at this time.**

- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;

**Has not been evaluated at this time.**

- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;

**Current traffic counts provided by the Space Coast Transportation Planning Organization (SCTPO) for the segment of Minton Road between Hield Road and Eber Road indicate that the existing volume of 37,670 vehicles exceeds the maximum acceptable volume (MAV) of 37,300, resulting in a utilization rate of approximately 100.99%. The proposed development is anticipated to increase MAV utilization by an additional 0.04%, bringing the projected operating level to approximately 101.03%.**

- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;

**The proposed single-family use does not change the type (residential traffic) of what has historically been in the area.**

- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

**Based on the projected traffic increase associated with the proposed development, the incremental impact—an estimated 0.04% increase in utilization on a roadway segment already operating above its maximum acceptable volume—is not expected to materially or adversely affect the safety or welfare of residents in the surrounding residential area. While the segment is currently operating over capacity, the marginal increase generated by a**



**single additional single-family residence is statistically insignificant relative to the overall roadway volume and does not, in itself, create a measurable degradation of traffic operations, safety, or level of service.**

### **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.

The entire subject parcel contains mapped hydric soils; indicators that wetlands may be present on the property. The proposed is not anticipated to cause or substantially aggravate significant, adverse and unmitigable impact on significant natural wetlands. A wetland delineation may be required prior to any land clearing activities, site plan design, or building permit submittal. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require no net loss mitigation in Brevard County in accordance with Section 62-3696.

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Minton Road from Hield to Eber, which has a Maximum Acceptable Volume (MAV) of 37,300 trips per day, a Level of Service (LOS) of E, and currently operates at 100.99% of capacity daily. The maximum development potential from the proposed rezoning will increase the percentage of MAV utilization by 0.04%. The corridor is anticipated to operate at 101.03% of capacity daily. The proposal is anticipated to contribute marginally to the existing 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 is not within a Brevard County sewer or portable water service area.

### **Environmental Constraints**

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

- Hydric Soils
- Land Clearing and Landscape Requirements

Comments provided by the Natural Resource Management Department at the end of this report.

### **For Board Consideration**

The Board should consider if the request is consistent and compatible with the surrounding area.

the Board should consider whether the proposed rezoning—despite generating a minimal increase in demand—should be approved or denied based on its contribution to an already over-capacity roadway segment under Administrative Policy 5 and Section 62-602(e).

Pursuant to Section 62-602(b) *Preliminary evaluation prior to zoning action*. For review of zoning applications, a preliminary concurrency evaluation shall be completed as part of the zoning review process to illustrate the relationship between the proposal and the availability of services and facilities for the planning and zoning board, the School Board of Brevard County, and the board of county commissioners. This review will be based on the information described in the zoning application. The results of this preliminary review are for the use of the county in its review of the zoning application and a school area impact analysis application.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item No. 25Z00053**

**Applicant:** Blair Foster (Owner: Foster Family Living Trust)

**Zoning Request:** GU to SR

**Note:** for consistency to lot size for future SFR

**Zoning Hearing:** 01/12/2026; **BCC Hearing:** 02/05/2026

**Tax ID No.:** 2802682

- 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

The entire subject parcel contains mapped hydric soils (Malabar sand, high); indicators 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. 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). **Per Section 62-3694(e), any wetland impact, authorized under this division, for residential use shall be limited to the structural building area requirements for the primary use as defined by the zoning code, on-site disposal system requirements, and the 100-year flood elevation requirement for first floor elevations, and necessary ingress and egress.** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require no net loss mitigation in Brevard County 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 and Specimen 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.**