



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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**STAFF COMMENTS  
 26Z00014**

**Daniel Carson & DiPrima Construction Corp. (Kimberly Rezanka)  
 RU-1-13 (Single-Family Residential) & RU-2-10 (Medium-Density Multiple-Family Residential) to RU-2-15 (Medium-Density Multiple-Family Residential)**

Tax Account Number: 2716291 & 2716290  
 Parcel I.D.: 27-37-13-78-2-7 & 27-37-13-78-2-6  
 Location: North side of Coral Way East, approximately 477 feet west of Highway A1A (District 5)  
 Acreage: 1.14 acres

Planning and Zoning Board: 06/15/2026  
 Board of County Commissioners: 07/09/2026

**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)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	RU-1-13 & RU-2-10	RU-2-15
<b>Potential*</b>	6 residential units	17 residential units
<b>Can be Considered under the Future Land Use Map</b>	Yes RES 15	Yes RES 15

\* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. Application of these regulations may reduce development potential.

**Background and Purpose of Request**

The applicant is requesting a zoning change for two adjacent parcels from RU-1-13 (Single-Family Residential) and RU-2-10 (Medium-Density Multiple-Family Residential) to RU-2-15 (Medium-Density Multiple-Family Residential) to permit the development of up to 17 multi-family units. The combined area of the two parcels is approximately 1.14 acres.

Currently, one parcel is vacant, while the other contains a single-family residence that will be demolished if the rezoning is approved to accommodate redevelopment. The properties are located on the north side of Coral Way East, a county-maintained roadway, approximately 477 feet west of North Highway A1A.

Both parcels are part of the Plat of Eden Estates, recorded in Plat Book 10, Page 29, of the Brevard County Official Records on December 5, 1950. The properties were reclassified to their current zonings under Ordinance 73-13, adopted on August 7, 1973. If the request to RU-2-15 is approved, both lots will be in compliance with the minimum required lot width, depth, and size requirements.

RU-2-15 encompasses lands devoted to medium-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-15 permits multiple-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square foot lots. Resort dwellings a permitted use in the RU-2-15 zoning classification.

Residential 15 (RES 15) was the original Future Land Use (FLU) designation for the subject property as established by the Brevard County Comprehensive Plan on September 8, 1988.

The subject property is within the septic moratorium area. Any proposed development requiring a septic permit could be affected by this moratorium. For further information regarding the septic moratorium, the property owner would need to reach out to the Department of Environmental Health, which issues septic permits.

The subject parcel may contain aquifer recharge soil. The mapped topographic elevations show that the property falls within a Type 3 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.

There are no current code enforcement complaints on the property.

**Surrounding Area**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Duplexes	RU-1-13 & RU-2-10	RES 15
<b>South</b>	Road ROW & 4 and 6-unit condo & townhome	RU-2-10 & RU-2-15	RES 15
<b>East</b>	Single-family residence	RU-2-10	RES 15
<b>West</b>	Undeveloped	RU-2-15	RES 15

North of the subject property is a duplex on a 0.18-acre parcel zoned RU-1-13 with RES 15 FLU, and a duplex on a 0.18-acre parcel zoned RU-2-10 with a RES 15 FLU.

South of the subject property, across Coral Way East, is a six (6) unit condominium on a 0.4-acre parcel zoned RU-2-15 with a RES 15 FLU, and a four (4) unit townhome development on a 0.4-acre parcel zoned RU-2-10 with RES 15 FLU.

East of the subject property is a single-family residence on a 0.57-acre parcel zoned RU-2-10 with RES 15 FLU.

West of the subject property is an undeveloped, 0.57-acre parcel zoned RU-2-15 with RES 15 FLU.

RU-1-13 zoning 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 minimum widths and depths of 75 feet. The minimum house size is 1,300 square feet. RU-1-13 does not permit horses, barns or horticulture.

RU-2-10 zoning encompasses lands devoted to medium-density multiple-family residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-10 permits multiple-family residential development or single-family residences at a density of up to 10 units per acre on minimum lot sizes of 7,500 square feet.

RU-2-15 zoning encompasses lands devoted to medium-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-15 permits multiple-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square foot lots.

### **Future Land Use**

The subject property is currently designated Residential 15 (RES 15) Future Land Use as provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County’s Comprehensive Plan.

The current RU-1-13 and RU-2-10 zoning classifications are consistent with the RES 15 FLUM designation. The applicants’ request for RU-2-15 zoning can be considered consistent with the existing RES 15 FLUM.

### **Applicable Land Use Policies**

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 development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 which will be reviewed at the site plan review stage should the zoning action be approved.**

**Traffic from the proposed development will have a minimal impact on the surrounding area. The corridor currently operates at 55.96% capacity, and the proposed development is anticipated to increase the traffic to a level of 56.24%. Specific concurrency issues will be addressed at the time of site plan review.**

- 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 (Member 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;

**Within the 0.5-mile radius of the subject property, there are four (4) Brevard County FLU designations: RES 15, PUB-CONS (Public Conservation), NC (Neighborhood Commercial), and CC (Community Commercial). RES 15 is the predominant FLU surrounding the subject property. There are also seven (7) City of Melbourne FLU designations within the 0.5-mile radius: Conservation, Low Density Residential, Medium Density Residential, Mixed-Use, General Commercial, Public/Institutional, and Recreation.**

**The existing land use pattern within a 0.5-mile radius consists of a mixture of single-family and multi-family residential development. Higher-density multi-family zoning is predominantly located east of Highway A1A, while areas west of Highway A1A transition to medium-density multi-family development and ultimately to predominantly single-family residential neighborhoods. To the south, Palm Colony Club Condo, zoned RU-2-30, represents the highest residential density in the immediate area. Areas within the Melbourne generally follow a similar development pattern, with commercial and institutional uses concentrated along the Highway A1A corridor. The closest**

**zoned RU-2-15 is the abutting vacant parcel to the west and a parcel directly across the street.**

**There have not been any Brevard County FLUM amendments within the 0.5-mile radius of the subject property in the past three years.**

**Brevard County properties within the 0.5-mile radius are zoned RU-1-7, RU-1-9, RU-1-13, RU-2-10, RU-2-15, RU-2-30, EU-2, TR-3, TU-1, and GML, with the predominant zoning classification being RU-1-13. City of Melbourne classifications within the 0.5-mile radius include C-C1 (Neighborhood Commercial), I1 (Institutional), CP (Commercial Parkway District), R2 (One-, Two-, and Multiple-Family Dwelling Medium Density), and R1AAA (Single-Family Low Density Residential).**

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

**No new development has occurred over the preceding three years.**

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

**While there has not been any actual development within this area in the preceding three (3) years, there has been one zoning action approved:**

- **22Z00066: On March 2, 2023, a rezoning from RU-1-13 (Single-Family Residential) to RU-2-15 (Medium Density Multiple-Family Residential) was approved for 0.57 acres to allow the development of up to eight (8) multi-family units. A site plan was approved in 2024, although no permits have been issued for this project. Directly abutting 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.

**Only a certified MAI (Member Appraisal Institute) appraisal can determine if material reduction has or will occur due to the proposed request.**

#### **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, parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

**The proposed use already exists in the established neighborhood. The maximum development potential could result in an increase in traffic along Highway A1A between Paradise Boulevard and Eau Gallie Boulevard from approximately 55.96% to 56.24%. Although this segment of the roadway will remain within its adopted level of service, the increase contributes to cumulative demand on the transportation network.**

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 area is an established residential neighborhood with clear boundaries including roads and open spaces.**

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 surrounding area is a residential neighborhood. Commercial uses do not encroach into the 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.

**This area is primarily residential with a mix of single-family and multi-family development. Commercial, industrial, or other non-residential uses have not been applied for or approved during the previous 5 years.**

### **FLUE Administrative Policy 7**

Proposed use(s) shall not cause or substantially aggravate any (a) substantial drainage problem on surrounding properties; or (b) significant, adverse and unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

**The subject property contains an aquifer recharge soil. The mapped topographic elevations show that the property falls within a Type 3 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.**

**Federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. If applicable, the applicant shall obtain any required permits, surveys, or clearance letters from the U.S. Fish and Wildlife Service and other applicable regulatory agencies prior to development approval.**

**Please refer to all comments provided by the Natural Resource Management Department at the end of this report.**

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Highway A1A, between Paradise Boulevard and Eau Gallie Boulevard, which has a Maximum Acceptable Volume (MAV) of 37,910 trips per day, a Level of Service (LOS) of D, and currently operates at 55.96% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.28%. The corridor is anticipated to operate at 56.24% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be addressed at the time of site plan review. This is only a preliminary review and is subject to change.

School concurrency indicates that Indialantic Elementary School, Hoover Middle School, and Melbourne Senior High School are projected to have enough capacity for the total of projected and potential students from the proposed development. This is a non-binding review; a Concurrency Determination must be performed by the School District prior to a Final Development Order and the issuance of a Concurrency Evaluation Finding of Nondeficiency by the Local Government.

The subject property is within access to centralized sanitary sewer from Brevard County Utilities and centralized water from the City of Melbourne. Please be aware that the North Indian River Lagoon Basin Management Action Plan Injunction prohibits septic tanks in this area. In the context of onsite sewage treatment and disposal systems, "Available" is defined in F.S. 381.0065 (2)(a) and the requirements to connect to an existing onsite sewage treatment and disposal system to central sewerage system are defined in F.S. 381.00655 (1)(a). Brevard County has the exclusive right to furnish the sewer service per Section 110-181 BCCO because this is within the Brevard County Utility Services Department Service Area.

### **Environmental Constraints**

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

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements
- Protected Species

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

### **For Board Consideration**

The Board should consider whether the proposed zoning request is consistent and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item No. 26Z00014**

**Applicant:** Kimberley Rezanka (Owner: Daniel Carson)

**Zoning Request:** RU-1-13 to RU-2-15

**Note:** Rezone two adjoining parcels for multi-family units

**Zoning Hearing:** 06/15/2026; **BCC Hearing:** 07/09/2026

**Tax ID No.(s):** 2716291 and 2716290

- 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
- Land Clearing and Landscape Requirements
- Protected Species

**Land Use Comments:**

**Aquifer Recharge Soils**

This property contains Canaveral-Palm Beach-Urban land complex, classified as an aquifer recharge soil. The mapped topographic elevations show that the property falls within a Type 3 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.

**Indian River Lagoon Nitrogen Reduction Septic Overlay**

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.

### **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. If applicable, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission ([GTpermits@myfwc.com](mailto:GTpermits@myfwc.com)) and/or U.S. Fish and Wildlife Service ([FW4FLESRegs@fws.gov](mailto:FW4FLESRegs@fws.gov)) prior to any plan, permit submittal, or development activity, including land clearing.