



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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**STAFF COMMENTS
26Z00004**

**Domanique F. Culpepper, Ralph M. Williams III, Ralph M. Willimans IV, & Erikka Williams
(Antonio Owen)**

AU (Agricultural Residential) to RU-2-15 (Medium-density Multiple-family Residential)

Tax Account Number: 2455061
Parcel I.D.: 24-36-23-BX-*-15.03
Location: North side of Grove Boulevard, approximately 0.23 miles west of
North Courtenay Parkway (District 2)
Acreage: 2.43 acres

Planning and Zoning Board: 04/20/2026
Board of County Commissioners: 05/07/2026

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)

	CURRENT	PROPOSED
Zoning	AU	RU-2-15
Potential*	0 single-family residences	36 multi-family units
Can be Considered under the Future Land Use Map	Yes RES 15	Yes RES 15

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. Application of these regulations may reduce development potential.

Background and Purpose of Request

The applicant is requesting a change of zoning classification from AU (Agricultural Residential) to RU-2-15 (Medium-density Multiple-family Residential) on 2.43 acres to allow for the development of 36 apartment units for senior citizens. The subject parcel has access to Grove Boulevard, a county-maintained roadway. The property is currently undeveloped and is located

on the north side of Grove Boulevard, approximately 0.24 miles west North Courtenay Parkway.

The property is part of Lot 15 of Nevins Subdivision recorded in PB 2, PG 98 of the Brevard County Official Records on December 2, 1919. The subject property is one of four parcels created on July 25, 2000, as recorded in Official Records Book 4195, PG 2548, when Lot 15 was split without the benefit of a subdivision plan.

AU was the original established zoning classification for the subject property upon adoption of the Brevard County Zoning Regulations on May 22, 1958. In the current configuration, each of the four parcels created in 2000 are inadequate and do not meet the minimum lot size of 2.5 acres required for AU zoned lots.

If rezoned to RU-2-15, the subject property will be in compliance with the minimum required lot width, depth, and size requirements.

RU-2-15 encompasses lands devoted to medium-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-15 permits multiple-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square foot lots.

Residential 15 (RES 15) was the original established Future Land Use (FLU) designation for the subject property as established by the Brevard County Comprehensive Plan on September 8, 1988.

The subject property is within the septic moratorium area. Any proposed development requiring a septic permit could be affected by this moratorium. For further information regarding the septic moratorium, the property owner would need to reach out to the Department of Environmental Health, which issues septic permits.

The subject parcel may contain aquifer recharge soil. The mapped topographic elevations show that the property falls within a Type 3 Aquifer Recharge area, which is 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.

There are no current code enforcement complaints on the property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Undeveloped	AU	RES 15
South	Elementary school	Road ROW, GML(I)	PUB

East	Single-family residences	RU-1-9	RES 6
West	Undeveloped	AU	RES 15

North of the subject property is an undeveloped 2.43-acre parcel zoned AU with RES 15 FLU.

South of the subject property and the right-of way of Grove Boulevard is an 8.6-acre parcel developed with an elementary school and zoned GML(I) with PUB FLU.

East of the subject property are four (4) parcels developed with single family residences, zoned RU-1-9 with RES 6 FLU. The first lot is 0.19-acres, the next two lots are 0.18 acres, and the last lot is 0.22 acres.

West of the subject property is an undeveloped 2.43-acre parcel zoned AU with RES 15 FLU.

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, beekeeping, plant nurseries, and the packing and processing of commodities raised on site. Conditional uses in AU include hog farms, zoological parks, and land alteration.

The GML zoning classification encompasses government managed lands to recognize the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations (NGOs) providing economic, environmental and/or quality of life benefits to the county, electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission, and related entities. GML(I) zoning classification permits office and institutional uses.

RU-1-9 zoning 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 lots of 6,600 square feet (minimum). The minimum house size is 900 square feet.

Future Land Use

The subject property is currently designated Residential 15 (RES 15) Future Land Use as provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County’s Comprehensive Plan.

The current AU zoning is consistent with the RES 15 FLUM designation. The applicants’ request for RU-2-15 zoning classification can be considered consistent with the existing RES 15 FLUM.

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 development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 which will be reviewed at the site plan review stage should the zoning action be approved.

Traffic from the proposed development will have an impact to the surrounding area. The corridor currently operates at 81.93% capacity, and the proposed development is anticipated to increase the traffic to a level of 82.23%. Specific concurrency issues will be addressed at the time of site plan review.

- 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 (Member 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;

Within the 0.5-mile radius of the subject property, there are nine (9) FLU designations: RES 15, RES 10, RES 6, RES 4, RES 1, PUB, REC, NC, and CC. CC (Community Commercial) is the predominant FLU in the area.

The existing land use pattern is a mixture of residential and commercial uses. Commercial development is located to the east of the subject property, along North Courtenay Parkway. There is also multi-family development combined with institutional uses on the west side of North Courtenay Parkway. West of the subject property, along North Tropical Trail, development is predominately single-family residences.

There have not been any FLUM amendments within the 0.5-mile radius of the subject property in the past three years.

There are properties zoned AU, EU, BU-1-A, BU-1, BU-2, RU-1-7, RU-1-9, RU-1-11, RU-1-13, IN(L), RU-2-10, RU-2-12, RU-2-15, RU-2-30, RA-2-10(5), GML, GML(I), and RP within the 0.5-mile radius of the subject property, with the predominant zoning classification being BU-1.

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

No new development has occurred over the preceding three years.

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

There have been four zoning actions approved and not yet constructed over the last three years:

- **23Z00027: A rezoning from IN(L) (Institutional Use, Low Intensity) to RU-1-7 (Single-Family Residential) was requested for 0.76 acres and approved on July 13, 2023. This rezoning was to allow the conversion of a church to a single-family residence. At this time, no permits have been issued for this project.**
- **23Z00070: A rezoning from AU (Agricultural Residential) to RU-2-15 (Medium Density Multiple-Family Residential) was requested for 7.66 acres. On December 7, 2023, RU-2-4 (Low Density Multiple-Density Residential) was approved for this property. At this time, no permits have been issued for this project.**
- **24Z00009: A rezoning from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential) was requested for 0.31 acres to provide consistent zoning across the property. This rezoning was approved on December 12, 2024. A pre-application meeting has been held for a subdivision plan under 25SD00003, and a waiver was granted under 25WV00027 to allow the first formal submittal after the initial six month time limit set by Section 62-2807. No construction has been approved at this time.**
- **24Z000027: A rezoning from AU (Agricultural Residential) to RU-1-11 (Single-Family Residential) was requested for a 0.31-acre lot to legitimize the parcels configuration and build a single-family residence. This rezoning was approved on September 5, 2024. At this time, no permits have been issued for this property.**

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

Only a certified MAI (Member Appraisal Institute) appraisal can determine if material reduction has or will occur due to the proposed request.

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, parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

Traffic from the proposed development will contribute to increased demand on the surrounding roadway network. Specifically, the development will result in a modest increase in traffic along North Courtenay Parkway between Lucas Road and Crockett Boulevard, raising utilization from approximately 81.93% to 82.23%. Although this segment of the roadway will remain within its adopted level of service, the increase contributes to cumulative demand on the transportation network. This is not an introduction of commercial activity within the identified boundaries of a neighborhood.

- 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 area is an established residential neighborhood with clearly established boundaries including roads and open spaces.

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 surrounding is a residential neighborhood. Commercial uses are located along North Courtenay Parkway and do not encroach into the neighborhood.

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 presumed to be predominantly residential. Commercial, industrial, or other non-residential uses have not been applied for during the previous 5 years.

FLUE 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 subject parcel may contain aquifer recharge soil. The mapped topographic elevations show that the property falls within a Type 3 Aquifer Recharge area, which is 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.

The property is not located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h) or mapped as a FEMA Special Flood Hazard Area (SFHA).

Federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils.

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

Preliminary Concurrency

The closest concurrency management segment to the subject property is North Courtenay Parkway, between Lucas Road and Crockett Boulevard, which has a Maximum Acceptable Volume (MAV) of 38,430 trips per day, a Level of Service (LOS) of D, and currently operates at 81.93% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.30%. The corridor is anticipated to operate at 82.23% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be addressed at the time of site plan review. This is only a preliminary review and is subject to change. Preliminary concurrency was conducted using traffic counts from North Courtenay Parkway, since Grove Boulevard currently has no traffic counts from SCTPO.

School concurrency indicates the property meets the requirements for an aged, restricted community with no permanent residents under the age of eighteen. As a result, a School Impact Analysis – Exemption Letter has been issued. If revised covenants releasing the age restriction are recorded in the future, a school concurrency review will be required.

The subject property is within access to centralized sanitary sewer from Brevard County Utilities and centralized water from the City of Cocoa.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees

- Protected Species

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

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. 26Z00004

Applicant: Antonio Owen (Owners: Domanique F. Culpepper, Ralph M. Williams III, Ralph M. Williams IV, and Erikka Williams)

Zoning Request: AU to RU-2-15

Note: to develop 36 apartment units for seniors per AO 2/3/26

Zoning Hearing: 04/20/2026; **BCC Hearing:** 05/07/2026

Tax ID No.: 2455061

- 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:

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

Land Use Comments:

Aquifer Recharge Soils

This property contains Tavares fine sand, 0 to 5 percent slopes, classified as an aquifer recharge soil. The mapped topographic elevations show that the property falls within a Type 3 Aquifer Recharge area, which is 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.

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.

Protected and Specimen Trees

Protected and Specimen trees may exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. **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, Gopher Tortoises can be found in areas of aquifer recharge soils. If applicable, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (GTpermits@myfwc.com) and/or U.S. Fish and Wildlife Service (FW4FLESRegs@fws.gov) prior to any plan, permit submittal, or development activity, including land clearing.