



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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

**STAFF COMMENTS**

**24Z00068**

**Cameron and Courtney Parker**

**GU (General Use) to RR-1 (Rural Residential)**

Tax Account Number: 2401173  
 Parcel I.D.: 24-35-02-01-34-4  
 Location: 4385 Shawnee PL, Cocoa, FL. 32926 (District 1)  
 Acreage: 1.0 acre

Planning & Zoning Board: 2/17/2025  
 Board of County Commissioners: 3/13/2025

**Consistency with Land Use Regulations**

- Current zoning is consistent under the Future Land Use Designation, Section 62-1255.
- There is a companion small scale amendment to change the Future Land Use Designation from RES 1:2.5 to RES 1. The proposed zoning and Future Land Use Designation will be consistent per Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS).

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	GU	RR-1
<b>Potential*</b>	0 Single-family residence	1 Single-family residence
<b>Can be Considered under the Future Land Use Map</b>	YES RES 1:2.5	YES RES 1**

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

\*\* Pending approval of companion request **24SS00018** which proposes to amend the Future Land Use designation from RES 1:2.5 to Residential 1 (RES 1).

**Background and Purpose of Request**

The applicant is requesting to rezone the subject property from GU (General Use) to RR-1 (Rural Residential) on a one (1) acre lot. There is an active building permit, **24BC20372**, for the construction of a single-family residence. The applicant has a companion Small Scale Comprehensive Plan Amendment (SSCPA) application, **24SS00018**, requesting a change from RES 1:2.5 to RES 1. Approval of this request will provide consistency with the requested FLU designation and lot size requirements.

The subject property's current configuration was recorded in the Canaveral Groves Subdivision Survey Book 2, Page 59 dated October 1961.

The subject property retains the original FLU designation established in 1988 by the Brevard County Comprehensive Plan and GU zoning classification established in 1958.

At the time the GU zoning classification was established on this property, the zoning regulations required a minimum lot size of 1 acre with a minimum width requirement of 150 feet and depth of 150 square feet. The subject property has a width of 140 feet which is considered non-conforming to the 1958 requirement. Since the lot has never met the required width, this lot has been considered substandard. The GU lot size requirements changed in May of 1975 requiring lots of 5 acres with a minimum width of 300 ft. and depth of 300 ft.

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. The minimum house size is 1,200 square feet. Keeping of horses and agricultural uses are accessory to a principal residence within the RR-1 zoning district.

The subject parcel is located north of Erie St. on the east side of Shawnee PL, approximately one-half mile south of Canaveral Groves Blvd.

There are no current code enforcement complaints on the property.

**Surrounding Area**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Single-family residence	GU	RES 1:2.5
<b>South</b>	2 vacant lots Single-family residence	AU & GU	RES 1:2.5
<b>East</b>	Single-family residence	GU	RES 1:2.5
<b>West</b>	Single-family residence	GU	RES 1:2.5

To the north is a 1.02 acre parcel developed as a single-family residence with GU zoning and RES 1:2.5 FLU designation.

To the South are three one (1) acre lots. Two are vacant and one of the vacant lots has AU zoning and the other has GU zoning. The eastern most lot has a single-family residence which is zoned GU. All three lots have RES 1:2.5 density.

To the East of the subject property is a one (1) acre parcel with a single-family residence. It is zoned GU and has RES 1:2.5 density.

To the West of the subject property, across Shawnee PL., is a single-family residence that is zoned GU and has RES 1:2.5 density. Like the subject property it is a corner lot contiguous to a key lot.

Northeast of the subject property (along Alan Shepard Av.) RR-1 zoning has been established on three one (1) acre lots, each with a single-family residence.

The GU zoning 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.

### **Future Land Use**

The subject property's GU zoning classification is consistent with the RES 1:2.5 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 RR-1 zoning classification is not consistent under the current FLUM designation. Companion application to amend the Future Land Use designation from RES 1:2.5 to Residential 1 (RES 1) is pending approval. The applicant's request can be considered consistent with 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;

**The requested RR-1 zoning would allow for one single-family residence due to lot size. It is compatible with the established residential character of this part of Canaveral Groves. This request is not anticipated to significantly diminish the enjoyment, safety or quality of life.**

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 historical land use pattern of the surrounding development is characterized as single-family residential on platted one (1) acre lots that are not consistent with adopted RES 1:2.5 density limit.**

**There are two (2) FLU designations: RES 1:2.5 and RES 1 within a 0.5 mile radius of the subject property. RES 1:2.5 is the prominent FLU in the surrounding area.**

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. However, there has been a recent zoning action:**

- **22Z00019: Within a half mile, northeast of the subject property on Alan Shepard, on 08/14/2022, approved rezoning from AU to RR-1 and is developed with a single-family residence.**

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 developed character of the surrounding area which is south of Canaveral Groves Blvd., west of Grissom Pkwy., north of the City of Cocoa, and east of Interstate 95 is exclusively single-family residential on lots of one (1) acre or more.**

**There are multiple zoning classifications within a 0.5 mile radius of the subject property: GU, AU, AU(L), and RR-1 zoning classifications.**

**The request would recognize existing development trends. Furthermore, the GU zoning classification is a holding classification that allows single-family residential on lots 5 acres or larger.**

**This request is not anticipated to have a measurable impact on the area in terms of trip generation, or parking. 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 with clearly established boundaries, open spaces, rivers, lakes, lagoons, or similar features.**

- 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.

A majority of the subject parcel contains mapped hydric soils (Holopaw sand, 0 to 2 percent slopes; and Valkaria sand); 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. **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 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.**

## **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Canaveral Groves Blvd. between Lee St. and Grissom Pkwy., which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 48.49% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.09%. The corridor is anticipated to operate at 48.58% 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.

Potable water and/or sanitary sewer service to the subject property is not available from any provider.

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

- Hydric Soils
- Aquifer Recharge Soils
- Floodplain Protection
- Land Clearing and Landscape Requirements
- Protected and Specimen Trees

- Protected Species

### **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. 24Z00068**

**Applicant:** Cameron Parker (Owner: Cameron Parker)

**Zoning Request:** GU TO RR-1

**Note:** to build SFR (24BC20372)

**Zoning Hearing:** 02/17/2025; **BCC Hearing:** 03/13/2025

**Tax ID No.:** 2401173

- 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
- Aquifer Recharge Soils
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- Protected and Specimen Trees
- Protected Species

**Land Use Comments:**

**Hydric Soils**

A majority of the subject parcel contains mapped hydric soils (Holopaw sand, 0 to 2 percent slopes; and Valkaria sand); 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.**

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### **Aquifer Recharge Soils**

This property contains Valkaria sand, which may also function as an aquifer recharge soil. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have 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."

### **Protected and Specimen Trees**

Protected ( $\geq 10$  inches in diameter) and Specimen Trees ( $\geq 24$  inches in diameter) likely exist on the parcel. Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), encourages the protection of Specimen Trees. 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**

Information available to NRM indicates that federally and/or state protected species may be present on the property. The entire parcel is within a large area of mapped Florida Scrub Jay habitat / occupancy. Additionally, there is potential for existence of Gopher Tortoises on site in areas of aquifer recharge soils. 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.

