



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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**STAFF COMMENTS  
 25Z00007**

**Thomas Daugherty**

**GU (General Use) to RU-1-11 (Single-Family Residential)**

Tax Account Number: 2301907  
 Parcel I.D.: 23-35-13-01-A-25.01  
 Location: Northwest corner of Capron Rd. and Dunbar St. (District 1)  
 Acreage: 0.17 acres

PSJ Board: 06/11/2025  
 Planning & Zoning Board: 06/16/2025  
 Board of County Commissioners: 07/17/2025

**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)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	GU	RU-1-11
<b>Potential*</b>	0 single-family	1 single-family
<b>Can be Considered under the Future Land Use Map</b>	YES RES 8_DIR	YES RES 8_DIR

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

**Background and Purpose of Request**

The applicant is requesting to rezone the property from GU (General Use) to RU-1-11 (Single-Family Residential) on a 0.17-acre property to have a zoning classification that is consistent with the property's lot size. The parcel was subdivided from a 2.42-acre parent property, and the current configuration was recorded on September 10, 1997, in OR Book 3707, Page 3052, of the Public Records of Brevard County, Florida. The original parent property was recorded in Plat Book 2, Page 2, of the Public Records of Brevard County, Florida in February 1911.

Per Section 62-2102: No person shall sever any lot in such a manner that a violation of any of the provisions of this chapter would be created on any new or altered lot, including their uses or structures.

The subdivision created a lot that is inadequate to the GU lot size requirements. The subject property does not meet the 5-acre minimum lot size, and the minimum lot width and depth required for GU zoning. The proposed RU-1-11 zoning requires an area of not less than 7500 square feet, having a lot width of not less than 75 feet and a lot depth of not less than 100 feet. The subject property meets these minimum size requirements. Approval of the RU-1-11 would be the introduction of a new zoning classification in the area. The subject property would also meet the lot size, width, and depth requirements of RU-1-9 and RU-1-7, which are already established in the area.

Analysis of the lot sizes in the surrounding area within a 500-foot radius from the smallest to the largest in acres.

The GU zoning is the original zoning for the parcel as adopted by the Brevard County Zoning Regulations on May 22, 1958.

The subject property is vacant and undeveloped and has frontage on Capron Rd. and Dunbar St., both of which are county-maintained roadways.

There are currently no open Code Enforcement cases or violations noted on the property.

**Surrounding Area**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Single-family residential	GU	RES 8_DIR
<b>South</b>	Road Right-of-Way/Single-family residential	RU-1-7	RES 8_DIR
<b>East</b>	Road Right-of Way/Single-family residential	RU-1-9	RES 8_DIR
<b>West</b>	Single-family residential	GU	RES 8_DIR

The property to the north of the subject property is a 0.26-acre lot improved with a single-family home built in 1960; zoned GU.

The property to the south, across Dunbar St., is a 0.16-acre parcel developed with a single-family home built in 1965; zoned RU-1-7.

To the east of the subject property, across Capron Rd., is a 0.26-acre parcel developed with a single-family home built in 2004; zoned RU-1-9.

The property west of the subject property is a 1.34-acre parcel developed with a single-family home built in 1980; zoned GU.

All of the properties described are within the RES-8\_DIR FLUM.

RU-1-7 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 5,000 square foot lots with minimum widths of 50 feet and depth of 100 feet. The minimum house size is 700 square feet.

RU-1-9 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 lots of 6,600 square feet (minimum). The minimum house size is 900 square feet.

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 horticult.

GU classification is a holding category, that encompasses rural single-family residential development or unimproved lands for which there is no definite current proposal for development or land in areas lacking specific development trends on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

## **Land Use**

The subject property's GU zoning classification can be considered consistent with the NC Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. The subject property's BU-2 zoning classification can be considered consistent with the CC Future Land Use designation. The proposed BU-2 zoning classification is not consistent with the NC FLUM designation.

The subject property is currently designated as Residential 8 DIRECTIVE (RES 8\_DIR) FLU. The proposed RU-1-11 zoning is consistent with the existing RES 8\_DIR FLU designation.

**FLUE Policy 21.2** –The Port St. John Small Area Study. The Residential 8 DIR Land Use Designation affords a transition in density between higher urbanized areas and lower intensity land uses. This land use designation permits a maximum density of up to eight (8) units per acre, except as otherwise may be provided for within this element.

## Applicable Land Use Policies

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;

**Proposal is not anticipated to diminish the enjoyment of, safety, or quality of life in the existing neighborhoods in the area. There is an existing pattern of residential and general commercial land uses surrounding the subject parcel. A preliminary concurrency analysis does not indicate that the proposed request would materially or adversely impact the surrounding established neighborhood. There is a mixture of GU, RU-1-7, RU-1-9, RR-1, AU, BU-1, BU-2, IU, and IN(L) zoning classifications in the general surrounding area.**

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.

**Only a certified MAI (Master Appraisers Institute) 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 nine (9) FLU designations (RES 4, RES 8\_DIR, RES 12\_DIR, RES 15, CC, NC, PUB, PI, and IND) within one-half mile of this site. The most prominent FLU designation is RES 8\_DIR.**

**There have been no FLU changes within 0.5 miles of the last 3 years.**

**Property sizes in the immediate area range from 0.13 acres to 21.93 acres. The immediate surrounding area is developed as single-family homes and general commercial.**

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

**There have been no development changes in the past three years.**

**There have been two (2) zoning changes approved within one-half mile over the preceding three (3) years, 22Z00049 (BU-1 to RU-2-10) and 24Z00010 (IU to BU-2).**

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

**There has been one duplex residence approved and is under construction (23BC23124), but not yet completed; and one Concurrent Review has been conditionally approved, 25CR00017 (Put It In Me Storage), but not yet constructed.**

- 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 has been identified.**

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

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

**The character of the surrounding area is commercial and single-family residential, with the residential lots ranging in size from 0.13 acres to 3.49 acres. Zoning classifications in the area include GU, RU-1-7, RU-1-9, RR-1, AU, BU-1, BU-2, IU, and IN(L). The predominate zoning classifications in the area are RU-1-7 and RU-1-9. As the parcel is 0.17 acres and abutting parcels of similar size with RU-1-9 to the east and south, a preliminary concurrency analysis does not indicate that the proposed request would materially or adversely impact the surrounding area.**

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.

**The property is not located within an existing residential neighborhood but rather in a residential area.**

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 request is not for commercial use. It is located within an existing single-family residential neighborhood.**

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.

**The subject parcel is not requesting to be rezoned for commercial, industrial, or other non-residential uses.**

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Kings Hwy. from Grissom Pkwy. to US Highway 1, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 33.8% of capacity daily. The maximum development potential from the proposed rezoning will increase the percentage of MAV utilization by 0.11%. The corridor is anticipated to operate at 33.91% of capacity daily. The proposal is not anticipated to create any 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 subject property is serviced by City of Cocoa Water.

### **Environmental Constraints**

- Aquifer Recharge Soils
- Land Clearing and Landscape Requirements
- 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. 25Z00007**

**Applicant:** Thomas Daugherty (Owner: Thomas Daugherty)

**Zoning Request:** GU to RU-1-11

**Note:** to build SFR

**Advisory Board (PSJ):** 06/11/2025; **Zoning Hearing:** 06/16/2025; **BCC Hearing:** 07/17/2025

**Tax ID No.:** 2301907

- 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
- Land Clearing and Landscape Requirements
- Protected Species

**Land Use Comments:**

**Aquifer Recharge Soils**

The entire property contains Pomello sand, classified as an aquifer recharge soil. Additionally, the mapped topographic elevations show that the property falls within a Type 3 Aquifer Recharge area, which is 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.

**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 Protected and Specimen tree preservation. Land clearing is not permitted without prior authorization by NRM. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

### **Protected Species**

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 (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.