



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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

**STAFF COMMENTS  
 24Z00067**

**Robert and Michelle Matthias**

**EU (Estate Use Residential) and AU (Agricultural Residential) to all EU (Estate Use Residential)**

Tax Account Number: 2511107  
 Parcel I.D.: 25-36-23-00-260  
 Location: 1967 Rockledge Dr., Rockledge, FL 32955 (District 2)  
 Acreage: 0.91 acres

Planning & Zoning Board: 02/17/2025  
 Board of County Commissioners: 03/13/2025

**Consistency with Land Use Regulations**

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposed zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The request would maintain acceptable Levels of Service (LOS).

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	EU & AU	EU
<b>Potential*</b>	0 Single family	1 Single family
<b>Can be Considered under the Future Land Use Map</b>	YES RES 4	YES RES 4

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

**Background and Purpose of Request**

The applicants are requesting to rezone a 0.91 acre parcel from EU (Estate Use) & AU (Agricultural Residential) to all EU. The subject property is developed with a 2-story single-family house built in 1953. There is an active building permit, **23BC16356**, for an addition to the existing principal structure. Approval of this request will provide consistent zoning across the entire property.

The EU and AU zoned portions were combined to create the subject property's current configuration in May 1975 and recorded in ORB 1525 PG 395. The subject property is bifurcated by Rockledge Dr. The westerly 0.3 acre, (approximately), portion of the subject

property is established with the AU zoning classification. The eastern portion and the portion bifurcated by Rockledge Dr. is approximately 0.5 acre and 0.1 acre, respectively, with EU zoning.

Pursuant to Sec. 62-2116(2), the parcel should be considered one (1) lot despite being bifurcated by a public right of way because both portions do not meet the minimum lot size of 15,000 square feet for the current EU zoning. The principal structure shall be located on the side with the greater land area.

Zoning action **Z-1778** administratively rezoned multiple parcels (including a portion of the subject property) from AU to EU. The effective date of this action is August 8, 1965.

There are no current code enforcement cases attached to the subject property. The subject property is located on a County maintained road.

**Surrounding Area**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Single-family residence	AU & EU	RES 4
<b>South</b>	Vacant land	EU	RES 4
<b>East</b>	Indian River	N/A	N/A
<b>West</b>	Vacant Land	BU-2	CC

North of the subject property is a 0.68 acre property improved as a single-family residence with AU and EU with RES 4 FLU.

South of the subject property is a 0.55 acre lot developed as a single-family residence with AU and EU zoning and RES 4 FLU. .

East of the subject property is the Indian River.

West of the subject property is a vacant parcel with BU-2 zoning and CC FLU.

EU zoning classification encompasses lands devoted to single-family residential development of a spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surrounding. The minimum lot size is 15,000 square feet with a minimum lot width and depth of 100 feet. The minimum living area is 2,000 square feet.

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.

The BU-2 classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

### **Future Land Use**

The subject property is designated as RES 4 on the Future Land Use Map (FLUM). The EU and AU zoning classifications are consistent with RES 4. The applicant's request can be considered consistent with the proposed 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 property 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 subject property is developed as a single-family residence. Any new development would need to meet Performance Standards defined by Sections 62-2251 through 62-2272 for hours of operations, lighting, odor, noise levels, traffic, or site activity. The applicant intends to enlarge the existing primary structure, therefore it is neutral in regards to 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 area can be categorized as single-family residential with RES 4 FLU designation along the Indian River and Rockledge Dr. Parcels range in size from 0.50 acres to 3.0 acres.**

**To the west is primarily commercial with infrequent residential zoning with NC and CC FLU designations located along US Hwy 1. Parcels range from 0.46 acres to approximately 7 acres in size.**

**There are five (5) FLU designations (RES 4, NC, CC, PUB-CONS and IND) within a 0.5-mile radius of the subject property. RES 4 is the prominent FLU along the Indian River residential corridor.**

**There have been no FLU changes within the past three years or within a 0.5 mile radius of the subject property. The proposed use can be considered consistent with the existing pattern of surrounding development.**

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

**The property located approximately 650 feet north of the subject property on US Highway 1 was approved a rezoning from BU-1 to BU-2 under 22Z00004 on January 22, 2022. The property is being developed with a mini storage facility and includes a BDP (Binding Development Plan) limiting improvements to a single-story building with no outside storage.**

**There has been no other new development within the past three years or within a 0.5 mile radius.**

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

**There have been two rezoning applications approved within the past three years.**

**22Z00015 was rezoned from AU to BU-1 with a Binding Development Plan (BDP) on March 23, 2023. The conditions restrict the owner/developer to two (2) new duplexes with high nutrient septic. The property is approximately 370 feet south of the subject property.**

**24Z00031 was rezoned from AU to EU October 03, 2024. The parcel is approximately 700 feet south of the subject property.**

- 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.

**Zoning classifications within a 0.5 mile radius of the subject property and east of US Highway 1 include AU (Agricultural residential), RR-1 (Rural residential), EU (Estate use residential), EU-2 (Estate use residential 2), RU-1-13, (Single-family residential), RP (Residential Professional), RU-2-10 (Multi-family residential), TU-1 (Tourist commercial), BU-1 (General retail commercial), and BU-2 (Retail, warehousing and wholesale commercial).**

**Zoning classifications west of US Highway 1 include RRMH-1 (Rural residential mobile home), GU (General use), RR-1 (Rural residential), IU (Light industrial) and TR-1 (Single-family mobile home).**

**A preliminary concurrency analysis does not indicate that the proposed request would materially or adversely impact the surrounding residential area. Enlarging the existing single-family residence does not increase the corridor's operating capacity.**

- 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.

**The 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. One (1) commercial rezoning from BU-1 to BU-2 was approved during the previous five (5) years located in the existing commercial corridor along US Highway 1.**

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is US Highway 1 located between Barnes Boulevard and Eyster Blvd, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 73.14% of capacity daily. The maximum development potential from the proposed rezoning has no impact as the use remains one single-family residence. The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development potential of this parcel falls below the minimum number of new residential lots that would require a formal review.

The parcel is within the City of Cocoa public potable water service and septic service.

### **Environmental Constraints**

#### **Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Coastal High Hazard Area
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Surface Waters of the State
- Protected and Specimen Trees

### **For Board Consideration**

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item No. 24Z00067**

**Applicant:** Thomas Brandon (Owners: Robert and Michelle Matthias)

**Zoning Request:** AU and EU to all EU

**Note:** for zoning consistency (to correct split zoning)

**Zoning Hearing:** 02/17/2025; **BCC Hearing:** 03/13/2025

**Tax ID No.:** 2511107 (0.91 ac)

- 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:**

- Coastal High Hazard Area
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Surface Waters of the State
- Protected and Specimen Trees

**Land Use Comments:**

**Coastal High Hazard Area**

The very eastern portion of the property, on the IRL shoreline, is located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The Coastal Management Element of the Comprehensive Plan, Policy 6.1, designates Coastal High Hazard Areas to be those areas below the elevation of the Category 1 storm surge elevation as defined in Chapter 163, Florida Statute. The parcel may be susceptible to nuisance flooding.

## **Floodplain Protection**

The very eastern portion of the property, on the IRL shoreline, is mapped as Special Flood Hazard Area (SFHA) AE, as identified by the Federal Emergency Management Agency (FEMA), and as shown on the FEMA Flood Map. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

## **Indian River Lagoon Nitrogen Reduction Septic Overlay**

The eastern 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.

## **Surface Waters of the State**

The subject property is located on the Indian River Lagoon, designated as a Class II Water in this location. A 50-foot Surface Water Protection Buffer is required. Primary structures shall be located outside the Buffer. Accessory structures are permissible within the Buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). The removal of native vegetation located within the Buffer is prohibited unless approved through an active development order. Temporary impacts to native vegetation require in-kind restoration. The Florida Department of Environmental Protection (FDEP) regulates mangrove trimming and can be reached at 407-897-4101. The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.

## **Protected and Specimen Trees**

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