



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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**STAFF COMMENTS  
 25Z00002**

**Ryan and Sarah Lawhon**

**GU (General Use) & SR (Suburban Residential) with BDP  
 to RR-1 (Rural Residential) with removal of BDP**

Tax Account Number: 2314528 & 2322697 have been combined under one warranty deed.  
 Parcel I.D.: 23-35-35-00-77 and 23-35-35-02-\*-A have been combined under one warranty deed.  
 Location: West side of Mildred Court, approximately 400 feet north of Peroutka Lane (District 1)  
 Acreage: 1.43 acres

Planning & Zoning Board: 4/14/2025  
 Board of County Commissioners: 5/1/2025

**Consistency with Land Use Regulations**

- Current zoning is not consistent 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	RR-1
<b>Potential*</b>	0 Single-family residence	1 Single-family residence
<b>Can be Considered under the Future Land Use Map</b>	NO 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 **25SS00001**, which proposes amending 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) and SR (Suburban Residential) with a BDP to RR-1 (Rural Residential) on a 1.43 acre lot and removal of the Binding Development Plan (BDP). The applicant has provided a boundary survey outlining the delineation of the wetland line and the proposed single family residence location. The applicant has a companion Small Scale Comprehensive Plan Amendment (SSCPA) application, **25SS00001**, 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 0.18 acre parcel, represented by tax account number 2322697, is a part of the Veronica Estates Phase One subdivision, which is subject to a Binding Development Plan (BDP) that allowed clustered residential development at a higher density by transferring development rights from adjoining lots that remain undeveloped. This parcel is zoned SR (Suburban Residential). The parcels have been combined with one warranty deed and have access to Mildred Ct., a County maintained road.

The existing BDP has three conditions:

1. It allows for a maximum of 80 lots on Parcel 1. The 80 lots include 16 lots transferred by the transfer of development rights from Parcel 2. No development of any kind shall be permitted on Parcel 2.
2. Allows for a maximum of 10 lots less than one acre in size but none shall be less than 0.75 acres.
3. The access to the subdivision shall be from Grissom Pkwy. and not from Canaveral Groves Blvd.

The portion of the subject property, represented by tax account number 2314528, retains the original FLU designation established in 1988 by the Brevard County Comprehensive Plan and GU zoning classification established in 1958.

When the GU zoning classification was established for this property, the zoning regulations mandated a minimum lot size of 1 acre, with a minimum width of 150 feet and a depth requirement of 150 feet. The subject property has a width of 165.52 feet and a depth of 331.39 feet, which conforms to the requirements set in 1958. However, in May of 1975, the lot size requirements for GU properties changed to a minimum of 5 acres, with a minimum width of 300 feet and a depth of 300 feet.

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 on the westside of Mildred Ct., a County maintained road approximately 400 feet north of Peroutka Dr.

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>	vacant Single-family residence	AU SR	RES 1:2.5
<b>South</b>	vacant Single-family residence	SR	RES 1:2.5
<b>East</b>	Single-family residence	SR	RES 1:2.5
<b>West</b>	vacant	SR	RES 1:2.5

To the north is a 1.07 acre parcel developed as a single-family residence with SR zoning and RES 1:2.5 FLU designation. There is also an 8.61 acre parcel developed as a single-family residence with AU zoning and RES 1:2.5 density.

Abutting the subject property to the South is a vacant lot zoned SR with RES 1:2.5 density and can be developed as a single-family residence. South of the subject property at the northwest corner of Peroutka Ln.. and Mildred Ct. is a single-family residence that is zoned SR and has RES 1:2.5 density.

To the East of the subject property, east of Mildred Ct., are two (1) acre parcels with single-family residences. They are zoned SR and have RES 1:2.5 density.

Abutting the subject property to the West, is a lot 104 acres, with SR zoning classification with RES 1:2.5 density, owned by Brevard County.

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.

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 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 non-conforming 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 **25SS00001** 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 proposed RES 1 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 percent 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 consistent with the adopted RES 1:2.5 density limit due to the BDP connected with the zoning.**

**There are developed RES 4 subdivisions east of Grissom Parkway, approximately one-third mile to the east of the subject property.**

**Other than development activity occurring on the subject property, there are no emerging patterns of development.**

**There have been no FLUM amendments within one-half mile of the subject property in the past three years.**

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

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

**New development within 0.5 miles of the subject property within the last three years has been limited to a small number of single-family homes and manufactured houses.**

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 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 subdivision, Veronica Estates, with established roads. This area is in an established residential neighborhood with clearly established boundaries, open spaces, 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.

**The proposed use is not a commercial use.**

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 area is single-family residential. The closest commercial zoning is located approximately 1,415 ft. (0.25 miles) northeast of the subject property.**

### **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 that 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.**

Please refer to the full NRM comments at the end of this report.

### **Preliminary Concurrence**

The closest concurrency management segment to the subject property is Grissom Pkwy. between Canaveral Groves Blvd. and Camp Rd., which has a Maximum Acceptable Volume (MAV) of 17,700 trips per day, a Level of Service (LOS) of D, and currently operates at 46.37% 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 46.46% 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 subject property is not within any public potable water or available sewer lines. The proposed home will be serviced by well for potable water and septic for sewer.

## **Environmental Constraints**

### **Wetlands and Hydric Soils**

The wetland delineation shall be confirmed 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. 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). The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

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

- Hydric Soils
- Aquifer Recharge Soils
- Floodplain Protection
- 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. 25Z00002**

**Applicant:** Steve Lawhon (Owners: Ryan and Sarah Lawhon)

**Zoning Request:** GU & SR with BDP to all RR-1 with removal of BDP

**Note:** to develop one SFR lot

**Zoning Hearing:** 04/14/2025; **BCC Hearing:** 05/01/2025

**Tax ID No.(s):** 2322697 & 2314528

- 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
- Protected and Specimen Trees
- Protected Species

**Land Use Comments:**

**Wetlands and Hydric Soils**

The subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Anclote sand); indicators that wetlands may be present on the property. An Environmental Report for Wetlands and Protected Species, dated December 7, 2024, prepared by EcoSpatial Analysts, Inc., depicts an approximately 0.753-acre wetland on the western portion of the site. The applicant proposes all development within the uplands (approximately 0.687 acres) on the site. **The wetland delineation shall be confirmed 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).** Therefore, should the applicant combine the two properties, development shall be permitted with wetland impacts not exceeding 1.8% of the total property acreage.

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. 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. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

### **Aquifer Recharge Soils**

This property contains Basinger sand which may also function as aquifer recharge soils. Additionally, 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.

### **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 floodplain in this location is classified as either riverine or isolated and is therefore subject to the development criteria outlined 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. There is mapped Florida Scrub Jay habitat / occupancy on the

property. Additionally, there is potential for existence of Gopher Tortoises on site as 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.