



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

25Z00006

Quentin I. Bessent Jr.

AU (Agricultural residential) to RU-1-11 (Single-family residential)

Tax Account Number: 2113028
Parcel I.D.s: 21-35-17-02-* -G.14
Location: East side of Mitchell Ave. 270 feet south of Cypress Ave
(District 1)
Acreage: 0.29 acres

Planning & Zoning Board: 06/16/2025

Board of County Commissioners: 07/17/2025

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-1-11
Potential*	0**	1 Single-Family*
Can be Considered under the Future Land Use Map	YES RES 4	YES RES 4

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

** This parcel fails to meet AU zoning requirements to receive development rights.

Background and Purpose of Request

The applicant is requesting a change of zoning classification from AU (Agricultural Residential) to RU-1-11 (Single-family Residential) to develop a single-family residence. The subject would be serviced by well and septic.

The subject property was split out from lot G on April 20, 2006, and was recorded in ORB 5634 Pg 2340, thus creating a substandard lot. The subject property's dimensions for

minimum lot width, lot depth, and lot area each fail to meet current AU zoning standards. From May 22, 1958, to March 6, 1975, the AU zoning classification had minimum lot criteria of 125 feet in width and depth, and a minimum lot area of 1.0 acre. Since the lot was created after March 1975, it can not be considered a non-conforming lot of record. The current lot has a width of 89 ft. and a depth of 141.08 ft.

There have been no prior zoning actions on the subject since its creation. The site is located on the East side of Mitchell Ave., a County maintained right of way.

The applicants are requesting the RU-1-11 zoning classification, which can be considered consistent with the RES 4 Future Land Use designation and current lot dimensions.

At this time, there are no active code enforcement issues associated with the subject property

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Vacant	AU	RES 4
South	Vacant	AU	RES 4
East	Vacant	RU-1-11	RES 4
West	Single-Family Home	AU	RES 4

North of the subject property is a 0.28 acre vacant lot zoned AU. **South** is 0.28 acre vacant lot zoned AU. To the **East** of the subject property is a .34 acres vacant lot zoned RU-1-11. **West** across Mitchell Ave is a single-family home built on 0.17 acres and constructed in 2018; zoned AU. All of the referenced properties have a RES 4 designation.

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.

RU-1-11 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 minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

Land Use

The subject property's AU zoning classification can be considered consistent with the RES 4 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-1-11 zoning classifications can be considered consistent with RES 4.

Applicable Land Use Policies

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;

This request is not anticipated to significantly diminish the enjoyment or safety or quality of life if developed with a single-family home. Development would need to meet Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272 for hours of operations, lighting, odor, noise levels, traffic, or site activity.

- 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 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;

There are three (3) FLU designations within a half-mile radius of the subject property. They include RES 4, Community Commercial (CC) and Neighborhood Commercial (NC). The subject property is surrounded by Res 4, which is the predominant FLU designation. The existing commercial areas are along Highway 1.

Within the past three years, there have been two (2) FLUM changes within the defined radius: 23SS00007 and 23SS00021. Both requests were for a CC FLUM designation.

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

Within a half-mile radius of the subject property, there have been seven approved zoning actions that have been developed. Two of the approved

actions have resulted in the issuance of a building permit for single-family residential.

24Z00013 – AU to RU-1-11 action approved 06/10/2024 and

24Z00048 – RU-1-7 to RU-1-11 approved 11/18/2024.

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

Five (5) approved rezonings within the last three years have not yet been constructed.

- 1. 24Z00049 changed a 0.45 acre parcel zoned RU-1-7 to RU-1-11.**
- 2. 23Z00006 is a rezoning action from BU-1 to BU-2 with a BDP.**
- 3. 23Z00041 is a rezoning of 2.17 acres from a combined zoning of BU-1 and AU to a single BU-2 zone.**
- 4. 23Z00072 rezoned a combined BU-1 and AU zoning to a single BU-2 zone. No site plan proposal has been submitted.**
- 5. 22Z00028 rezoned a parcel from AU to RU-1-11.**

- 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 of the Comprehensive Plan 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 proposed use can be considered compatible with the existing development trends of single-family residential. Preliminary traffic concurrency indicates a 0.04% increase in traffic volume.

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 indicates the subject property is not located in an established residential neighborhood. However, it can be considered a residential area with clearly established roads and residential lot boundaries.

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.

This request is not for 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 applicant is not requesting a rezoning for commercial, industrial, or other non-residential uses. The area is primarily residential as there are no commercial, industrial, or other non-residential uses within 500 feet of the subject property.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Highway 1, between SR 46 and Lionel Rd which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 41.49% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.04%. The corridor is anticipated to operate at 41.52% 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 has access to potable water through Brevard County, and will need a septic system. The nearest sewer connection is approximately 1,445 feet southwest at US Highway 1 and Main Street.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Land Clearing and Landscape Requirements
- Protected Species

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

For Board Consideration

The Board may wish to consider whether the proposed request is consistent and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 25Z00006

Applicant: Quentin I. Bessent, Jr. (Owner: Quentin I. Bessent, Jr.)

Zoning Request: AU to RU-1-11

Note: for SFR

Zoning Hearing: 06/16/2025; **BCC Hearing:** 07/17/2025

Tax ID No.: 2113028

- 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

A portion of this property contains Orsino fine sand, classified as an aquifer recharge soil. Additionally, the mapped topographic elevations show that the property falls within a Type 2 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.