



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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

STAFF COMMENTS 23Z00086

Christopher Strozier

RU-1-9 (Single-Family Residential) to RU-1-11 (Single-Family Residential)

Tax Account Number: 2104016
Parcel I.D. 21-35-18-00-779
Location: 2466 Kaiser Road, Mims, FL 32754 (District 1)
Acreage: 0.31 acres

Planning & Zoning Board: 02/12/2024
Board of County Commissioners: 03/07/2024

Consistency with Land Use Regulations

- Current zoning cannot 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-1-11
Potential*	1 single-family	1 single-family
Can be Considered under the Future Land Use Map	No RES 4	Yes RES 4

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

Background and Purpose of Request

The applicant has requested a change of zoning classification from RU-1-9 (Single-family Residential) to RU-1-11 (Single-family residential) to allow a zoning consistent with the RES 4 FLUM designation. The applicant intends to construct a new single-family residence on this property.

On May 22, 1958, Brevard County adopted the zoning code, and the subject parcel was established with the zoning classification of RU-1, Single-Family Residential Zone. Based on the best available date, the lot was created in 1960 and does not qualify as a non-conforming lot of record.

This lot has not been platted. It is the only vacant lot in this small neighborhood. The surrounding properties have been developed as single-family residences and were typically constructed in the 1960's.

On June 1, 1972, the zoning classification RU-1 was replaced with the RU-1-9, Single-Family Residential zoning classification.

On September 8, 1988, Brevard County established the Comprehensive Plan and the Future Land Use Map (FLUM) and the parcel was established with the RES 4 Future Land Use. The RES 4 FLU is not consistent/compatible with the RU-1-9 zoning classification. Per section 62-1188(5) the parcel was considered nonconforming to the RES 4 FLU as the parcel was of record in the Official Record Books of the County when the Comprehensive Plan was established.

On March 20, 2024, the Board of Adjustment approved a 10-foot variance to the minimum lot width requirement of 75 feet required by RU-1-11 zoning regulations under Variance application (**23V00047**).

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence	RU-1-9	RES 4
South	Single-family residence	RU-1-9	RES 4
East	Single-family residences.	RU-1-9	RES 4
West	Vacant single-family property FPL substation	AU	RES 1

The current RU-1-9 classification permits single family residences on minimum 6,600 square foot lots, with a minimum width of 66 feet and depth of 100 feet. The minimum house size is 700 square feet. It was rezoned administratively by the Board of County Commissioners under zoning file Z2980 which became effective June 1, 1972.

The proposed RU-1-11 classification permits single-family residences on a minimum of 7,500 square foot lots with a minimum width of 75 feet and depth of 75 feet. The minimum house size is 1,100 square feet.

AU zoning classification permits single-family residences and agricultural uses 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 is currently designated as Residential 4 (RES 4) FLUM designation. The current RU-1-9 zoning is not consistent with the existing RES 4 FLUM designation. The proposed RU-1-11 zoning is consistent with the existing RES 4 FLUM designation.

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 applicant intends to construct a single-family residence on this vacant property. The request is not anticipated to diminish the enjoyment of, safety or quality of life in the existing residential area.

- 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 0.24 acres to 1.61 acres in size.

There are four (4) FLU designations (RES 1, RES 4, NC, and CC) within a 0.5-mile radius of the subject property. RES 4 is the prominent FLU in this area although commercial land uses are prominent along the US Highway 1 corridor which is within the 0.5-mile radius of the subject.

There are multiple zoning classifications within a 0.5-mile radius of the subject. They include AU, RR-1, SR, RU-1-7, RU-1-9 and RU-1-13 residential zones, BU-1 and BU-2 commercial zoning classifications, IN(L) institutional low intensity and GML government managed land classifications.

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

There has been no development within 0.5 miles during the preceding three years.

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

While there has been no development approved within the past three years that has not been constructed, there have been two zoning actions, 23Z00006 and 23Z00041, within a half-mile of the subject property within the last three years. These are adjacent properties located on US Highway 1 which were rezoned to BU-2, Retail, Warehousing and Wholesale Commercial with Binding Development Plans that allow a self-storage, mini-warehouse with outdoor storage of recreational vehicles and boats.

- 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.

There are no parcels with RU-1-11 zoning located with the 0.5-mile radius of the subject property. The request could be considered an introduction of a new zoning classification in the area (spot zoning), however, the request provides consistency with the FLUM and zoning classification. It will also recognize existing development trends. RU-1-11 requires a larger lot and dwelling size than RU-1-9.

The request is not anticipated to materially or adversely impact the surrounding

established residential 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 property is not located in an existing platted residential neighborhood. There are clearly established roads and residential lot boundaries. The road boundaries are Smith Road to the north, Folsom Road (Singleton Ave extension) to the east, West Main Street.

(State Road 46) to the south and the Florida Power and Light substation to the west.

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 for single-family residential zoning in an existing single-family residential 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.

The area is primarily single-family residential with commercial zoning located exclusively along the US Highway 1 corridor to the east.

Preliminary Concurrency

The closest concurrency management segment to the subject property is SR46 from Interstate 95 to US 1, which has a Maximum Acceptable Volume (MAV) of 14,160 trips per day, an Acceptable Level of Service (ALOS) of D, and currently operates at 78% of capacity daily. The addition of one single-family dwelling unit will have a minimal impact on level of service. Specific concurrency issues will be addressed at the time of building permit review. This is only a preliminary review and is subject to change.

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.

There is a County sanitary sewer force main along Smith Road, just to the north of the property. There are County potable water service lines along Kaiser Road that will serve

the property.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Protected and Specimen Trees – Unpermitted Land Clearing
- Protected Species

Information available to NRM indicates that unpermitted land clearing activities may have occurred on this parcel between 2021 and 2022. The confirmation of unpermitted land clearing activities may result in code enforcement action.

NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

For Board Consideration

The Board should consider whether the proposed zoning request is consistent and compatible with the surrounding area. The Board may also consider reconciling the existing development with current land use and zoning requirements.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 23Z00086

Applicant: Christopher Strozier (Owner: Universal Investment & Solutions LLC)

Zoning Request: RU-1-9 to RU-1-11

Note: To be consistent with RES 4 FLU

Zoning Hearing: 02/12/2024; **BCC Hearing:** 03/07/2024

Tax ID No.: 2104016

- 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:

- Protected and Specimen Trees – Unpermitted Land Clearing
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Land Use Comments:

Protected and Specimen Trees

Protected and Specimen Trees likely exist on the parcel. Brevard County Landscaping, Land Clearing and Tree Protection ordinance Section 62-4337, entitled Permit Application Requirements and Review Process, states that a permit shall be required prior to any land clearing activities unless exempt. 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. The confirmation of unpermitted land clearing activities may result in code enforcement action. **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. If applicable, the applicant should obtain any necessary permits or clearance letters from the Florida

Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service prior to any plan, permit submittal, or development activity, including land clearing, as applicable.