



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 26Z00031

Marta Lydia Ramos Cordero, Carlos David Flores & Oscar Orlando Mayorga Ramos
GML(I) (Government Managed Lands - Institutional) to RU-1-11 (Single-Family Residential)

Tax Account Number: 2310577
Parcel I.D.: 23-35-23-JM-104-22
Location: West side of Depot Avenue, approximately 193' north of Fay Boulevard (District 1)
Acreage: 0.28 acres

PSJ Dependent Special District: 08/12/2026
Planning and Zoning Board: 08/17/2026
Board of County Commissioners: 09/10/2026

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)

	CURRENT	PROPOSED
Zoning	GML(I)	RU-1-11
Potential*	1 residential unit	1 residential unit
Can be Considered under the Future Land Use Map	Yes RES 4	Yes RES 4

* 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 applicants are requesting a zoning change from GML(I) (Government Managed Lands - Institutional) to RU-1-11 (Single-Family Residential) to bring the zoning into compliance with the use of the existing single-family residence.

The subject property is 6310 Depot Avenue in Cocoa, a 0.28-acre lot located on the west side of Depot Avenue, approximately 193' north of Fay Boulevard. It is part of Port Saint John Unit 3, recorded in Plat Book 22, Page 25, of the Brevard County Official Records on February 3, 1969. The property was originally zoned RU-1 and was reclassified to RU-1-9 in June 1972 under zoning action **Z-2980**. According to the Property Appraiser's website, the existing single-family home was built in 1979.

Residential 4 (RES 4) was the original Future Land Use (FLU) designation for the subject property as established by the Brevard County Comprehensive Plan on September 8, 1988.

On May 6, 1999, the property was rezoned to GML(I) under action **Z-10227**. The request was made by the Brevard County Sheriff's Office Police Athletic League to utilize the existing home as an office for youth operations in Fay Park across the street. The length of time the property was used as an office is undetermined. Following its transition back to a private residence, the zoning classification was never returned to a residential classification. The applicants purchased the property in 2019 and were not aware of the GML(I) zoning classification. The property is now under contract for sale, and the zoning must be corrected to finalize the transaction.

The previous residential zoning classification, RU-1-9, was not in compliance with the RES 4 FLU. At the time, the property would have qualified for a non-conforming lot of record status. Since the property was rezoned to GML(I), it cannot return to a non-conforming status. As a result, the applicants have requested RU-1-11 zoning. If the request to RU-1-11 is approved, the property will meet the minimum required lot width, depth, and size requirements. The existing home will also meet the minimum required living area.

The RU-1-11 classification 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 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.

There are no current code enforcement complaints on the property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence	RU-1-9	RES 4
South	Drainage ROW & Single-family residences	RU-1-9	RES 4
East	Road ROW & Public Park	GML	REC
West	Single-family residence	RU-1-9	RES 4

North of the subject property is a single-family residence on a 0.24-acre parcel zoned RU-1-9 with RES 4 FLU.

South of the subject property, there is a 50' drainage right-of-way, and then single-family residences on 0.3-acre and 0.24-acre parcels zoned RU-1-9 with RES 4 FLU.

East of the subject property, across Depot Avenue, is Fay Park. The property is 11.1 acres zoned GML with Recreation (REC) FLU.

West of the subject property is single-family residence on a 0.42-acre parcel zoned RU-1-9 with RES 4 FLU.

The RU-1-9 classification 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 lots of 6,600 square feet (minimum). The minimum house size is 900 square feet.

The purpose of the GML (Government Managed Lands) zoning classification is to recognize the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations (NGOs) providing economic, environmental and/or quality of life benefits to the county, electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission, and related entities.

Future Land Use

The subject property is currently designated Residential 4 (RES 4) 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 GML(I) zoning classification is consistent with the RES 4 FLUM designation. The applicants' request for RU-1-11 zoning is also consistent with the existing RES 4 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 existing home was built in 1979 and has been primarily used as a single-family residence. In 1999, the property was rezoned to GML(I) to be utilized as an office for the Sheriff's Office Police Athletic League. Returning the property to a residential zoning classification will not diminish the enjoyment of, safety or quality of life in the existing neighborhood.

- 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;

The existing land use pattern within a 0.5-mile radius is single-family residential development. Supporting commercial development is located along Fay Boulevard across from Fay Park. Challenger 7 Elementary School is to the south of the commercial development.

Within the 0.5-mile radius of the subject property, there are five (5) Brevard County FLU designations: RES 4 (Residential 4), PUB (Public Facilities), REC (Recreation), NC (Neighborhood Commercial), and CC (Community Commercial). RES 4 is the predominant FLU surrounding the subject property.

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

Within the 0.5-mile radius of the subject property, there are seven (7) zoning classifications: RU-1-9, RU-1-11, IN(L), BU-1, BU-1-A, RP, and GML, with the predominant zoning classification being RU-1-9 surrounding the subject property.

There have not been any rezoning requests within the 0.5-mile radius of the subject property in the past three years.

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.

No new development has been approved over the preceding three years.

- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

A single-family home has existed on the property since 1979, prior to the adoption of the Brevard County Comprehensive Plan on September 8, 1988.

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 existing home was built in 1979 and has been primarily used as a single-family residence. In 1999, the property was rezoned to GML(I) to be utilized as an office for the Sheriff's Office Police Athletic League, although it is unclear how long the property served as an office. Returning the property to a residential zoning classification brings it back into alignment with the use. This will not introduce any additional traffic, parking, trip generation or other activity that is not already present within the neighborhood.

- 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 an established 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 supporting commercial development along Fay Boulevard. During the previous five (5) years one (1) rezoning was approved:

- **20Z00031 - Approved rezoning on March 9, 2021, from BU-1-A with a BDP to BU-1 with a BDP to allow a hardware store with an outdoor garden center.**

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 mapped hydric soils; an indicator that wetlands may be present on the property. The existing home was built in 1979 and is not known to have caused any drainage issues.

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 Fay Boulevard, between Grissom Parkway and Arequipa Road, which has a Maximum Acceptable Volume (MAV) of 37,300 trips per day, a Level of Service (LOS) of E, and currently operates at 32.71% of capacity daily. The maximum development potential from the proposed rezoning does not increase the proposed trip generation. The corridor is anticipated to continue to operate at 32.71% of capacity daily (LOS E). The proposal is not anticipated to create a deficiency in LOS Applicable Land Use Policies.

The subject property is within access to centralized water from the City of Cocoa.

Brevard County Utilities Services Department noted, "While no sewer lines are adjacent to this property, 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. The appropriate sewer facility is NOT operating at a level equal to or less than 85% of the existing plant capacity as determined by the service provider or appropriate authority. Please note that concurrency for the project can only be confirmed with a detailed review of the plans. The current Port St John Wastewater plant capacity as of June 1, 2026, based on actual

connections is 92%. Per the Brevard County Code of Ordinances, Chapter 62, Article IV, a site plan or subdivision shall be allotted no more than 25 percent of the remaining capacity of a facility. However, the maximum development potential from the proposed rezoning does not increase the demand for utilities. A home has existed on the subject property since 1979, and no new development is being proposed.

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

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Land Clearing and Landscape Requirements

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. 26Z00031

Applicant: Carlos David Flores (Owner: Carlos David Flores)

Zoning Request: GML(I) to RU-1-11

Note: for consistency with surrounding neighborhood

PSJ Advisory: 08/12/2026; **LPA Zoning Hearing:** 08/17/2026; **BCC Hearing:** 09/10/2026

Tax ID No.: 2310577

- 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:

- Hydric Soils
- Land Clearing and Landscape Requirements

Land Use Comments:

Hydric Soils

A portion of the subject parcel contains mapped hydric soils (Anclote sand); indicators that wetlands may be present on the property. **A wetland delineation may be required prior to any land clearing activities, site plan design, or building permit submittal.**

Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. **Per Section 62-3694(e), any wetland impact, authorized under this division, for residential use shall be limited to the structural building area requirements for the primary use as defined by the zoning code, on-site disposal system**

requirements, and the 100-year flood elevation requirement for first floor elevations, and necessary ingress and egress. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require no net loss mitigation in Brevard County in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

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.**