



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
 24Z00064**

Casabella Development, LLC (Kim Rezanka)

BU-1-A (Restricted Neighborhood Retail Commercial) to RU-2-6 (Low-Density Multiple-Family Residential)

Tax Account Number(s): 3018651
 Parcel I.D.: 26-36-24-03-E-1
 Location: West side of Wickham Rd., approx. 450 ft. North of Casabella Pl. (District 4)
 Acreage: 5 acres

Planning & Zoning Board: 04/14/2025
 Board of County Commissioners: 05/01/2025

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal may 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	BU-1-A	RU-2-6
Potential*	FAR 0.75 150 multifamily units**	30 units
Can be Considered under the Future Land Use Map	YES NC	YES*** NC

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

** Development potential at 30 units per acre pursuant to F.S. 125.01055 (Live Local Act)

***RU-2-6 classification may be considered, if permitted by Policy 2.10 of the Future Land Use Element.

Background and Purpose of Request

The applicant requests a zoning classification change from BU-1-A (Restricted Neighborhood Retail Commercial) on 5 acres to RU-2-6 (Low-Density Multiple-Family Residential). The subject property consists of one (1) parcel located on the west side of Wickham Rd., approximately 450 ft. north of Casabella Pl. The site is currently undeveloped. The site has access along a Brevard County-maintained roadway: Wickham Road (to the east).

The applicant submitted a conceptual plan for one 6-plex and two 7-plex, two-story buildings, totaling 20 fee simple ownership individual attached residential units. The plan also indicates the reservation of wetlands, a stormwater pond, a 50-foot drainage easement at the north property line, and common open space. Sidewalks will connect to Wickham Rd. A 50-foot-wide stormwater management tract borders the west property line of the subject property, separating the single-family detached residential neighborhood from the proposed two two-story single-family attached units.

The current BU-1-A classification permits restricted neighborhood retail and personal service uses to serve the needs of nearby low-density residential neighborhoods. Minimum lot size of 7,500 square feet is required with minimum width and depth of 75 feet. Conditional uses such as childcare centers and private clubs are also permitted in this classification.

In 2023, the Live Local Act was enacted and was revised in 2024. The Act is intended to address the state's growing housing affordability crisis through significant land use, zoning, and tax benefits. Pursuant to **Florida Statute 125.01055**, a county must authorize multifamily and mixed-use as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development. In unincorporated Brevard County, the Live Local Act effectively allows for development of up to 30 dwelling units per acre. The subject property, encompassing 5 acres zoned BU-1-A, allows for development options that include either commercial use with a Floor Area Ratio (FAR) of 0.75 or 150 multi-family units as stipulated by the Live Local Act.

The proposed RU-2-6 classification low-density multiple-family residential zoning classifications encompass lands devoted to low-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-6 is a six unit per acre multiple-family residential zoning classification. It permits multiple-family residential development or single-family residences at a density of up to six units per acre on 7,500 square foot lots.

Zoning history actions:

- **Z-11302**; zoning change from AU to BU-1-A approved on December 7, 2006

According to the best available data from the Brevard County Property Appraiser, the subject property was platted as part of Casabella Phase 3 on October 9, 2018, per Plat

Book 66, Page 33. Prior to platting the subject parcel was part of a 19.9083-acre parcel zoned AU upon adoption of the Brevard County Zoning Regulations on May 22, 1958.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Automotive Service	BU-1	CC
South	Office Park	BU-1	CC
East	Wickham Rd., East of Wickham Rd. Bank, Post Office	IU & PIP	PUB & PI
West	Single-Family Residences	RU-1-11	NC & RES-15

To the north is one (1) lot with an existing automotive service business with BU-1 zoning and CC FLU designations on 0.92 acres.

To the west is Casabella Subdivision, platted with approximately 139 single-family lots. Five undeveloped platted lots are located east of the 50-foot-wide stormwater management water tract. The property has RU-1-11 zoning and NC & RES-15 FLU designations.

To the east, across Wickham Rd., is an apartment complex. A multi-family development with approx. 274 units with RU-2-15 zoning and a RES-15 FLU. Also developed is a bank on a 1.2-acre parcel with PIP zoning and PI FLU and a U.S. Post Office on a 5.55-acre parcel with an IU zoning class and a PUB FLU designation.

South of the subject property is an office park on 5 acres with a BU-1 zoning and CC FLU designation.

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.

The BU-1 general retail commercial zoning classification encompasses land devoted to general retail shopping, offices and personal services to serve the needs of the community. The BU-1 classification does not permit warehousing or wholesaling.

IU is a Light Industrial zoning classification that is established to provide areas in which the principal use of land is for manufacturing, assembling and fabrication, and for warehousing.

PIP is a planned industrial park zoning classification that is intended for locations which are served by major roads but are not feasible for light or heavy industrial developments

because of proximity to residential uses. The regulations for this district are intended to encourage development compatible with surrounding or abutting residential districts, with suitable open spaces, landscaping and parking areas.

Land Use

The subject property is currently designated as Neighborhood Commercial (NC). The existing BU-1-A can be considered consistent with the CC FLU designation if use is transitional, per Policy 2.11 or as permitted by Policy 2.14 of the Future Land Use Element, as applicable. The RU-2-6 zoning classifications can be considered consistent with the NC FLU designation as permitted by Policy 2.10 of the Future Land Use Element.

Applicable Land Use Policies

FLUE Policy 1.2

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

Criteria:

- A. Adequate roadways, solid waste disposal, drainage and recreation facilities to serve the needs of associated development shall be available concurrent with development in all residential land use designations.

The corridor is expected to function within the Maximum Acceptable Volume (MAV). The proposal will not create a deficiency in the Adopted Level of Service (LOS). Any concurrency issues will be addressed during the site plan review process. Please note that this is only a preliminary review and is subject to change.

The proposed development will be required to connect to Brevard County sewer system.

- B. Fire and police protection and emergency medical services to serve the needs of associated development shall be available concurrent with development in all residential land use designations in accordance with policies set forth in the 'Service Delivery, Concurrency and Growth' section of this Future Land Use Element.

No issues are anticipated with regards to fire and emergency medical services.

- C. In the Residential 30, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.

The proposed development would have access to potable water via the City of Cocoa and will be able to connect to Brevard County South Central Sewer.

- D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.

The maximum density of the requested zoning is six (6) units per acre. The conceptual plan indicates a proposed density of four (4) units per acre. The development will require a connection to a centralized sewer system.

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 proposed development increases the percentage of MAV utilization by 1.76%. The corridor is anticipated to operate at 56.55% of capacity daily. The proposed development is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 and will be reviewed at the site plan review stage.

- 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 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 surrounding land use patterns within half a mile of the subject property includes single-family-residential, multi-family residential, professional offices, mini-warehousing, warehousing, commercial and retail uses on the

east and west sides of Wickham Rd. There are six (6) FLU designations within 500 feet of the subject site: NC, CC, RES 6, RES 15, and PI.

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

There have been two (2) commercial developments within this area in the preceding three (3) years. A car wash and a drive-thru coffee shop, approximately 850 feet northeast of the subject property, on the east side of Wickham Rd.

There has been one rezoning within a half mile northeast of the subject property on US Hwy 1. On December 12, 2024, rezoning case 24Z00054 was approved, changing the designation from GU to EU, and it is currently being developed with a single-family residence.

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

The following zoning actions have been approved within one-half mile in the preceding three (3) years:

22Z00047: Within a half mile, east of the subject property along US Hwy. 1, on 11/14/2022, approved rezoning from RU-1-9, RU-1-13, & IN(H), with an existing BDP, to all IN(L) with removal of the existing BDP and addition of a new BDP.

22Z00048: Within a half mile, east of the subject property along US Hwy. 1, on 11/14/2022; approved rezoning from GU and BU-1 to all BU-1.

23Z00008: Within a half-mile, northeast of the subject property on N. Wickham Rd., on 04/17/2023, approved rezoning from BU-1 and BU-2 to PUD.

- 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.

FLUE Administrative Policy 4

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.

Traffic from the proposed development is not anticipated to impact the surrounding area. The corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The proposal would not create a deficiency in Adopted Level of Service (LOS). No commercial or industrial activity is proposed.

- 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.

There is one platted, single-family residential neighborhood directly abutting the subject property on the west side, Casabella Phase 3.

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 north, south, and east side corridor of Wickham Rd. has existing commercial FLU designations. This request does not include a commercial component.

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.

There have been commercial, industrial, or other non-residential uses approved in this area during the previous five (5) years.

Analysis of 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 unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Natural Resources has noted the subject parcel contains mapped wetlands, hydric soils, and aquifer recharge soils. Mapped topographic elevations indicate

the soils may consist of Type 2 and/or Type 3 Aquifer Recharge areas, which are subject to impervious area restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance. This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, as identified by FEMA. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage, and in the Indian River Lagoon Nitrogen Reduction Septic Overlay. Protected and specimen trees and protected species may also be present on the subject property.

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 Wickham Rd., from Jordan Blass Blvd. to Pineda Cswy., which has a Maximum Acceptable Volume (MAV) of 39,800 trips per day, a Level of Service (LOS) of D, and currently operates at 54.79% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 1.76%. The corridor is anticipated to operate at 56.55% of capacity daily. The proposed development is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

The preliminary school concurrency review indicates there is sufficient capacity for the total of projected and potential students from the proposed development.

The parcel has accessibility to the City of Cocoa potable water. The parcel has accessibility to Brevard County Sewer.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- 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 if the request is consistent and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 24Z00064

Applicant: Kimberly Rezanka (Owner: Casabella Development LLC)

Zoning Request: BU-1-A to RU-2-6

Note: to develop single-family townhomes (20 units)

Zoning Hearing: 04/14/2025; **BCC Hearing:** 05/01/2025

Tax ID No.: 3018651

- 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:

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

Land Use Comments:

Wetlands and Hydric Soils

The subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Anclote sand, frequently ponded, 0 to 1 percent slopes); indicators that wetlands may be present on the property. A conceptual plan provided by the applicant depicts a wetland on the southern portion of the site. **A wetland delineation will 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. **This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage of the subdivision as set forth in Section 62-3694(c)(6).** Any proposed

wetland impacts will be assessed to ensure that they do not exceed 1.8% of the Casabella subdivision.

Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Aquifer Recharge Soils

This property contains Pomello sand, classified as an aquifer recharge soil. Additionally, the mapped topographic elevations show that the property falls within Type 2 and/or Type 3 Aquifer Recharge areas, which are 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.

Floodplain Protection

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, as identified by the Federal Emergency Management Agency, 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, including compensatory storage. 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

A 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.

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. 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 and buffer 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. There is mapped Florida Scrub Jay habitat / occupancy on the property. Additionally, there is potential for existence of Gopher Tortoises on site as they 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.