



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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

**STAFF COMMENTS**

**21Z00007**

**Lantzcom MI, LLC**

**RU-2-30 (High-Density Multi-Family Residential) to RU-2-15 (Medium-Density Multiple-Family Residential)**

Tax Account Number: 2416989  
Parcel I.D.: 24-36-22-00-42  
Location: North Side of Houston Lane, approximately 2,000 feet west of intersection of North Courtenay Parkway and Crockett Boulevard (District 2)  
Acreage: 1.78 acres

Planning and Zoning Board: 5/03/2021

Board of County Commissioners: 5/27/2021

**Consistency with Land Use Regulations**

- Current zoning can not 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-2-30	RU-2-15
<b>Potential*</b>	0 multiple-family units	26 multi-family units
<b>Can be Considered under the Future Land Use Map</b>	No Residential 15	YES Residential 15

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

**Background and Purpose of Request**

The applicant is requesting a change of zoning classification from High-Density Multi-Family Residential (RU-2-30) to Medium-Density Multiple-Family Residential (RU-2-15). The purpose of this rezoning is to make the property's zoning consistent with the Future Land Use designation of Residential 15 (RES 15) per Section 62-1255 (b) in order to develop the site with single-family attached residential dwelling units or multi-family residential dwelling units.

Section 62-1343 of Brevard County Zoning Regulations limits the single-family attached housing type in RU-2-15 to a maximum of ten units per acre.

The original zoning of the property was Single Family Residential (RU-1), adopted May 22, 1958. On November 25, 1963, the property was rezoned to RU-3 by zoning action **Z-1224**. The Zoning Ordinance adopted February, 1988 refers to the RU-3 zoning classification as “high density multiple-family residential” This classification was officially changed to High Density Multiple Family Residential (RU-2-30) with the Zoning Regulation adopted March, 1990.

## **Land Use**

The property retains the RES 15 (Residential 15) Future Land Use (FLU) designation. The current RU-2-30 zoning classification is not consistent with the current RES 15 FLU designation. The proposed RU-2-15 zoning classification is consistent with the FLU designation.

## **Applicable Land Use Policies**

**FLUE Policy 1.4** – The Residential 15 Future Land Use designation affords the second highest density allowance, permitting a maximum residential density of up to fifteen (15) units per acre. This land use category allows single and multi-family residential development.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 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.** This request may be considered consistent with the proposed RES 15 FLUM. The property is bordered by RES 15 and Residential 10 (RES 10) FLU designations on its north sides, RES 15 on its east and west sides, and RES 10 across the right-of-way (Houston Lane) to the south. The existing use abutting on the north is multifamily. The abutting property to the west is vacant and the abutting property to the east is developed Quadruplexes. To the south, across Houston Lane, is a stormwater Tract. Development and zoning actions, in the recent past in the surrounding area, were not in the immediate vicinity of the subject property, and were limited to requests related to single-family.

**Analysis of Administrative Policy #4 - Character of a neighborhood or area.** The immediate surrounding area is a combination of single-family residential, multi-family residential, and institutional uses. Adjacent and surrounding multi-family residential lots have duplexes and quadruplexes. There are no apartment complexes or condominiums in the vicinity. The applicant has expressed the intention to develop the property as single-family townhomes. The closest townhome developed property is approximately 875 feet southeast of the subject property and was developed prior to current townhome regulations limiting density of townhomes in RU-2-15 zoning.

The proposed RU-2-15 zoning classification permits multifamily dwellings with a maximum density of 15 units per acre on 7,500 square foot lots with a minimum lot width and depth of 75 feet. Single-Family Attached dwelling units [townhomes] are also permitted in this zoning classification as long as they are developed to the Single-Family Attached (RA-2-10) density and development standards of Section 62-1343.

The existing RU-2-30 classification permits high density multi-family residential development of up to 30 units per acre. Multiple-family residential structures may be constructed on a minimum lot size of 10,000 square feet, with at least 100' of lot width and 100' of lot depth. Single-family residences are

permitted on minimum lot sizes of 7,500 square feet with at least 75' of lot width and 75' of lot depth. Single-Family Attached dwelling units are also permitted in this zoning classification as long as they are developed to the Single-Family Attached (RA-2-10) density and standards of Section 62-1343.

## **Surrounding Area**

This lot abuts a roadway on its south perimeter. Across this roadway is a Brevard County drainage facility and six vacant lots zoned Single-Family Residential (RU-1-7). To the north are four duplexes and one single-family residence zoned RU-2-30. Also to the north, are two single-family residences zoned RU-1-7. To the east are two quadruplexes zoned RU-2-30. To the west is an RU-1-7 zoned vacant lot.

Zonings of the surrounding area are: Single-Family Residential (RU-1-7) and High-Density Multiple-Family Residential (RU-2-30).

The RU-1-7 zoning classification permits single-family dwellings on 5,000 sq. ft. lots, with a minimum lot width of 50 feet and a minimum depth of 100 feet. The minimum house size in RU-1-7 is 700 square feet.

There have been two zoning actions within a half-mile radius of the subject property within the last three years.

On October 10, 2018, zoning action **18PZ00130** changed the zoning from RU-1-9 and Low-Density Multi-Family Residential (RU-2-4) to all RU-1-9 with Binding Development Plan (BDP) to limit to two lots, with one single-family residence and one guest house with full kitchen facility on each lot, and require connection to central sewer, on a 2.92 acre parcel located approximately 2,550 feet south of, and across Tropical Trail from, the subject property.

On May 3, 2018, zoning action **18PZ00007** changed the zoning from EU (Estate Use Residential) to SEU (Suburban Estate Use) "approved for five (5) single-family homes" on a 7.04 acre parcel located approximately 850 feet west of, and across Tropical Trail from, the subject property.

## **Environmental Constraints**

No noteworthy land use issues were identified. Natural Resources Management (NRM) reserves the right to assess consistency with environmental ordinances at all applicable future stages of development. The parcel is currently under a site plan review as Joseph Place Townhomes.

## **Preliminary Concurrency**

The closest concurrency management segment to the subject property is N. Tropical Trail, between Lucas Road and Crockett Blvd., which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, Level of Service (LOS) of E, and currently operates at 24.82% of capacity daily (LOS C). The maximum development potential from the proposed rezoning is projected to increase the percentage of MAV utilization from 24.82% to 25.79%. The proposal is not anticipated to create a deficiency in LOS E.

The request is not anticipated to create any deficiencies in school concurrency. The School Board

reserves the right to make additional comments during the site plan review process.

City of Cocoa water and Brevard County sewer services are available to service the property.

**For Board Consideration**

The Board may wish to consider whether the requested RU-2-15 zoning classification is consistent and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item # 21Z00007**

**Applicant:** Kyle Lantz – Joseph Place (21SP00004)

**Zoning Request:** RU-2-30 to RU-2-15

**Note:** Applicant wants zoning to be consistent with Future Land Use of Res 15.

**P&Z Hearing Date:** 05/03/21; **BCC Hearing Date:** 05/27/21

**Tax ID No:** 2416989

- 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 Overlay
- Protected Species
- Land Clearing and Landscape Requirements

No noteworthy land use issues were identified. Natural Resources Management (NRM) reserves the right to assess consistency with environmental ordinances at all applicable future stages of development. The parcel is currently under a site plan review as Joseph Place Townhomes.

**Land Use Comments:**

**Aquifer Recharge Soils**

The parcel contains a small area of mapped aquifer recharge soils (Candler fine sand) as shown on the USDA Soil Conservation Service Soils Survey map. 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 Overlay**

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. However, the parcel is currently under site plan review, and plans show the project to be connected to sewer.

**Protected Species**

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

**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 tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.