



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

24Z00028

Paul Futrell

RU-1-7 (Single-family residential) to RU-1-11 (Single-family residential)

Tax Account Number: 2802480
Parcel I.D.s: 28-36-12-25-29-28
Location: 655 Vine Street (located on the west side of Vine Street 340 feet south of Milwaukee Avenue) (District 5)
Acreage: 0.35 acres

Planning & Zoning Board: 08/12/2024
Board of County Commissioners: 09/05/2024

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-1-7 | RU-1-11 |
| Potential* | 0 | 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 is requesting a change of zoning classification from RU-1-7 (Single-family residential) to RU-1-11 (Single-family Residential) to develop a single-family residence.

The subject property was recorded in the Plat of June Park, PB 4 PG 4, dated January 1925 and is noted as the North 12 feet of Lot 28 and all of lots 29-33 of Block 29 (5 platted lots and a 12 foot wide portion of a sixth lot). Each platted lot dimensions are 25 feet in width by 110 feet in depth for a lot area of 2,750 square feet. Section 62-1188 (1) of Brevard County Code requires nonconforming single-family lots to be 50 feet in width by 75 feet in depth and 5,000 square feet minimum lot area. Individually, the lots fail to meet the nonconforming lot of record standards. The applicant desires to consolidate these lots into one parcel and to request the RU-1-11 zoning classification which can be considered consistent with the RES 4 Future Land Use designation. The combined parcel's lot

dimensions are 133 feet wide by 110 feet depth for a lot area of 0.35 acres.

Surrounding Area

| | Existing Land Use | Zoning | Future Land Use |
|-------|---|--------|-----------------|
| North | Single-family residence | RU-1-7 | RES 4 |
| South | Single-family residence | RU-1-7 | RES 4 |
| East | Single-family residence across Vine Street | RU-1-7 | RES 4 |
| West | Single-family residence | RU-1-7 | RES 4 |

The property to the north of the subject property is a 0.32 acre lot improved with a single-family home built in 2001. The property to the south is a 0.35 acre parcel developed with a single-family home built in 2003. To the east of the subject property, across Vine Street, is a single-family home built on a 0.38 acre lot built in 2004. The property west of the subject property is a 0.19 acre parcel developed with a single-family home built in 1963.

RU-1-7 classification permits single family residences on minimum 5,000 square foot lots with minimum width of 50 feet and depth of 100 feet. The minimum house size is 700 square feet.

RU-1-11 classification permits single family residences on a minimum 7,500 square foot lot, 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 is currently designated on the FLUM as RES 4. The current RU-1-7 zoning classification is not consistent with RES 4 and according to Section 62-1255 the RU-1-7 zoning would be consistent with the RES 6 FLU designation. The proposed RU-1-11 zoning classification can be considered consistent with RES 4. This land use designation encompasses the majority of the area within proximity of the subject property.

Applicable Land Use Policies

FLUE Policy 1.7 – The Residential 4 Future land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre, except as otherwise may be provided for within the Future Land Use Element. The applicants request can be considered consistent with the existing Future Land Use.

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 is only one (1) FLUM designation within a half-mile radius of the subject property. The subject property is surrounded Res 4.

Within the past three years there have been no FLUM changes within the defined radius.

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

Within the half-mile radius of the subject property there have been two zoning actions approved by the Board of County Commissioners which were developed.

22Z0004 changed the zoning of RU-1-7 to RU-1-11. This location lies 1,360 feet NW of the subject property at the SE intersection of Henry Avenue and Commodore Boulevard. That property was developed into five (5) single-family residences.

22Z00055 changed the zoning of RR-1 (Rural Residential) to AU (Agricultural residential). This location lies 890 feet NE of the subject property at the SE intersection of Maple Street and Illinois Avenue. That property was developed with a single-family residence built in 1986.

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

No actions were identified.

- 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 change would have minimal impact on the overall character of the area. The request, if approved, would generate trips for one household.

- 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 was recorded in the Plat of June Park, PB 4 PG 4. The request can be considered an introduction of RU-1-11, however it would recognize existing development trends.

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.

There is no neighborhood commercial use in the general vicinity.

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 residential as there are no commercial, industrial or other non-residential uses in the immediate one block radius around this site.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Minton Road, between Milwaukee Ave. and Henry Ave. which has a Maximum Acceptable Volume (MAV) of 39,800 trips per day, a Level of Service (LOS) of E, and currently operates at 91.17% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.03%. The corridor is anticipated to operate at 91.20% 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 does not have access to potable water or sewer. The property would need to obtain private potable well and septic permits for development.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Protected and Specimen Trees
- 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. 24Z00028

Applicant: Paul Futrell (Owner: Paul Futrell)

Zoning Request: RU-1-7 to RU-1-11

Note: for consistency with RES 4 FLU

Zoning Hearing: 08/12/2024; **BCC Hearing:** 09/05/2024

Tax ID No.: 2802480

- 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
- 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.

Land Use Comments:

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen Trees (≥ 24 inches in diameter) may 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. 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.