



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

21Z00033

James Eric Preece, Trustee

Single-family Residential (RU-1-11) to Medium-density Multi-family residential (RU-2-12)

Tax Account Number: 2731687
Parcel I.D.: 27-38-31-EW-F-6.02
Location: 117 Franklyn Ave Indialantic FL 32903; 735 feet west of N Highway A1A
(AKA N. Miramar Avenue) (District 5)
Acreage: 0.26 acres

Planning and Zoning Board: 11/15/2021
Board of County Commissioners: 12/02/2021

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	RU-1-11	RU-2-12
Potential*	1 unit	3 units (triplex)
Can be Considered under the Future Land Use Map	YES 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's request is to rezone from the Single-family Residential (RU-1-11) zoning classification to the Medium-density Multi-family (RU-2-12) zoning classification. This rezoning action would increase the number of potential residential lots from 1 to 3 units upon the 0.26-acre parcel. This parcel has road frontages along the northern access (Franklyn Avenue) and Grosse Point along its southern lot line. The neighboring lot to the west was split north to south to create individual lots one upon each roadway. This owner proposes to replace the dated 1957 home with a triplex. The owner did not propose to split the lot or amend the lot configuration.

The current RU-1-11 Zoning was approved by the Board under Zoning action **Z-2980** adopted June 1, 1972.

Land Use

The subject property is currently designated as Residential 15 FLU. Both the RU-1-11 and the RU-2-12 zoning classifications are consistent with the Residential 15 FLU designation.

Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 of the Future Land Use Element.

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.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.

The subject property lies within the Residential 15 Future Land Use (FLU) designation. As this site is located within an area serviced by potable water and sanitary sewer, residential densities higher than 4 units per acre can be achieved. The applicant desires to redevelop the lot into a triplex (density 12 units per acre). The City of Indialantic has the following FLU designations: Residential Medium Density (>4 up to 15 units per acre), Commercial and Utility located South & SE of this property. This site appears to be consistent and compatible with existing FLU designations in the surrounding area.

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The character of the surrounding area is a mixture of single-family, duplex and multi-family residential uses. Initial construction dates from 1957 when the area was mostly developed as single-family homes. The more recent development trend has been to convert the single-family sites into duplex use. The adjacent property to the west was transitioned to multi-family zoning under Zoning files: **Z-1356** and **Z-3386** which changed the zoning from RU-1-11 to RU-2 and RU-2-10. The RU-2 zoning was approved on April 9, 1964. The RU-2-10 zoning was approved on September 20, 1973. On November 6, 2014 this same property was rezoned from the RU-2-10 to RU-2-12 under Zoning action **14PZ-00074** to legitimize the three existing duplexes which were built in 1977. Properties on the north side of the street were granted multi-family zoning back in 1963 under Zoning action **Z-988** and later amended to RU-2-10 in 1973 as part of Ordinance 73-13.

Surrounding Area

The properties to the north are developed with single-family uses, but are within the RU-2-10 zoning classification. To the east are single-family residences under the RU-1-11 and RA-2-6 zoning classifications. To the south and west are duplexes. To the south across Grosse Pointe are properties within the City of Indialantic. The City's R-3 zoning allows single-family, duplex and multi-family uses. The City's R-P zoning allows single-family, duplex, multi-family and professional uses.

RU-1-11 classification permits single family residences 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.

RU-2-10 classification permits multiple-family residential development or single-family residences at a density of up to 10 units per acre on minimum lot sizes of 7,500 square feet.

RU-2-12 zoning classification is a 12 unit per acre multiple-family residential zoning classification. It permits multiple-family residential development or single-family residences at a density of up to 12 units per acre on 7,500 square foot lots.

There has 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 A1A, between US Hwy 192 to Paradise Boulevard, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 49.51% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 0.05%. The corridor is anticipated to operate at 49.56% 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 public water by the City of Melbourne and centralized sewer from Brevard County.

Environmental Constraints

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

For Board Consideration

The Board may wish to consider whether the requested action to change the zoning to RU-2-12 is consistent and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary**

Item # 21Z00033

Applicant: Rezanka for Preece

Zoning Request: RU-1-11 to RU-2-12

Note: Applicant wants to develop a triplex.

P&Z Hearing Date: 11/15/21; **BCC Hearing Date:** 12/02/21

Tax ID No: 2731687

- 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
- Land Clearing and Landscape Requirements
- 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:

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (Canaveral-Palm Beach-Urban land complex) 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 site is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If sewer is not available, the use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required.

Land Clearing and Landscape Requirements

Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen trees. 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.

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.