



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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

STAFF COMMENTS

24Z00006

Richard Jones

GU (General Use) to RU-1-9 (Single-Family Residential)

Tax Account Number: 2716623
Parcel I.D.: 27-37-14-04-*9
Location: 720 Unity Dr, 350' South of E Eau Gallie Blvd. (District 5)
Acreage: 0.31 acres

Planning & Zoning Board: 06/10/2024
Board of County Commissioners: 07/11/2024

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	GU	RU-1-9
Potential*	1 single-family	1 single-family
Can be Considered under the Future Land Use Map	YES RES 15	YES RES 15

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

Background and Purpose of Request

The applicant is requesting to rezone the property from GU (General Use) to RU-1-9 (Single-Family Residential) on a 0.31 acre parcel. The applicant intends to replace the existing single-family with a new single-family residence which will meet the required minimum floor area of the requested RU-1-9 zoning classification.

The subject parcel was created by Plat Book 10, Page 28, on October 26, 1950.

On May 22, 1958, Brevard County adopted the zoning code, and this parcel was designated with the GU zoning classification. Lots recorded or platted prior to May 22, 1958, are considered under Sec. 62-1188 as non-conforming lots of record when the lot dimensions of width was at least 50 feet, depth of 75 feet, and area of not less than 5,000 square feet are met. The subject property meets the non-conforming lot criteria based on its 1950 recorded plat.

GU has a minimum lot size requirement of 5 acres with a front set back of 25 feet, side setbacks of 15 feet and a rear set back of 20 feet. The subject as a non-conforming lot would not have to meet the 5 acre lot minimum but would need to meet the GU setbacks. The applicants request for the proposed RU-1-9 zoning classification would have smaller set back requirements that are more suitable to the subject lot size of 0.31 acres.

The subject property is developed with a single-family residence and has frontage on Unity Dr., a county-maintained roadway. At this time, there are no active code enforcement cases associated with the subject parcel. The subject is located on a single cul-de-sac street with 7 improved single-family lots and three commercial lots fronting on Eau Gallie Blvd. The lands to the north, east, south and west have been annexed into the city of Melbourne.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residential	GU	RES 15
South	Single-family residential	RU-1-9	RES 15
East	City of Melbourne	R2(8)	Mixed-Use
West	Road Right-of-Way/single-family residential	GU	RES 15

RU-1-9 zoning classification permits single family residential development on lots of 6,600 square feet (minimum) with a minimum width of 66 feet and depth of 100 feet. The minimum house size is 900 square feet.

GU zoning classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

The R2(8) zoning classification for the City of Melbourne is intended for an area of low to medium density residential development with a variety of housing types. The R2(8) classification permits up to 8 units per acre.

Land Use

The subject property is designated as Residential 15 (RES 15) FLU. The current GU zoning is consistent with the RES 15 FLUM. The proposed RU-1-9 zoning is also consistent with the RES 15 FLU designation.

FLUE Policy 1.4 –The Residential 15 Future land use designation. The Residential 15 land use designation affords the second highest density allowance, permitting a maximum density of up to fifteen (15) units per acre, except as otherwise may be provided for within the Future Land use Element.

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 proposal is not anticipated to diminish the enjoyment of, safety, or quality of life in the existing neighborhoods in the area.

- 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 Appraisers 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 (CC, RES 15, and NC) within one-half mile of this site. The most prominent FLU designation is RES 15. There have been no FLU changes within 0.5 miles.

Property sizes in the immediate area range from 0.1 acre to 1.22 acres. The immediate surrounding area is developed with single-family homes and general commercial uses.

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

There have been two (2) development changes in the past three years, to the north side of E Eau Gallie Blvd, for a car wash and a retail store.

There have been no zoning changes approved within one-half mile over the preceding three (3) years.

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

There have been no zoning changes approved within one-half mile over the preceding three (3) years.

- 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 request is not anticipated to materially or adversely impact the surrounding established residential neighborhood.

The request provides consistency with the FLUM and zoning classification. It will also recognize existing development trends. The property to the south is zoned RU-1-9 and was rezoned to RU-1-9 from the GU zoning classification in 1985.

- 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 located in an existing platted residential subdivision. It is located on a single cul-de-sac street with seven developed home sites and three commercial sites fronting E Eau Gallie Blvd. The surrounding lands are residential in character and have been annexed into the city of Melbourne. There are 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.

The request is not for commercial use. It is located 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 subject parcel is not requesting to be rezoned for commercial, industrial, or other non-residential uses.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Eau Gallie, from S Patrick Dr. and SR-A1A, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 54.54% of capacity daily. The maximum development potential from the proposed rezoning does not increase or decrease the percentage of MAV utilization. The corridor is anticipated to operate at 54.54% of capacity daily. The proposal is not anticipated to create any 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 serviced by South Beaches Sewer and Melbourne Water.

Environmental Constraints

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected Species

Aquifer Recharge Soils

The entire property contains Canaveral-Palm Beach-Urban land complex, classified as an aquifer recharge soil, as shown on the USDA Soil Conservation Service Soils Survey map. 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.**

Indian River Lagoon Nitrogen Reduction Septic Overlay

The northern portion of this property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at

least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. The entire property is within an area of mapped Florida Scrub Jay habitat, and there is potential for existence of Gopher Tortoises on site. **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 and/or U.S. Fish and Wildlife Service, as applicable.**

For Board Consideration

The Board should consider if the request is consistent and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 24Z00006

Applicant: Richard L. Jones (Owner: Richard L. Jones)

Zoning Request: GU to RU-1-9

Note: to conform with RES 15 FLU

Zoning Hearing: 04/15/2024; **BCC Hearing:** 05/02/2024

Tax ID No.: 2716623

- 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
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected Species

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