



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

25Z00055

Beverly Jean Richardson (Angel Myers)

Single-Family Residential (RU-1-9) to Low-Density Multiple-Family Residential (RU-2-4)

Tax Account Number: 2103811
Parcel I.D.: 21-35-17-52-*43
Location: Northwest corner of Carver Street and Mitchell Avenue (District 1)
Acreage: 0.6 acres

Planning and 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)

| | CURRENT | PROPOSED |
|--|---------|----------|
| Zoning | RU-1-9 | RU-2-4 |
| Potential* | 1 unit | 2 units |
| Can be Considered under the Future Land Use Map | YES NC | YES NC |

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

Background and Purpose of Request

The applicant is seeking a change of zoning classification from RU-1-9 (Single-Family Residential) to RU-2-4 (Low-Density Multiple-Family Residential) for the purposes of legitimizing the subject parcel currently developed with two single-family residences that were built in 1959.

The subject property is the east ½ of lot 43 and all of lots 44 and 45 plat of Puryear Ward Plat of Mimis as recorded in Plat Book 1, page 4 of the Public Records of Brevard County. The configuration of the has not changed.

The subject property's original zoning classification is RU-1 when the Brevard County Zoning Code was established on May 22, 1958. Under zoning action **Z-2980**, the zoning classification was reclassified to RU-1-9 on May 30, 1972.

The Future Land Use designation is Neighborhood Commercial (NC). Pursuant to Policy 2.10 in the Brevard County Comprehensive Plan, residential development is permissible at density of up to one

category higher than the closest residentially designated area on the Future Land Use Map (FLUM). At 0.6 acres this permits the property to have up to 3 residential units.

The property meets the minimum lot width and depth requirements for the proposed RU-2-4 zoning. The RU-2-4 would permit resort dwellings are a permitted use within the classification.

There are no current code enforcement complaints on the property.

Surrounding Area

| | Existing Land Use | Zoning | Future Land Use |
|------------------------------------|-------------------------|--------|-----------------|
| North (across Cherry St.) | Single-family residence | RU-1-9 | NC |
| South (across Carver St.) | Single-family residence | RU-1-9 | NC |
| East (across Mitchell Ave.) | Single-family residence | RU-1-9 | RES 4 |
| West | Single-family residence | RU-1-9 | NC |

The property to the north across Cherry St. is a 0.72 acre parcel developed with a single-family residence with RU-1-9 zoning and NC FLU designation.

To the South across Caver St. are two parcels developed with a single-family residences with RU-1-9 zoning and NC FLU designation.

To the East, across Mitchell Ave. is a 0.24 acre parcel developed with a single-family residence with RU-1-9 zoning and RES 4 FLU designation.

To the West of the subject property, is a 0.36 acre vacant parcel with RU-1-9 zoning and NC FLU designation.

The current RU-1-9 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.

The proposed RU-2-4 classification is a low-density multiple-family residential zoning classification that encompasses lands devoted to low-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-4 is a four unit per acre multiple-family residential zoning classification. It permits multi-family residential development or single family residences at a density of up to four units per acre on 7,500 square foot lots.

The closest RU-2-4 zoning is approximately 628 feet east of the subject parcel. RU-2-10 and RU-2-30 zoning is present on the east side of Harry T. Moore Ave., east of the subject property.

Future Land Use

The subject property's RU-1-9 zoning classification may be considered consistent with the Neighborhood Commercial (NC) 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 RU-2-4 zoning classification may be considered consistent with the existing NC FLUM designation.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

FLUE Policy 2.2 – Role of Zoning Regulations in the Designation of Commercial Lands

The zoning process regulates the types and intensities of uses for a parcel of land. Criteria which aid in assessing zoning compatibility, shall include consideration of the following standards:

Criteria:

A. Permitted/prohibited uses;

RU-2-4 classification is a low-density multiple-family residential zoning classification that encompasses lands devoted to low-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-4 is a four unit per acre multiple-family residential zoning classification. It permits multi-family residential development or single family residences at a density of up to four units per acre on 7,500 square foot lots. Commercial uses such as retail, wholesale and warehousing are prohibited within this zoning classification. However, resort dwellings are a permitted use within the classification.

B. Existing commercial zoning trends in the area;

The parcel is abutting only single-family uses. There are commercial uses on parcels that abut Highway US-1 approximately 150 feet west of the subject parcel.

C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;

The closest RU-2-4 zoning is approximately 618 feet east of the subject parcel, along the east side of Harry T. Moore Ave. Also there are RU-2-10 and RU-2-30 zoning locate along the east side of Harry T. Moore Ave.

D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;

Parcel has two existing single-family homes. Level of service for roads, potable water, sanitary sewer service and solid waste disposal will not be increased.

- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and

Natural Resources has identified the subject property contains Pomello sand, classified as an aquifer recharge soil.; and 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 see NRM comments at the end of this report.

- F. Other issues which may emerge specific to a particular property which may be addressed through performance based zoning criteria.

This subject property will need to comply with Brevard County Performance Standards noted within Sections 62-1481 and 62-2251 through 62-2272 of Brevard County Code.

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 parcel has two existing single-family residences that were built in 1959. The request is not anticipated to diminish the enjoyment of safety or quality of life in existing residential area. The proposed rezoning will need to comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272.

- 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 of the surrounding development can be characterized as single-family residences on properties 0.19 acre to 0.72 acres in size.

There are four (4) FLU designations (CC, NC, RES 4 and REC) within a 0.5-mile radius of the subject property. RES 4 is the prominent FLU in this area.

There are twenty three (23) zoning classifications (AGR, AU, RR-1, SR, EU-1, RU-1-13, RU-1-11, RU-1-9, RU-1-7, RU-2-4, RU-2-6, RU-2-10, RU-2-30, RRMH-1 TR-1, TR-3, RVP, BU-1-A, BU-1, BU-2, IU, GML and IN(L) within a 0.5-mile radius of the subject property. RU-1-7 is the prominent zoning classification in this area.

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

There has been one development within 0.5 miles approved within the past three years. Tootie's Retail Store was developed and built in 2024 approximately 788 feet to the northeast of the subject parcel.

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

There has been one approved development within this area in the preceding three (3) years that has yet to be constructed. Tootie's Retail Store was developed and built in 2024 approximately 788 feet to the northeast of the subject parcel.

- 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.

Based on staff analysis, the requested rezoning from RU-1-9 to RU-2-4 zoning classification is not anticipated to materially or adversely affect the surrounding developments. The subject parcel has two existing single-family residences that were built in 1959. 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.

Staff analysis has determined the property is located in an existing residential area.

The area, known as Mims, can be characterized as a single-family residential area with residential lots and roadways.

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 in an existing single-family residential neighborhood with Neighborhood Commercial (NC) Land Use 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.

The immediate surrounding area is single-family residential use. There has been one commercial use approved in the residential area during the previous five (5) years. Tootie's Retail Store was developed and built in 2024 approximately 788 feet to the northeast of the subject parcel.

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.

Natural Resources has identified the subject property contains Pomello sand, classified as an aquifer recharge soil.; and 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 review all comments from the Natural Resources Management Department found at the end of this report.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway US-1 located between State Road 46 and Dairy Road, which has a Maximum Acceptable Volume (MAV) of 38,430 trips per day, a Level of Service (LOS) of D, and currently operates at 48.53% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.00%. The corridor is anticipated to operate at 48.53% 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.

The parcel is within the Brevard County public potable water service and septic service.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Land Clearing and Landscape Requirements
- 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. 25Z00055**

Applicant: Victor Richardson (Owner: Beverly Jean Richardson)

Zoning Request: RU-1-9 to RU-2-4

Note: to legitimize 2 existing units

Zoning Hearing: 01/12/2026; **BCC Hearing:** 02/5/2026

Tax ID No.: 2103811

- 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
- Land Clearing and Landscape Requirements
- Protected Species

Land Use Comments:

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 a Type 2 and/or 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.

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.**

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. 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.