



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.2.

3/13/2025

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### Subject:

Cameron and Courtney Parker request a change of zoning classification from GU to RR-1. (24Z00068) (Tax Account 2401173) (District 1)

### Fiscal Impact:

None

### Dept/Office:

Planning and Development

### Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from GU (General Use) to RR-1 (Rural Residential).

### Summary Explanation and Background:

The applicant is requesting to rezone the subject property from GU (General Use) to RR-1 (Rural Residential) on a one (1) acre lot. There is an active building permit, 24BC20372, for the construction of a single-family residence. The applicant has a companion Small Scale Comprehensive Plan Amendment (SSCPA) application, 24SS00018, requesting a change from RES 1:2.5 to RES 1. Approval of this request will provide consistency with the requested FLU designation and lot size requirements.

The subject property's current configuration was recorded in the Canaveral Groves Subdivision Survey Book 2, Page 59 dated October 1961.

The subject property retains the original FLU designation established in 1988 by the Brevard County Comprehensive Plan and GU zoning classification established in 1958.

At the time the GU zoning classification was established on this property, the zoning regulations required a minimum lot size of 1 acre with a minimum width requirement of 150 feet and depth of 150 square feet. The subject property has a width of 140 feet which is considered non-conforming to the 1958 requirement. Since the lot has never met the required width, this lot has been considered substandard. The GU lot size requirements changed in May of 1975 requiring lots of 5 acres with a minimum width of 300 ft. and depth of 300 ft.

The proposed RR-1 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 a minimum one-acre lot, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet. Keeping of horses and agricultural uses are accessory to a principal

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residence within the RR-1 zoning district.

The subject parcel is located north of Erie St. on the east side of Shawnee PL, approximately one-half mile south of Canaveral Groves Blvd.

To the north is a 1.02 acre parcel developed as a single-family residence with GU zoning and RES 1:2.5 FLU designation. To the South are three one (1) acre lots. Two are vacant and one of the vacant lots has AU zoning and the other has GU zoning. The eastern most lot has a single-family residence which is zoned GU. All three lots have RES 1:2.5 density. To the East of the subject property is a one (1) acre parcel with a single-family residence. It is zoned GU and has RES 1:2.5 density. To the West of the subject property, across Shawnee PL., is a single-family residence that is zoned GU and has RES 1:2.5 density. Like the subject property it is a corner lot contiguous to a key lot.

Northeast of the subject property (along Alan Shepard Av.) RR-1 zoning has been established on three one (1) acre lots, each with a single-family residence.

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

On February 17, 2025, the Planning and Zoning Board heard the request and unanimously recommended approval.

### **Clerk to the Board Instructions:**

Once resolution is received, please execute and return a copy to Planning and Development.

**Resolution 24Z00068**

On motion by Commissioner Delaney, seconded by Commissioner Adkinson, the following resolution was adopted by a unanimous vote:

**WHEREAS, Cameron and Courtney Parker** request a change in zoning classification from GU (General Use) to RR-1 (Rural Residential), on property described as Tax Parcel 4, as recorded in ORB 9978, Pages 2833-2834, of the Public Records of Brevard County, Florida. **Section 02, Township 24, Range 35.** (1.0 acres) Located on the northeast corner of Erie St. and Shawnee Pl. (4385 Shawnee Pl., Cocoa); and

**WHEREAS,** a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved; and

**WHEREAS,** the Board, after considering said application and the Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved as recommended; now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from GU to RR-1, be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

**BE IT FURTHER RESOLVED** that this resolution shall become effective as of March 13, 2025.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

  
Rob Feltner, Chair

Brevard County Commission

As approved by the Board on March 13, 2025.

ATTEST:

  
RACHEL SADOFF, CLERK

(SEAL)

P&Z Board Hearing – February 17, 2025

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**

## **ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT**

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

### **Administrative Policy 1**

The Brevard County zoning official, planners and the Director of the Planning and Development, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

### **Administrative Policy 2**

Upon Board request, members of the Brevard County planning and zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan amendments, vested rights, or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

#### **Criteria:**

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For development applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

### **Administrative Policy 3**

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. 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.

- 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.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:
  - 1. historical land use patterns;
  - 2. actual development over the immediately preceding three years; and
  - 3. development approved within the past three years 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.

**Administrative Policy 4**

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 of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- 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.
  - 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.
  - 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.

**Administrative Policy 5**

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the

use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following:

**Criteria:**

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

**Administrative Policy 6**

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

**Administrative Policy 7**

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

**Administrative Policy 8**

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application."

### **CONDITIONAL USE PERMITS (CUPs)**

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in

support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.
  - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
  - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
  - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:



- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

### **FACTORS TO CONSIDER FOR A REZONING REQUEST**

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

“The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.”

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

## DEFINITIONS OF CONCURRENCY TERMS

**Maximum Acceptable Volume (MAV):** Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

**Current Volume:** Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

**Volume with Development (VOL W/DEV):** Equals Current Volume plus trip generation projected for the proposed development.

**Volume/Maximum Acceptable Volume (VOL/MAV):** Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

**Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV):** Ratio of volume with development to the Maximum Acceptable Volume.

**Acceptable Level of Service (CURRENT LOS):** The Level of Service at which a roadway is currently operating.

**Level of Service with Development (LOS W/DEV):** The Level of Service that a proposed development may generate on a roadway.



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**

**24Z00068**

**Cameron and Courtney Parker**

**GU (General Use) to RR-1 (Rural Residential)**

Tax Account Number: 2401173  
 Parcel I.D.: 24-35-02-01-34-4  
 Location: 4385 Shawnee PL, Cocoa, FL. 32926 (District 1)  
 Acreage: 1.0 acre

Planning & Zoning Board: 2/17/2025  
 Board of County Commissioners: 3/13/2025

**Consistency with Land Use Regulations**

- Current zoning is consistent under the Future Land Use Designation, Section 62-1255.
- There is a companion small scale amendment to change the Future Land Use Designation from RES 1:2.5 to RES 1. The proposed zoning and Future Land Use Designation will be consistent per Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS).

|  | <b>CURRENT</b>            | <b>PROPOSED</b>           |
|--|---------------------------|---------------------------|
| <b>Zoning</b>  | GU                        | RR-1                      |
| <b>Potential*</b>                                      | 0 Single-family residence | 1 Single-family residence |
| <b>Can be Considered under the Future Land Use Map</b> | YES<br>RES 1:2.5          | YES<br>RES 1**            |

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

\*\* Pending approval of companion request **24SS00018** which proposes to amend the Future Land Use designation from RES 1:2.5 to Residential 1 (RES 1).

**Background and Purpose of Request**

The applicant is requesting to rezone the subject property from GU (General Use) to RR-1 (Rural Residential) on a one (1) acre lot. There is an active building permit, **24BC20372**, for the construction of a single-family residence. The applicant has a companion Small Scale Comprehensive Plan Amendment (SSCPA) application, **24SS00018**, requesting a change from RES 1:2.5 to RES 1. Approval of this request will provide consistency with the requested FLU designation and lot size requirements.

The subject property's current configuration was recorded in the Canaveral Groves Subdivision Survey Book 2, Page 59 dated October 1961.

The subject property retains the original FLU designation established in 1988 by the Brevard County Comprehensive Plan and GU zoning classification established in 1958.

At the time the GU zoning classification was established on this property, the zoning regulations required a minimum lot size of 1 acre with a minimum width requirement of 150 feet and depth of 150 square feet. The subject property has a width of 140 feet which is considered non-conforming to the 1958 requirement. Since the lot has never met the required width, this lot has been considered substandard. The GU lot size requirements changed in May of 1975 requiring lots of 5 acres with a minimum width of 300 ft. and depth of 300 ft.

The proposed RR-1 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 a minimum one acre lot, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet. Keeping of horses and agricultural uses are accessory to a principal residence within the RR-1 zoning district.

The subject parcel is located north of Erie St. on the east side of Shawnee PL, approximately one-half mile south of Canaveral Groves Blvd.

There are no current code enforcement complaints on the property.

**Surrounding Area**

|              | <b>Existing Land Use</b>                 | <b>Zoning</b> | <b>Future Land Use</b> |
|--------------|--|---------------|------------------------|
| <b>North</b> | Single-family residence                  | GU            | RES 1:2.5              |
| <b>South</b> | 2 vacant lots<br>Single-family residence | AU & GU       | RES 1:2.5              |
| <b>East</b>  | Single-family residence                  | GU            | RES 1:2.5              |
| <b>West</b>  | Single-family residence                  | GU            | RES 1:2.5              |

To the north is a 1.02 acre parcel developed as a single-family residence with GU zoning and RES 1:2.5 FLU designation.

To the South are three one (1) acre lots. Two are vacant and one of the vacant lots has AU zoning and the other has GU zoning. The eastern most lot has a single-family residence which is zoned GU. All three lots have RES 1:2.5 density.

To the East of the subject property is a one (1) acre parcel with a single-family residence. It is zoned GU and has RES 1:2.5 density.

To the West of the subject property, across Shawnee PL., is a single-family residence that is zoned GU and has RES 1:2.5 density. Like the subject property it is a corner lot contiguous to a key lot.

Northeast of the subject property (along Alan Shepard Av.) RR-1 zoning has been established on three one (1) acre lots, each with a single-family residence.

The GU zoning 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.

AU zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl, and beekeeping.

### **Future Land Use**

The subject property's GU zoning classification is consistent with the RES 1:2.5 Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. The proposed RR-1 zoning classification is not consistent under the current FLUM designation. Companion application to amend the Future Land Use designation from RES 1:2.5 to Residential 1 (RES 1) is pending approval. The applicant's request can be considered consistent with the existing Future Land Use.

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 requested RR-1 zoning would allow for one single-family residence due to lot size. It is compatible with the established residential character of this part of Canaveral Groves. This request is not anticipated to significantly diminish the enjoyment, safety or quality of life.**

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 (Master Appraiser Institute) appraisal can determine if a 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;

**The historical land use pattern of the surrounding development is characterized as single-family residential on platted one (1) acre lots that are not consistent with adopted RES 1:2.5 density limit.**

**There are two (2) FLU designations: RES 1:2.5 and RES 1 within a 0.5 mile radius of the subject property. RES 1:2.5 is the prominent FLU in the surrounding area.**

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

**There has been no new development within 0.5 miles of the subject property within the last three years.**

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

**There has not been any approved development within this area in the preceding three (3) years that has yet to be constructed. However, there has been a recent zoning action:**

- **22Z00019: Within a half mile, northeast of the subject property on Alan Shepard, on 08/14/2022, approved rezoning from AU to RR-1 and is developed with a single-family residence.**

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 developed character of the surrounding area which is south of Canaveral Groves Blvd., west of Grissom Pkwy., north of the City of Cocoa, and east of Interstate 95 is exclusively single-family residential on lots of one (1) acre or more.**

**There are multiple zoning classifications within a 0.5 mile radius of the subject property: GU, AU, AU(L), and RR-1 zoning classifications.**

**The request would recognize existing development trends. Furthermore, the GU zoning classification is a holding classification that allows single-family residential on lots 5 acres or larger.**

**This request is not anticipated to have a measurable impact on the area in terms of trip generation, or parking. No commercial or industrial activity is proposed.**

- 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 subject property is in a platted residential area with established roads. However, this area is not considered an established residential neighborhood with clearly established boundaries, open spaces, rivers, lakes, lagoons, or similar features.**

- 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.

**There are no neighborhood commercial land uses established in this area.**

- 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.

**This area is not transitional.**



## **Analysis of Administrative Policy #7**

Proposed use(s) shall not cause or substantially aggravate any (a) Substantial drainage problem on surrounding properties; or (b) significant, adverse and unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

A majority of the subject parcel contains mapped hydric soils (Holopaw sand, 0 to 2 percent slopes; and Valkaria sand); indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

**Per Section 62-3694(c)(1), 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 renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. **Per Section 62-3694(e), any wetland impact, authorized under this division, for residential use shall be limited to the structural building area requirements for the primary use as defined by the zoning code, on-site disposal system requirements, and the 100-year flood elevation requirement for first floor elevations, and necessary ingress and egress.** Any permitted wetland impacts must meet the requirements of Section 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 plan or permit submittal.**

## **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Canaveral Groves Blvd. between Lee St. and Grissom Pkwy., which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 48.49% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.09%. The corridor is anticipated to operate at 48.58% 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.

Potable water and/or sanitary sewer service to the subject property is not available from any provider.

## **Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Hydric Soils
- Aquifer Recharge Soils
- Floodplain Protection
- Land Clearing and Landscape Requirements
- Protected and Specimen Trees

- Protected Species

### **For Board Consideration**

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

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

**Item No. 24Z00068**

**Applicant:** Cameron Parker (Owner: Cameron Parker)

**Zoning Request:** GU TO RR-1

**Note:** to build SFR (24BC20372)

**Zoning Hearing:** 02/17/2025; **BCC Hearing:** 03/13/2025

**Tax ID No.:** 2401173

- 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:**

- Hydric Soils
- Aquifer Recharge Soils
- Floodplain Protection
- Land Clearing and Landscape Requirements
- Protected and Specimen Trees
- Protected Species

**Land Use Comments:**

**Hydric Soils**

A majority of the subject parcel contains mapped hydric soils (Holopaw sand, 0 to 2 percent slopes; and Valkaria sand); indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

**Per Section 62-3694(c)(1), 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 renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. Per Section 62-3694(e), any wetland impact, authorized under this division,**

**for residential use shall be limited to the structural building area requirements for the primary use as defined by the zoning code, on-site disposal system requirements, and the 100-year flood elevation requirement for first floor elevations, and necessary ingress and egress.** Any permitted wetland impacts must meet the requirements of Section 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 plan or permit submittal.**

### **Aquifer Recharge Soils**

This property contains Valkaria sand, which may also function as an aquifer recharge soil. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have 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.

### **Floodplain Protection**

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

### **Protected and Specimen Trees**

Protected ( $\geq 10$  inches in diameter) and Specimen Trees ( $\geq 24$  inches in diameter) likely exist on the parcel. 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.**

### **Protected Species**

Information available to NRM indicates that federally and/or state protected species may be present on the property. The entire parcel is within a large area of mapped Florida Scrub Jay habitat / occupancy. Additionally, there is potential for existence of Gopher Tortoises on site 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.



## PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, February 17, 2025, at 3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Ana Saunders (D5); Erika Orriss (D3); Debbie Thomas (D4); Logan Luse (D4); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Melissa Jackson (D5); and Robert Brothers (D5).

Staff members present were Trina Gilliam, Interim Zoning Manager; Paul Body, Planner; Darcie McGee, Assistant Director, (Natural Resources Management); Alex Esseesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

### Excerpt of complete agenda

**Item H.1. Cameron and Courtney Parker request a Small-Scale Comprehensive Plan Amendment (24S.18), to change the Future Land Use Designation from RES 1:2.5 to RES 1. (24SS00018) (Tax Account 2401173) (District 1)**

**Item H.2. Cameron and Courtney Parker request a change of zoning classification from GU to RR-1. (24Z00068) (Tax Account 2401173) (District 1)**

Trina Gilliam read companion items H.1. and H.2. into the record.

Cameron Parker spoke to the application. He stated they just want to change it. Right now, it's general use zoning, along with all the lots surrounding me. Those already have houses built on them. He didn't know if a rule changed or something, but the minimum of 5 acres and only a 1-acre lot. They just want to build their house on it.

There was no public comment.

John Hopengarten inquired of staff if the board could administratively change all the surrounding lots in one stroke and then they wouldn't have to do one offs every time.

Paul Body responded that they'd have to have the County Commission tell staff to do that.

John Hopengarten asked if they could make a recommendation here on the board to do that.

Paul Body stated "I guess you could. One of the problems with these properties is that they're done in a survey book and when they put the zoning on it they put GU zoning. The survey book in 1960, the lots weren't divided into 150 ft. wide lots, they were divided into 140 ft. wide lots, so they don't meet the GU zoning. That's the reason he's here today."

John Hopengarten responded that he understands. He's just concerned that all the neighbors have their homes on all the same size lots and they're still in GU, so they're nonconforming. If they want to come for a building permit to do anything they're going to be stuck and will have to do a zoning change like he's doing.

Paul Body responded with yes or get a variance to the lot size.

Trina Gilliam commented that most of these properties are already developed with homes on them. So, the vacant lots are the ones that we're concerned about providing consistency because those are

the ones that don't have a residence established on them yet. If it is your recommendation, we can take it to the board and see what they would like to do. But for today we just need to focus on the recommendation for this small scale and rezoning. We can take your recommendation forward to the board.

John Hopengarten responded we'd save a lot of time and money if we were to do them all at once.

Robert Brothers commented that it's been brought to our attention that we have a big portion of non-conforming lots that we should deal with, so we don't waste more of our time and more of our resources.

Paul Body responded that a lot of these lots are non-conforming, but then ones like this are inadequate to the size when it was subdivided. This lot is not non-conforming.

John Hopengarten said, "say that again, please."

Paul Body responded that this lot is inadequate in size, it's not non-conforming. It does not meet the code....

John Hopengarten said, "you mean because of the GU designation."

Paul Body responded that like all the others here today he's just trying to get it to be able to build a house on it.

John Hopengarten said that he understands that but his neighbors, the Crews, the Cannos, the Deons, the Mulligans, the Palmers, and the Rileys they all have their houses there, they're all in GU. They're in the same situation that he is but nobody made any changes.

Paul Body responded with no; I don't think that it was common at the time that these houses were built.

Mr. Parker commented that he built the house across the street from his lot for Lifestyle Homes in 2019 and knows it's a newer house.

John Hopengarten asked, "did you change the zoning then?"

Mr. Parker responded with no, it's not me, it's still general use zoning.

Paul Body said that it was permitted by mistake. It was approved in error.

Ruth Amato questioned that because of the wetlands on the property natural resources mentions that 1 home per 5 acres, how do you bypass that?

Mr. Parker responded that he must have it mitigated for where the house sits.

Ruth Amato continued with how does adding fill to where the house is going to sit directly impact the neighbors?

Trina Gilliam responded that at the time they submit for a building permit wetland delineation will be required.

Darcie McGee stated that at the time of permitting they'll need to come in with a current wetlands delineation and at that point if the lot is less than 5 acres and established after 1988 it would be allowed only 1.8% of the property area in impacts. If it's more than 5 acres or the lot has been legally established in that configuration since 1988 then they can build a house, access and septic, they can mitigate the wetlands, through the state. They do proceed at their own risk without an environmental report ahead of time.

John Hopengarten commented to Darcy that on her maps it doesn't show that they're in wetlands.

Darcie McGee stated that they are just north of wetlands. They do have hydric soils on their property, so that's an indicator they may have wetlands. That's why we would require the delineation. What we do is a desk top analysis. We look at aerials and soils maps, wetland maps, and if we see something that might indicate that there's wetlands at some point, they're going to have to provide us with that environmental report to identify and quantify what is there.

Mr. Parker commented that he has done that.

Henry Minneboo stated the problem he has is we're going to decide for other people's lots throughout that entire subdivision and they may come here and want to kill us because we modified their.... That's not what they want to do. I'm not sure we need to get involved in other peoples' desire to do whatever they're going to do. They know it's GU, let them make the decision when they feel like it.

Mark Wadsworth said that to get back on track they need to focus just on this application.

Motion to recommend approval of Item H.1. by John Hopengarten, seconded by Erika Orriss. The motion passed unanimously.

Motion to recommend approval of Item H.2. by John Hopengarten, seconded by Logan Luse. The motion passed unanimously.

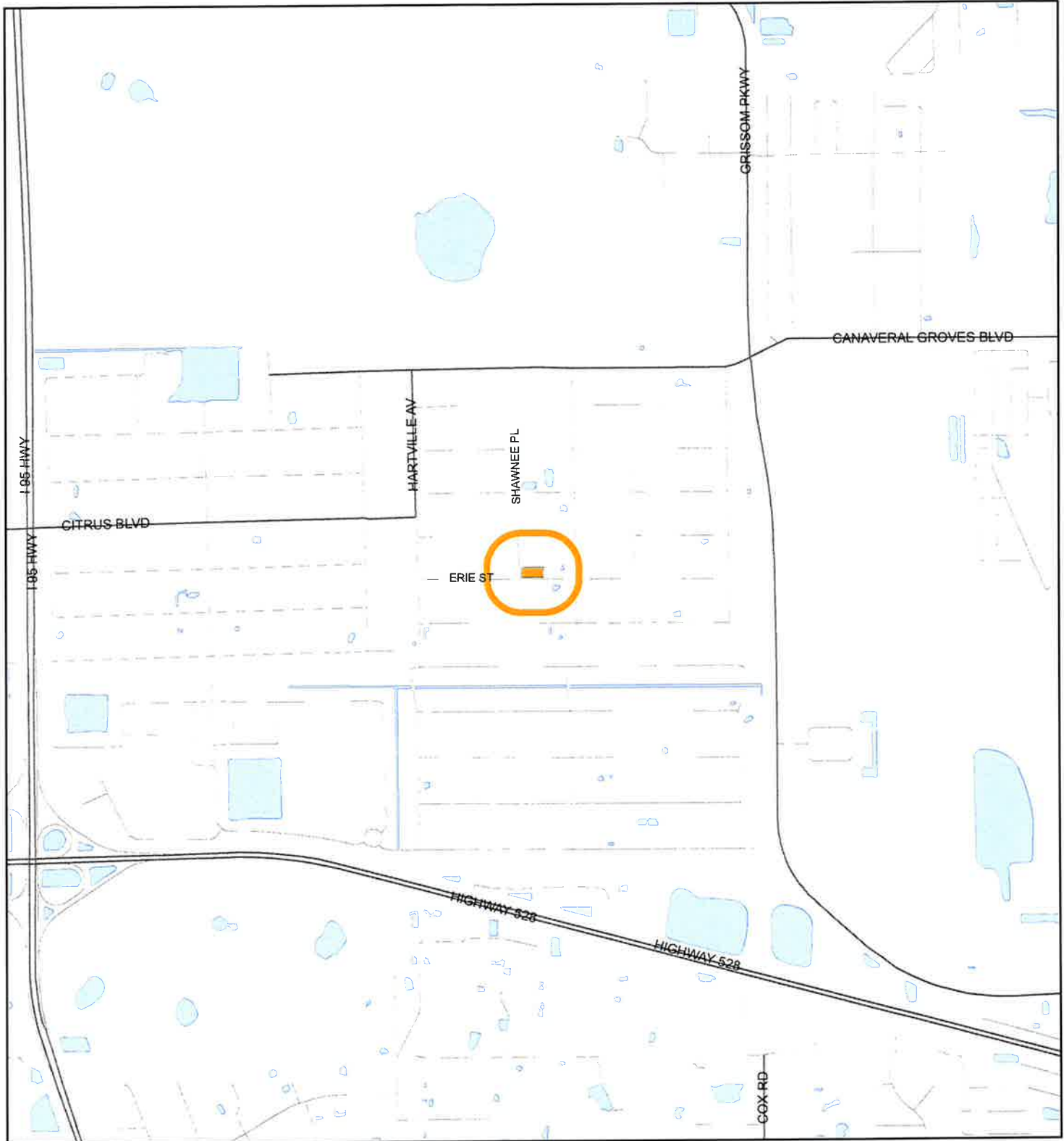
The meeting was adjourned at 4:09 p.m.



# LOCATION MAP

PARKER, CAMERON

24Z00068





1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

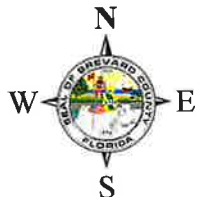
Produced by BoCC - GIS Date: 12/6/2024

-  Buffer
-  Subject Property

# ZONING MAP

PARKER, CAMERON


24Z00068



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/6/2024

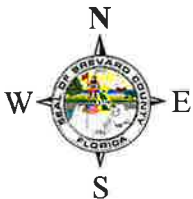
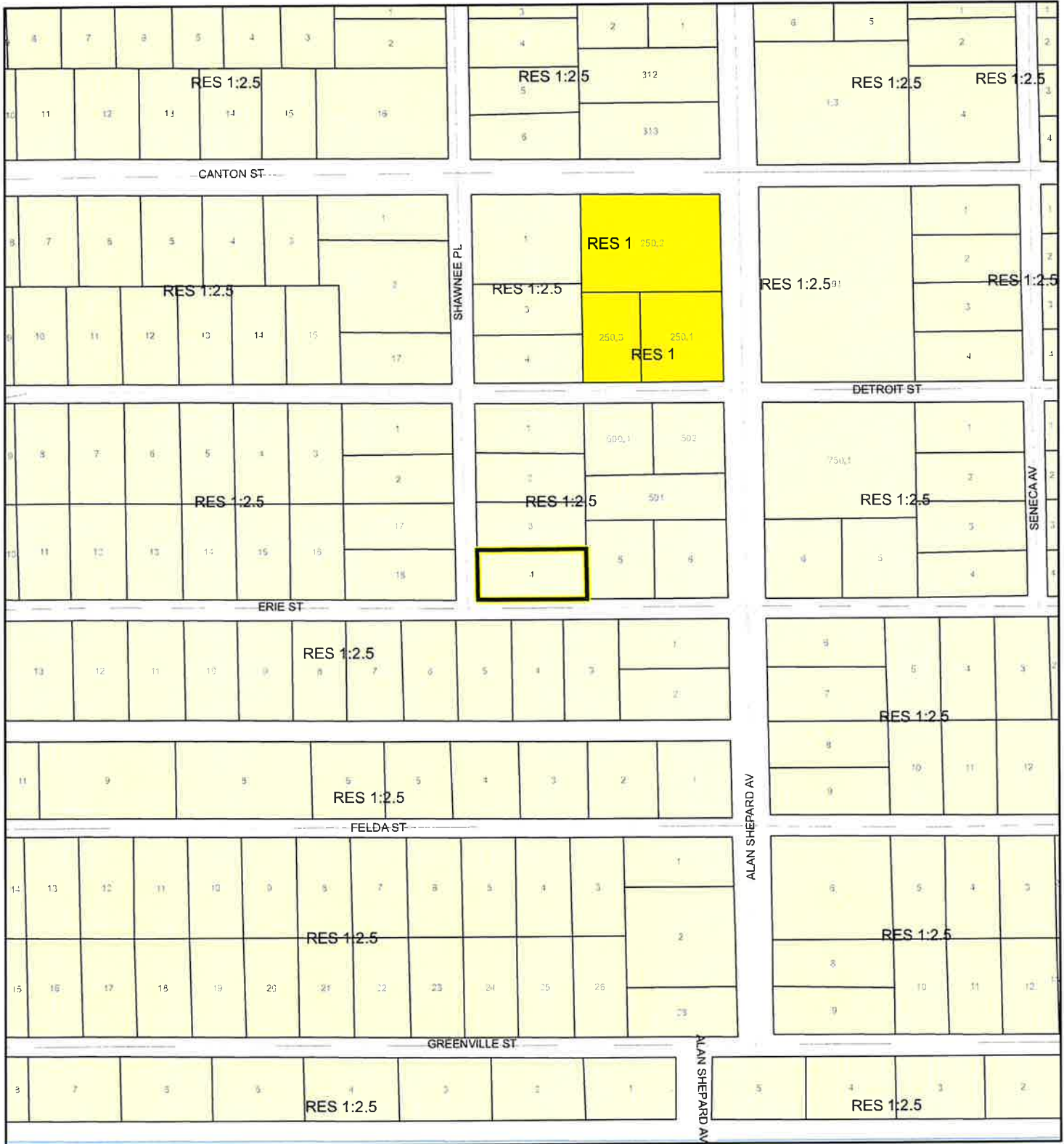
 Subject Property

 Parcels

 Zoning

# FUTURE LAND USE MAP

PARKER, CAMERON  
24Z00068



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

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Produced by BoCC - GIS Date: 12/6/2024

# AERIAL MAP

PARKER, CAMERON

24Z00068



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2024

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Produced by BoCC - GIS Date: 12/6/2024

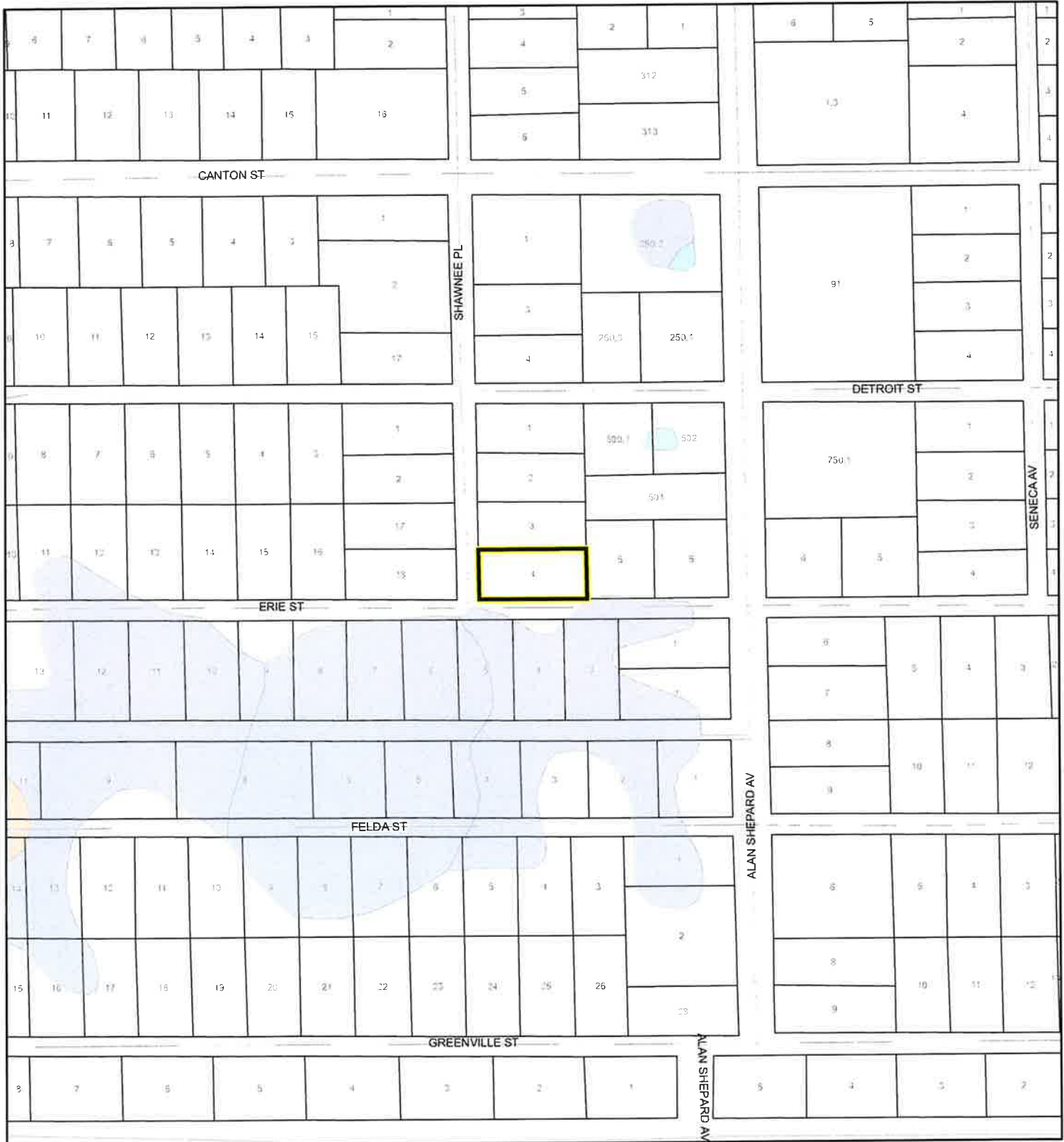
 Subject Property

 Parcels

# NWI WETLANDS MAP

PARKER, CAMERON

24Z00068



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/6/2024

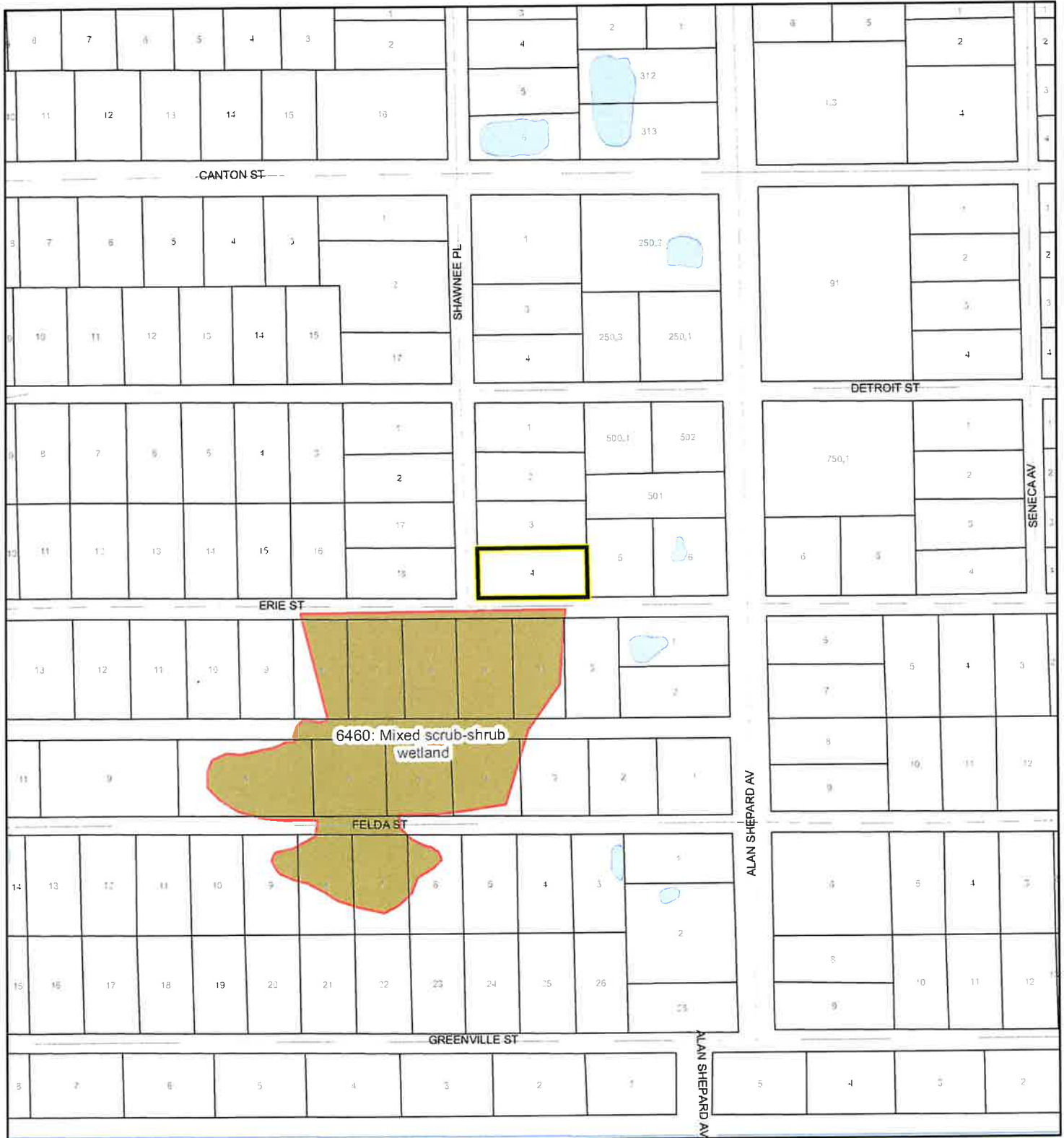
### National Wetlands Inventory (NWI)

- |  |                                   |   |                  |
|--|-----------------------------------|---|------------------|
|  | Estuarine and Marine Deepwater    |  | Freshwater Pond  |
|  | Estuarine and Marine Wetland      |  | Lake             |
|  | Freshwater Emergent Wetland       |  | Other            |
|  | Freshwater Forested/Shrub Wetland |  | Riverine         |
|  |                                   |  | Subject Property |
|  |                                   |  | Parcels          |

# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

PARKER, CAMERON

24Z00068



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/6/2024

## SJRWMD FLUCCS WETLANDS

- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

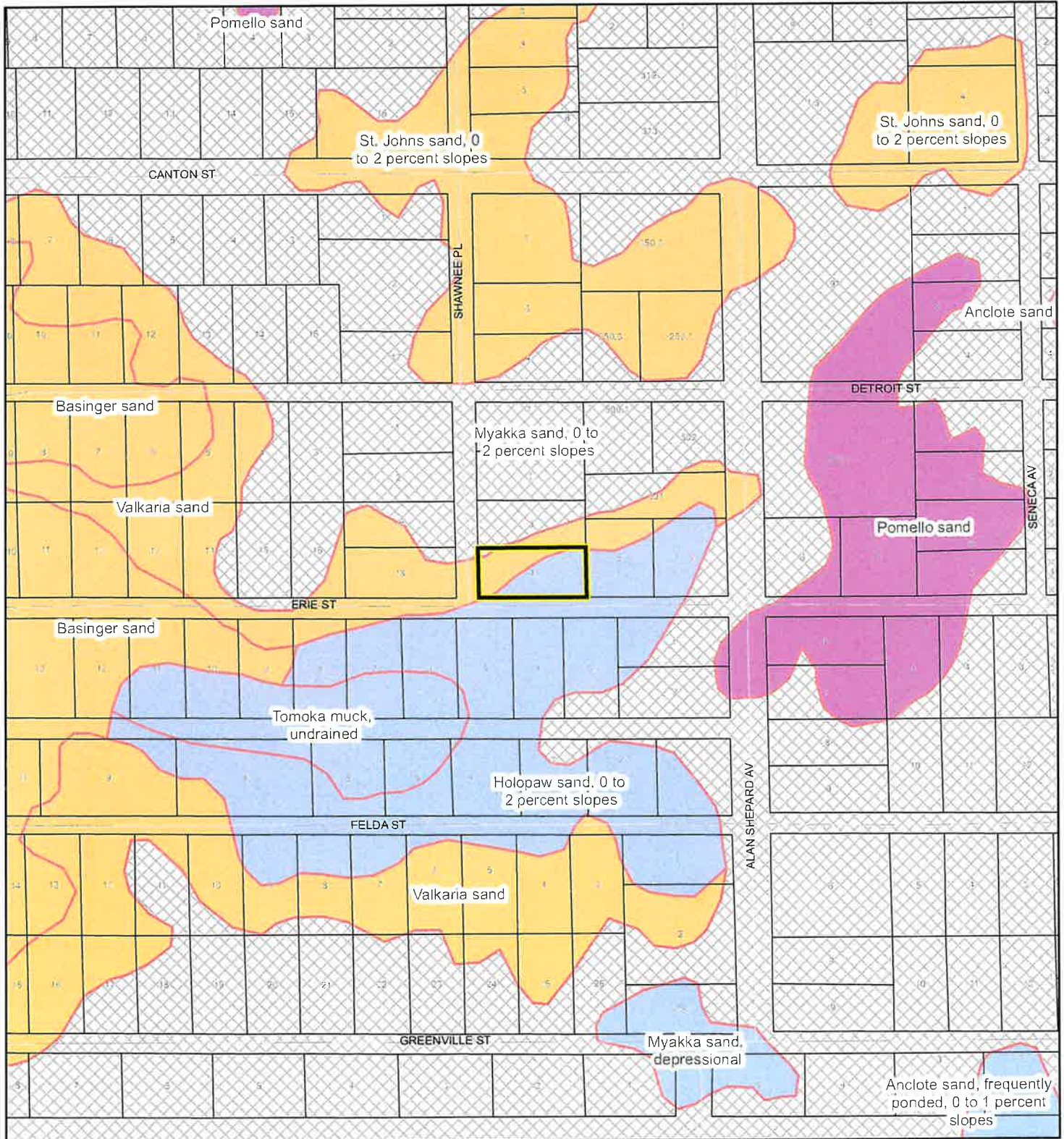
Subject Property

Parcels

# USDA SCSSS SOILS MAP

PARKER, CAMERON

24Z00068



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/6/2024

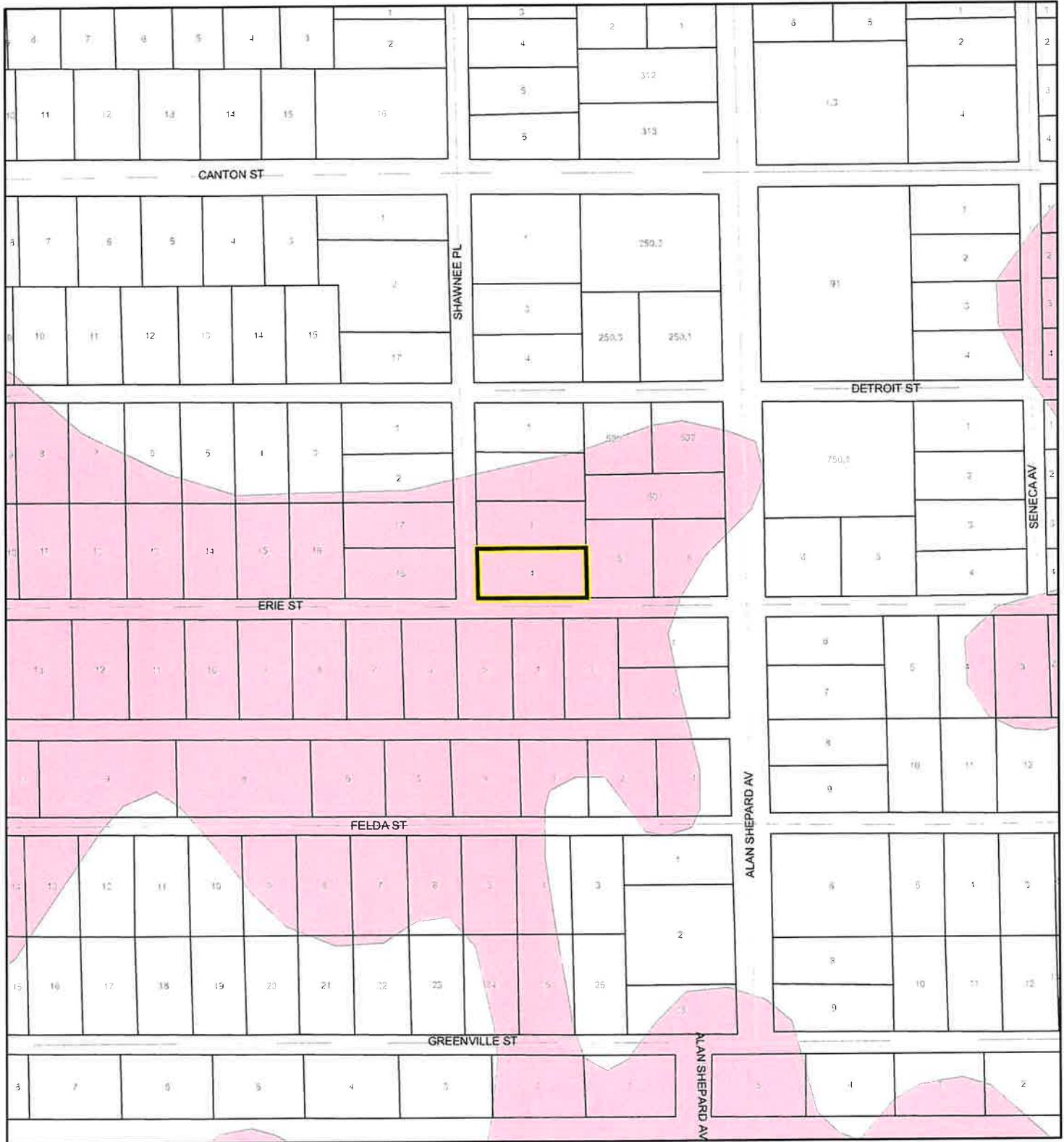
## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None
- Subject Property
- Parcels

# FEMA FLOOD ZONES MAP

PARKER, CAMERON

24Z00068



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/6/2024

### FEMA Flood Zones

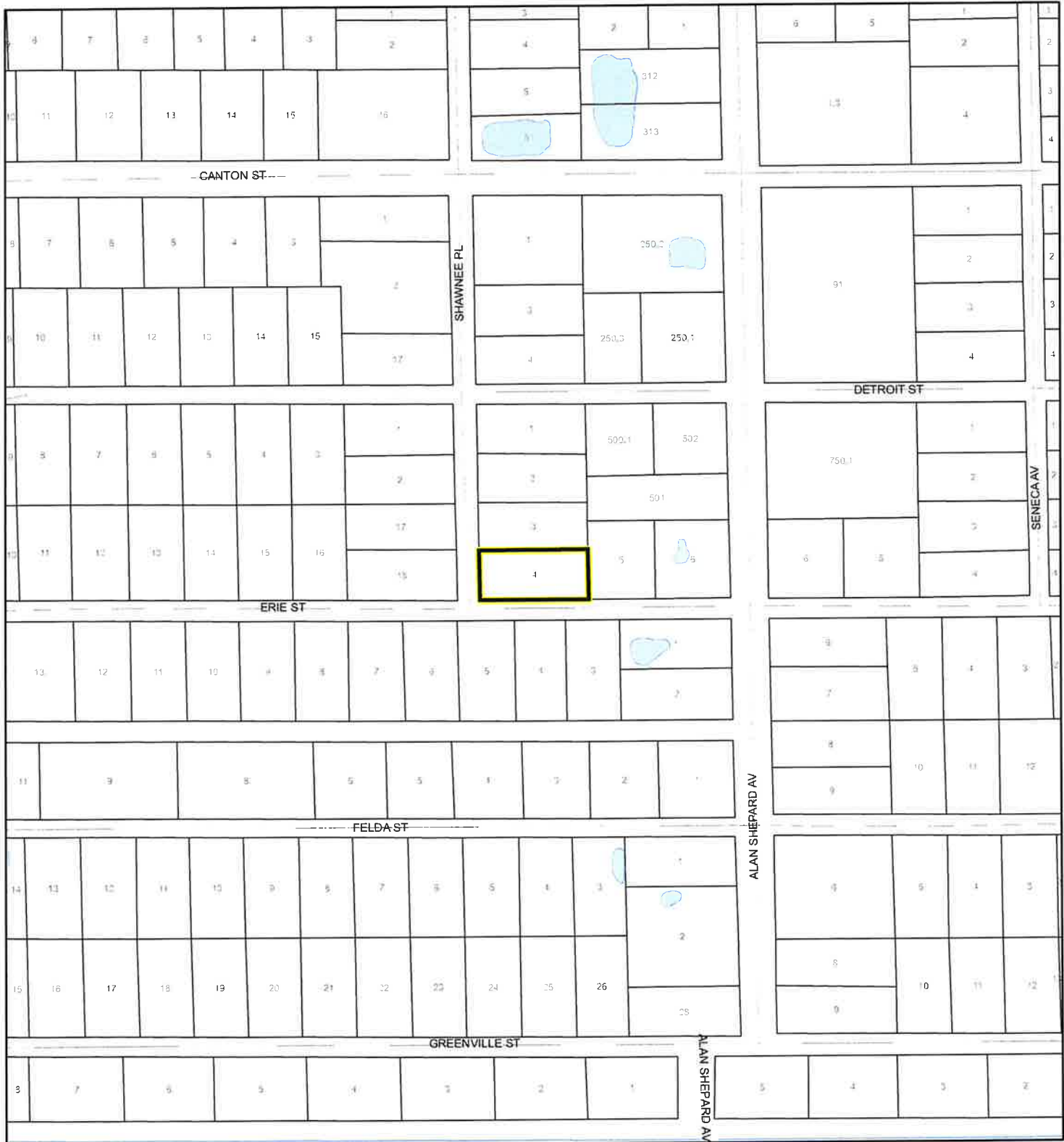
- |                  |            |   |
|------------------|------------|---|
| A                | AO         | X |
| AE               | Open Water |   |
| AH               | VE         |   |
| Subject Property | Parcels    |   |



# COASTAL HIGH HAZARD AREA MAP

PARKER, CAMERON

24Z00068



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 12/6/2024

 Subject Property

 Parcels

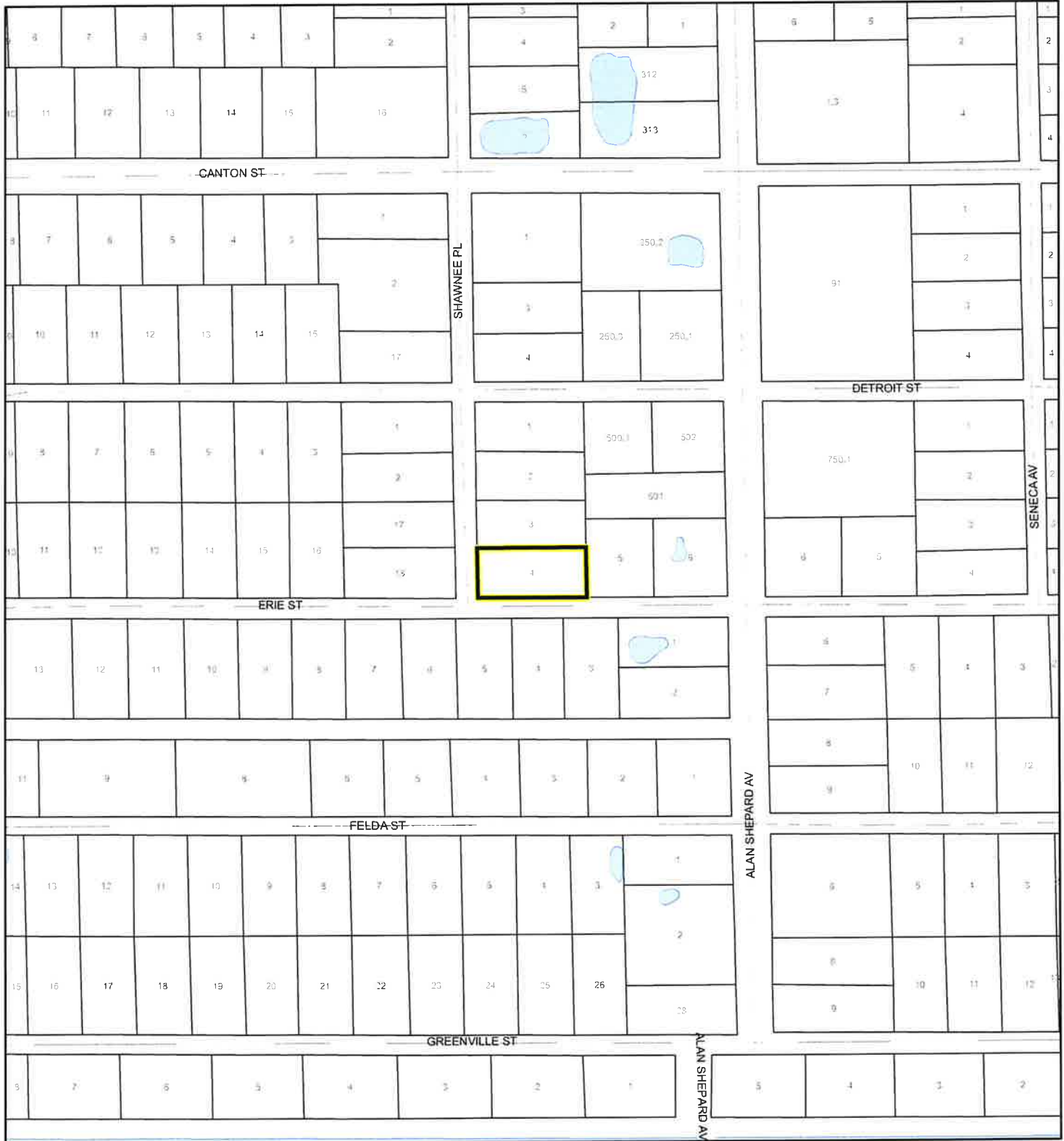
**Coastal High Hazard Area**

 SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

PARKER, CAMERON

24Z00068



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/6/2024

 Subject Property

 Parcels

**Septic Overlay**

 40 Meters

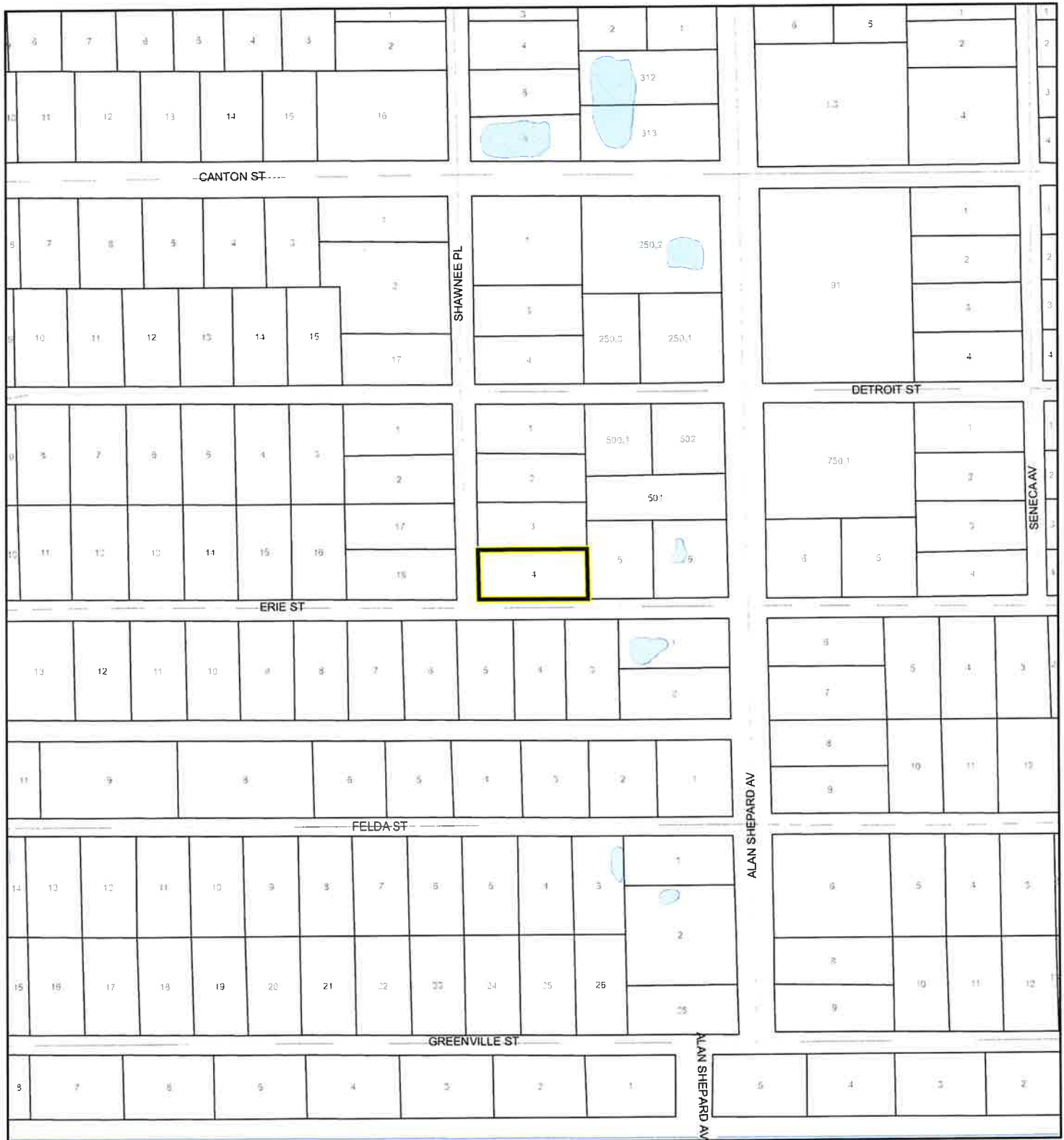
 60 Meters

 All Distances

# EAGLE NESTS MAP

PARKER, CAMERON

24Z00068



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

 Eagle Nests  
FWS

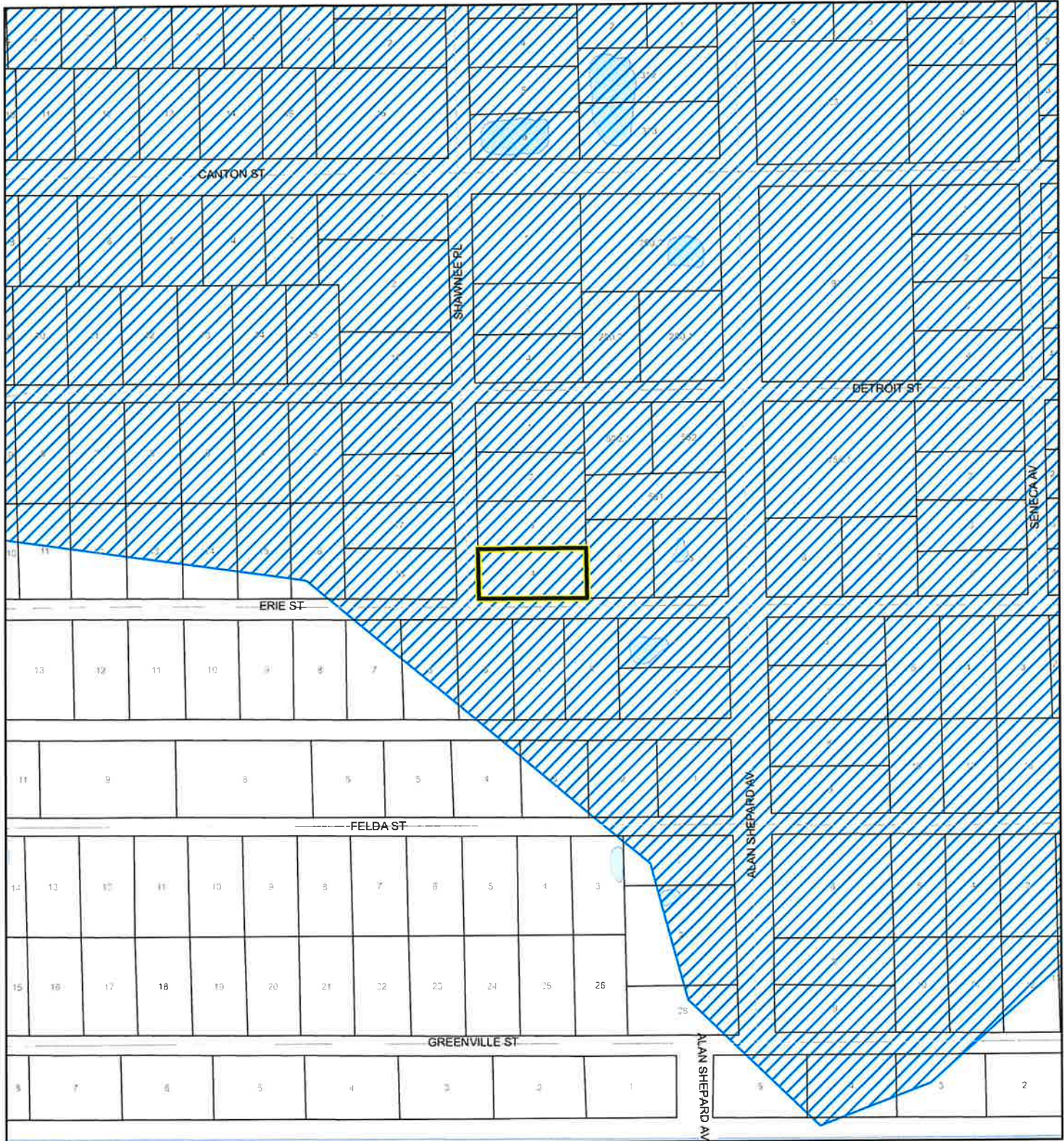
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Produced by BoCC - GIS Date: 12/6/2024

# SCRUB JAY OCCUPANCY MAP

PARKER, CAMERON




24Z00068



1:4,800 or 1 inch = 400 feet

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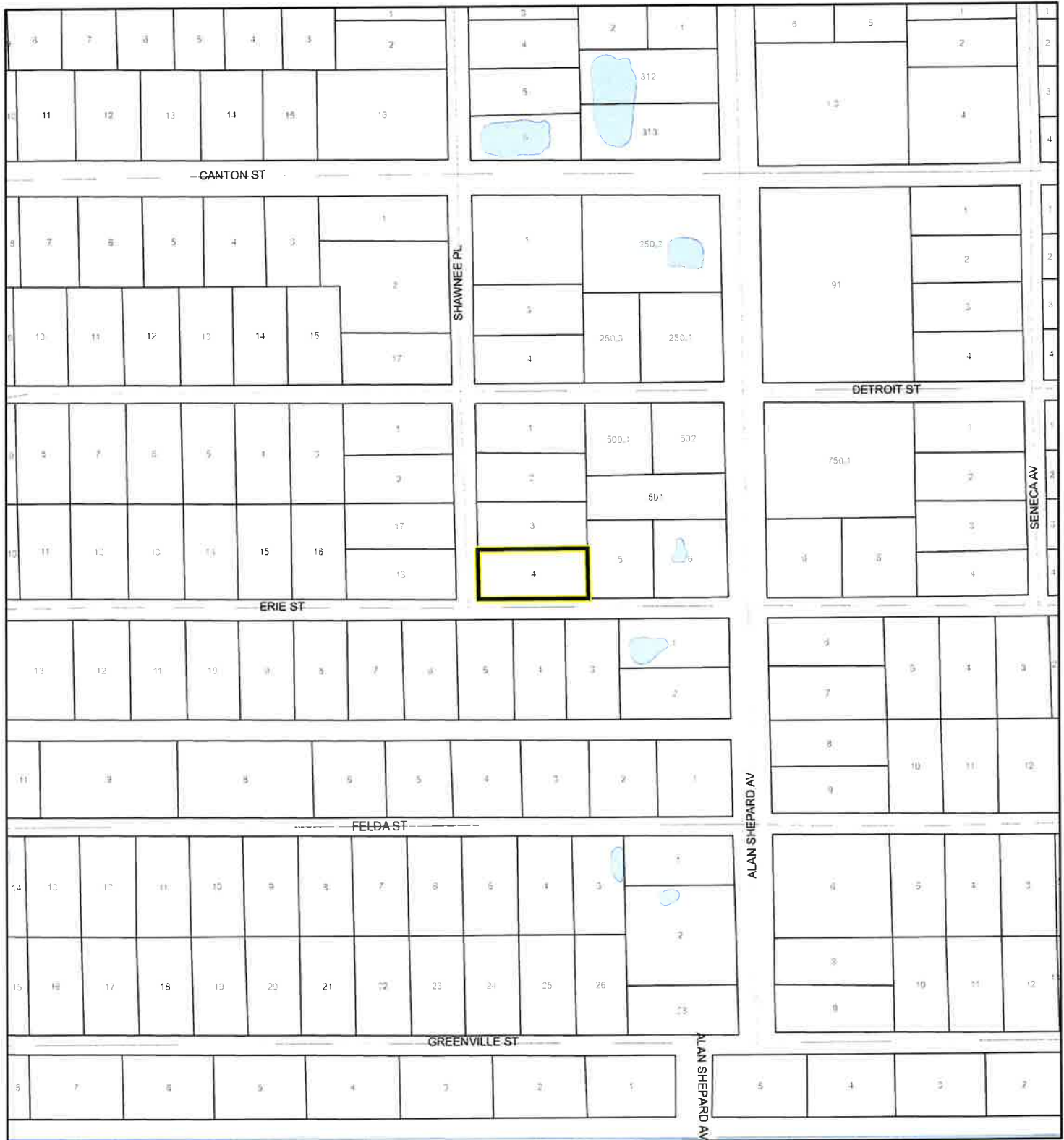
Produced by BoCC - GIS Date: 12/6/2024

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

PARKER, CAMERON

24Z00068



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/6/2024

## SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property

Parcels

**Board Meeting Date**

March 13, 2025

Item Number: H. 2

Motion By: KD

Second By: KA

Nay By: \_\_\_\_\_

| <b>Commissioner</b>   | <b>DISTRICT</b> | <b>AYE</b> | <b>NAY</b> |
|-----------------------|-----------------|------------|------------|
| Commissioner Delaney  | 1               | ✓          |            |
| Vice Chair Goodson    | 2               | ✓          |            |
| Commissioner Adkinson | 3               | ✓          |            |
| Commissioner Altman   | 5               | ✓          |            |
| Chairman Feltner      | 4               | ✓          |            |