



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

22Z00011

Heath and Shannon Morgan

RU-1-9 (Single-Family Residential) to SR (Suburban Residential)

Tax Account Number: 2863495

Parcel I.D.s: 28-36-02-75-14-51.01

Location: North side of Miami Avenue, approximately .055 feet south of the intersection of Alma Drive and West New Haven Avenue (District 5)

Acreage: 0.69 acres

Planning & Zoning Board: 5/09/2022

Board of County Commissioners: 5/26/2022

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)

	CURRENT	PROPOSED
Zoning	RU-1-9	SR
Potential*	0 SF unit	1 SF unit
Can be Considered under the Future Land Use Map	NO 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 seeking a change of zoning classification from RU-1-9 (Single-Family Residential) to SR (Suburban Residential) to establish consistency with the comprehensive plan for the purpose of constructing one single-family residence. This request is considered a down zoning. The parcel is currently undeveloped.

The subject parcel was recorded into the current configuration per Official Records Book 5504, Page 7196 on July 25, 2005. The original zoning on the property was RU-1-9.

Land Use

The subject property currently retains the FLU designation of Residential 4 (RES 4). The SR request is consistent with the Residential 4 FLU designation.

Applicable Land Use Policies

FLUE Policy 1.7 – The Residential 4 Future land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre, except as otherwise may be provided for within the Future Land Use Element.

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 applicant proposes the development of a single-family home. It is not anticipated to diminish the enjoyment of, safety or quality of life in existing neighborhoods within the 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 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;

There are three (3) FLU designation (RES 4, CC, and NC) within 500-feet of this site. The latest FLU amendment was approved under 02S.13 which changed the FLU on 1.07 acres from RES 1:2.5 to CC on December 5, 2002.

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

There has not been any actual development within this area in the preceding three (3) 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, one zoning action has been approved within one-half mile.

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 have been identified.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

The developed character of the surrounding area is single-family residential on non-conforming lots with no central water or sewer. Most parcels in the immediate area are developed with single-family homes on lots less than one-acre in size. The subject property is surrounded to the north, east, and west by parcels developed with single-family residences zoned RU-1-9. To the south, across Miami Avenue is a parcel developed with a single-family residence and zoned RU-1-9 as well. SR zoning classification is not in the immediate area and could be considered spot zoning. However, the proposed zoning classification would provide consistency between the FLU and zoning, as outlined in 62-1255.

There has been one zoning action within a half-mile radius of the subject property within the last three years. **21Z00040**, approved February 3, 2022, was a request to change BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Commercial) to all BU-2 on 2.1 acres located on the north side of New Haven Avenue, approximately 0.28 miles west of Katherine Boulevard.

The current RU-1-9 classification of the subject parcel permits single family residential development on lots of 6,600 square feet (minimum). The minimum house size is 900 square feet. The existing RU-1-9 zoning does not comply with Section 62-1255, as the subject lot was split 7/18/2005, relinquishing any prior nonconformity to the RES 4 Future Land Use.

The proposed SR classification permits single family residences on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 square feet. SR zoning is consistent with RES 4 Future Land Use.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	One SF residence	RU-1-9	RES 4
South	Across ROW (Miami Av): Two SF residences	RU-1-9	RES 4
East	Two SF residences	RU-1-9	RES 4
West	Three SF residences	RU-1-9	RES 4

RU-1-9 classification permits single family residential development on lots of 6,600 square feet (minimum). The minimum house size is 900 square feet.

There have been no zoning actions within a half-mile radius of the subject property within the last three years.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Highway 192, between John Rodes to Wickham, which has a Maximum Acceptable Volume (MAV) of 39,800 trips per day, a Level of Service (LOS) of D, and currently operates at 73.16% of capacity daily. The maximum development potential from the proposed rezoning decreases the percentage of MAV utilization by 0.02%. The corridor is anticipated to operate at 73.18% 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 parcel has no access to central water or sewer. The closest Brevard County water and sewer lines to the parcel are approximately 9.4 miles to the north.

Environmental Constraints

- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected Species
- Protected and Specimen Trees

The subject parcel contains mapped hydric soils. A wetland delineation will be required prior to any land clearing activities or site plan application. Per Section 62-3694(c)(2), 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 would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. Application of the one unit per five acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property as defined in Section 65 694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 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 land clearing, site plan design or permit submittal.

For Board Consideration

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

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary

Item #22Z00011

Applicant: Morgan

Zoning Request: RU-1-9 to SR

Note: Applicant wants to build a single-family residence.

P&Z Hearing Date: 05/09/22; **BCC Hearing Date:** 05/26/22

Tax ID No: 2863495

- 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:

- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected Species
- Protected and Specimen Trees

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Land Use Comments:

Indian River Lagoon Nitrogen Reduction Septic Overlay

A majority of the parcel is mapped within the Indian River Lagoon Nitrogen Reduction Septic 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 Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. 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 and/or U.S. Fish and Wildlife Service, as applicable.

Protected and Specimen Trees

Protected and Specimen Trees may exist on the parcel. Per 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.