



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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**STAFF COMMENTS**

**24Z00049**

**KVK Management & Remodeling Services LLC**

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

Tax Account Number: 2103672  
 Parcel I.D.s: 21-35-17-26-\* -13.03  
 Location: West side of Orange Ave and north of North of Cypress Ave (District 1)  
 Acreage: 0.45 acres

Planning & Zoning Board: 11/18/2024  
 Board of County Commissioners: 12/12/2024

**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)

|  | <b>CURRENT</b>             | <b>PROPOSED</b>           |
|--|----------------------------|---------------------------|
| <b>Zoning</b>  | RU-1-7                     | RU-1-11                   |
| <b>Potential*</b>                                      | 0 Single-Family Residences | 1 Single-Family Residence |
| <b>Can be Considered under the Future Land Use Map</b> | NO<br>RES 4                | YES<br>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 first accessible recorded deed is dated 09/02/1981 in its current configuration. The subject property is 0.45 acres. The subject is located on a county maintained right of way.

The area is established with older homes built prior to 1971. The Brevard County Comprehensive plan was established in 1988 and designated the area as RES 4. This request will recognize existing development trends and provide consistency per Sec. 62-1255 with the Future Land Use (FLU) designation. RES 4 is not consistent with the RU-1-7 zoning classification.

The adjacent property to the north is owned by the same owner and requesting the same zoning classification under application **24Z000048**.

**Surrounding Area**

|              | <b>Existing Land Use</b>                        | <b>Zoning</b> | <b>Future Land Use</b> |
|--------------|---|---------------|------------------------|
| <b>North</b> | Vacant  | RU-1-7        | RES 4                  |
| <b>South</b> | Vacant  | RU-1-7        | RES 4                  |
| <b>East</b>  | Single-family residence across Orange Av        | RU-1-7        | RES 4                  |
| <b>West</b>  | 2 (two) improved Single-family residential lots | RU-1-7        | RES 4                  |

North of the subject property is a 0.30 acre vacant lot with zoning classification RU-1-7. It is being considered for a rezoning under application **24Z00048**.

South of the subject property is a 0.46 acre vacant lot with zoning classification RU-1-7.

East of the subject property, across Orange Ave, is a single-family home built on a 0.33 acre lot and built in 1961 with zoning classification RU-1-7. This property is not suitable for occupancy.

West of the subject property is a 0.22 acre vacant lot improved with a single-family home built in 1961 and zoned RU-1-7. Also west of the subject is a second lot 0.23 acres in size and improved with a single-family home built in 1961.

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.

The proposed 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 as RES 4 on the Future Land Use Map (FLUM). The current RU-1-7 zoning classification is not consistent with RES 4. The proposed RU-1-11 zoning classification 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;

**One single-family residence 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;

**Historical land use patterns in the surrounding area can be categorized as primarily single-family residential with a few religious facilities incorporated into the area. Residential in the surrounding area were built in 1971 and/or prior, predated the establishment of the Brevard County Comprehensive Plan. Generally, parcels range in size from 0.16 acres to 4.17 acres.**

**There are three (3) FLU designations (RES 4, NC and CC) within a 0.5 mile radius of the subject property. RES 4 is the prominent FLU designation. CC and NC FLU designations are prominent along the US 1 corridor west of the subject property.**

**This request will recognize existing development trends and provide constituency with the FLU per Sec. 62-1255.**

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

**Within the half-mile radius of the subject property there have two (2) zoning actions approved by the Board of County Commissioners listed below.**

- **21Z00029 changed the zoning of AU to RU-1-13. This property was developed with a single-family house.**
- **23Z00086 changed the zoning of RU-1-9 (Residential) to RU-1-13 (Residential). The property was developed with a single-family residence built in 2024.**

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

- **22Z00028 (Tax account 2103243) changed zoning from AU to RU-1-11.**
- **22Z00029 (Tax account 2426831) changed zoning from TR-3 to RVP.**
- **23Z00006 (Tax account 2203340) changed BU-1 to BU-2 with a BDP retaining BU-1 uses and limiting the BU-2 use to a mini-warehouse with outdoor RV and boat storage only behind the building.**
- **23Z00041 (Tax account 2113469) Changed zoning from BU-1 to BU-2 with BDP. The BDP restricts development to mini storage with open storage of boats and recreation vehicles behind the structure. This property has a site plan submission (23SP00034) under consideration.**
- **3Z00072 (Tax account 3019428) Changed zoning from AU & BU-1 to BU-2.**

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 from State Road 46 to 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 27.29% 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 27.32% 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. 24Z00049**

**Applicant:** Keleon Watkins (Owner: KVK Management & Remodeling Services LLC)

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

**Note:** for consistency with RES 4 FLU

**Zoning Hearing:** 11/18/2024; **BCC Hearing:** 12/12/2024

**Tax ID No.:** 2103672

- 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
- Potential Code Enforcement

**Land Use Comments:**

**Aquifer Recharge Soils**

This property contains Pomello sand, classified as an aquifer recharge soil. 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.

**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 ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  inches in diameter) 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.

**Potential Code Enforcement**

Information available to NRM indicates that unpermitted land clearing and alteration activities may have occurred on this parcel between 2021 and 2023. The confirmation of unpermitted land clearing activities may result in code enforcement action.