



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

21Z00014

Timothy and Diane Lystlund

RU-1-7 (Single-Family Residential) to SR (Suburban Residential)

Tax Account Number: 3009665
Parcel I.D.: 30G-38-20-HM-*-25
Location: East side of Hibiscus Avenue, 240 feet south of Jonquil Lane (District 3)
Acreage: 0.55 acres

Planning and Zoning Board: 07/12/2021

Board of County Commissioners: 08/05/2021

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 proposed Future Land Use Designation, Section 62-1255, per Policy 2.13 of the Future Land Use Element.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	RU-1-7	SR
Potential*	No units, parcel size is sub-standard	One single-family unit
Can be Considered under the Future Land Use Map	No RES 1	YES** RES 2

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

There is a Small-Scale Future Land Use Map (FLUM) amendment companion application under **21PZ00026 which proposes to change the RES 1 (Residential 1) Future Land Use (FLU) designation to RES 2 (Residential 2) FLU.

Background and Purpose of Request

The applicant is seeking a change of zoning classification from RU-1-7 (Single-Family Residential) to SR (Suburban Residential) for the purpose of legitimizing the parcel to be consistent with the proposed RES 2 Future Land Use change and to be able to build one single-family home. The parcel is vacant. The applicant has a building permit (21BC03715) for a proposed single-family home.

The RU-1-7 zoning of the parcel was adopted May 30, 1972 per zoning action **Z-2980** to replace the RU-1 single-family zoning. The parcel was subdivided into its current configuration on August 01, 1996, per Official Records Book 3594, Page 1459. When the parcel was subdivided in 1996, the RU-1-7 zoning was not compatible with the RES 1 FLU and does not qualify as nonconforming status under the provision of section 62-1188 Nonconforming lots of record.

The applicants have also applied for a variance **21PZ00025** to the 150 minimum lot depth requirements for SR zoning. This variance application will be heard on June 23, 2021.

Land Use

The subject property is currently designated as RES 1 (Residential 1). The companion application **21PZ00026** proposes to change the RES 1 FLU to RES 2 Future Land Use designation. The RU-1-7 zoning classification is not consistent with the RES 1 FLU; the proposed SR zoning is consistent with the proposed RES 2 FLU.

Applicable Future Land Use Policies

The Current FLU follows: FLUE Policy 1.9 –The Residential 1 Future land use designation. The Residential 1 land use designation permits low density residential development with a maximum density of up to one (1) dwelling unit per acre, except as otherwise may be provided for within the Future Land Use Element.

The Proposed FLU follows: FLUE Policy 1.8 – The Residential 2 Future land use designation. The Residential 2 Future land use designation permits lower density residential development with a maximum density of up to two (2) 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.

The subject property is vacant land and lies within the Residential 1 Future Land Use designation. The abutting parcels and the surrounding area have a Residential 1 Future Land Use designation which is not compatible with the current RU-1-7 zoning. The proposed SR zoning is consistent with the proposed RES 2 Future Land Use designation.

Existing development of the surrounding area is generally described as single-family homes on lots that are undersized to meet the one dwelling unit per acre (1du/ac) density allowed by the RES 1 future land use. The applicant intends to build one, single-family home, and a FLU designation of RES 2 is necessary to legitimize the parcel to meet development requirements of RES 2.

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

The subject parcel is zoned RU-1-7 and is vacant.

The developed character of the surrounding area along Hibiscus Avenue is RU-1-7 (Single-Family Residential) zoned parcels which are developed with single-family houses.

Properties along Hibiscus Avenue are single-family residential in nature. The development trend for the surrounding area has been single-family residential homes for the past 50 years. There have been no Future Land Use changes within the past 20 years.

The current RU-1-7 classification permits single family residences on minimum 5,000 square foot lots with minimum widths of 50 feet and depth of 100 feet. The minimum house size is 700 square feet

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.

There have been no rezoning applications in the surrounding area in the past 5 years.

Surrounding Area

The abutting parcels to the north, east and south are zoned RU-1-7 and are developed with single-family residences. The parcels along the west side of Hibiscus Avenue are zoned RU-1-7 and are developed with single-family residences.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Protected and Specimen Trees
- Protected Species

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

Preliminary Transportation Concurrency

The closest concurrency management segment to the subject property is Main Street, between Highway US 1 and Central Avenue, which has a Maximum Acceptable Volume of 15,600 trips per day, a Level of Service (LOS) of D, and currently operates at 14.36% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.06%. The corridor is anticipated to continue to operate at 14.42% of capacity daily (LOS D). 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 is not serviced by Brevard County sewer or water. The closest available Brevard County sewer line is located approximately 1.4 miles northwest of the parcel. The closest available Brevard County water line is located approximately 0.7 miles northeast of the parcel.

For Board Consideration

The Board may wish to consider whether the request to SR is consistent and compatible with the surrounding area given the fact that RU-1-7 zoning has been established.

The current RU-1-7 classification permits single family residences on minimum 5,000 square foot lots with minimum widths of 50 feet and depth of 100 feet. The minimum house size is 700 square feet

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.

Although there is no SR zoning in the immediate area, the Board may wish to recognize the existing development pattern which has been on 0.5 acre parcels.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Request Review & Summary
Item # 21Z00014

Applicant: Timothy and Diane Lystlund

Zoning Request: RU-1-7 to SR

Note: Legitimize lot to build a single-family residence

P&Z Hearing Date: 07/12/21; **BCC Hearing Date:** 08/05/21

Tax ID No: 3009665

- 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:

- Protected and Specimen Trees
- Protected Species

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:

Protected and Specimen Trees

Aerials show the parcel to be heavily wooded. Specimen Trees (greater than or equal to 24 inches in diameter) may exist on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), a purpose and intent of the ordinance is to encourage 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. Land clearing is not permissible without prior authorization from NRM. 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. 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.