



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.3.

11/3/2022

Subject:

Daisy Mae of Brevard, Inc. (Louis Columbo Andrus) requests a change of zoning classification from BU-1-A to RU-2-12. (22Z00046) (Tax Account 2731679) (District 5)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from BU-1-A (Restricted Neighborhood Commercial) to RU-2-12 (Medium Density Multi-Family Residential).

Summary Explanation and Background:

The applicant is requesting to rezone from BU-1-A to RU-2-12 for the purpose of constructing up to (6) six multi-family residential units as three duplexes. The BU-1-A classification permits single-family residential development; RU-2-12 allows both reduced setbacks and more units since it is multi-family. The RU-2-12 setbacks are less restrictive than BU-1-A. Principal buildings or structures shall be spaced a minimum of 15-feet from other principal buildings or structures on the same site. The RU-2-12 zoning classification permits multi-family or single-family residential developments at a density of up to 12 units per acre on 7,500 square-foot lots.

The developed character of the surrounding area to the north is a commercial retail building adjacent Highway A1A. To the northwest, across Franklyn Avenue, is a multi-family residence zoned RU-2-10. To the west is a single-family residence with a zoning classification of RU-1-11. The two commercial retail buildings to the east adjacent Highway A1A have a zoning classification of BU-1. To the south, across Grosse Pointe, is a shopping complex that is zoned Shopping Center (SC) within the City of Indialantic as well as multi-family residences zoned Multi-Family (R-P) within the City of Indialantic.

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

On October 17, 2022, 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 & Development.

Resolution 22Z00046

On motion by Commissioner Pritchett, seconded by Commissioner Tobia, the following resolution was adopted by a unanimous vote:

WHEREAS, Daisy Mae of Brevard, Inc., have requested a change of zoning classification from BU-1-A (Restricted Neighborhood Commercial) to RU-2-12 (Medium Density Multi-Family Residential), on property described as Lot 3, Block F, Map of Replat of North Indialantic By-The-Sea, according to the Plat thereof, as recorded in Plat Book 9, Page 70, of the Public Records of Brevard County, Florida. **Section 31, Township 27, Range 38.** (0.50 acres) Located on the south side of Franklyn Ave., approx. 150 ft. west of Highway A1A. (No assigned address. In the Indialantic area.); 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; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from BU-1-A to RU-2-12, 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 November 3, 2022.

BOARD OF COUNTY COMMISSIONERS . . .
Brevard County, Florida

Kristine Zonka, Chair
Brevard County Commission

As approved by the Board on November 3, 2022.

ATTEST:

RACHEL SADOFF, CLERK

(SEAL)

P&Z Board Hearing – October 17, 2022

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

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

STAFF COMMENTS

22Z00046

Daisy Mae of Brevard, Inc.

BU-1-A (Restricted Neighborhood Retail Commercial) to RU-2-12 (Medium-density Multi-family Residential)

Tax Account Number: 2731679
Parcel I.D.: 27-38-31-EW-F-3
Location: On the south side of Franklyn Ave., approximately 150-feet west of Highway A1A (District 5)
Acreage: 0.5 acres

Planning and Zoning Board: 10/17/2022

Board of County Commissioners: 11/03/2022

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation if use is transitional, per Policy 2.11, Section 62-1255. Transitional residential densities and architectural styles would be considered necessary between an existing adjacent single-family residential land use and a medium- to high-density development proposal.
- 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	BU-1-A	RU-2-12
Potential*	Undeveloped Commercial	6 MF units
Can be Considered under the Future Land Use Map	YES NC	YES NC

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

Background and Purpose of Request

The applicant is requesting to rezone from BU-1-A (Restricted Neighborhood Retail Commercial) to RU-2-12 (Medium-density Multi-family Residential) for the purpose of constructing up to (6) six Multi-family residential units as three (3) duplexes. The BU-1-A classification permits single-family residential development, RU-2-12 allows both reduced setbacks and more units since it is multi-family. The RU-2-12 setbacks are less restrictive than BU-1-A. The BU-1-A classification requires a front setback of 50 feet from the front lot line, side setbacks of five feet where the property abuts a non-residential zone, and a rear setback of 25 feet. The property has double frontage meaning it has

frontage on two streets. Principal buildings or structures shall be spaced a minimum of 15-feet from other principal buildings or structures on the same site.

On October 31, 1977, the subject property was rezoned from RU-1-11 to BU-1-A (Z-4366).

Land Use

The subject property is currently designated as Neighborhood Commercial (NC) FLU. Both the BU-1-A and the RU-2-12 zoning classifications are consistent with the Neighborhood Commercial (NC) FLU designation. May be considered consistent if permitted by Policy 2.10 of the Future Land Use Element.

Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and area designated for residential use on the Future Land Use Map. The abutting residential development is RES 15 (Residential 15 Units Per Acre) which is a high density designation.

Residential density bonuses as set forth in Policy 11.2 may be considered in addition to the bonus stated in the above policy within Neighborhood Commercial and Community Commercial designations as an incentive for redevelopment and regentrification if the proposed development is adequately buffered from other uses, is located along major transportation corridors, and meets the concurrently requirements of this Comprehensive Plan.

Applicable Land Use Policies

FLUE Policy 2.5 – Neighborhood Commercial (NC) development activities are intended to be low-impact in nature and serve the needs of the immediate residential area. Existing BU-1-A uses, which were established as of the adoption date of this provision shall be considered consistent with this policy. Development activities which may be considered within Neighborhood Commercial (NC) Future Land Use designation, provided that listed criteria are met include: Professional offices (no drive through lanes permitted), Personal Services (no drive through lanes permitted), Residential uses and more.

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

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

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 applicant proposes the development of six (6) multi-family units as three (3) duplexes. It is not anticipated to diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area.

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 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;

The historic land use pattern is a mixture of commercial along Highway A1A with single-family residences to the west and multi-family residences mainly east of Highway A1A.

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

It appears no changes to the immediate area have occurred within the last three years.

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

It appears there has been no development approved but not yet constructed in the area within the last three years.

D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

As the property is vacant, development will need to comply with relevant policies.

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

The developed character of the surrounding area to the north is a commercial retail building adjacent Highway A1A. To the northwest across Franklyn Ave., is a Multi-Family residence zoned RU-2-10. West is a Single-Family residence with a zoning classification of RU-1-11. The two commercial retail buildings to the east adjacent Highway A1A have a zoning classification of BU-1. To the south across Grosse Pointe is a shopping complex that is zoned Shopping Center (SC) within the City of Indialantic as well as Multi-Family residences zoned Multi-Family (R-P) within the City of Indialantic.

While BU-1 zoning exists along Highway A1A, there is a history of parcels being rezoned to residential classifications. This rezoning could be considered consistent with the character of the area. The request could be considered as a buffer between more intense commercial and single-family residential zoning to the west.

The BU-1-A zoning classification permits resort dwellings, however it does not permit the construction of duplexes. The applicant would have to go through Site Planning for anything over two duplexes

and this proposal is for three (3). The RU-2-12 zoning classification permits both resort dwellings as well as duplexes. The applicants request could be considered down zoning.

The closest RU-2-12 zoning classification to the subject property is 500-feet to the west.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Road ROW/BU-1	BU-1	CC
South	Road ROW/City of Indialantic	R-P & SC	N/A
East	Two commercial developed parcels	BU-1	CC
West	SF Residence	RU-1-11	RES 15

BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

The 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-2-12 zoning classification would allow up to 12 units per acre of 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 one (1) zoning action within a half-mile radius, 418-feet, of the subject property within the last three years. **21Z00033** was an approved application to rezone from RU-1-11 to RU-2-12 with a BDP limiting uses for the property to not be used as a resort dwelling. The density is limited to two (2) units, constructed as a duplex. Access of ingress and egress is limited to one (1) unit to Franklyn Avenue and one (1) unit to Gross Pointe Avenue.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway A1A between US 192 and Paradise Blvd., which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 52.29% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 0.07%. The corridor is anticipated to operate at 52.35% 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.

Central sewer is directly north of the parcel on Franklyn. Potable water is directly north of the parcel on Franklyn. According to the City of Melbourne they have the capacity to service this parcel.

Environmental Constraints

- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Aquifer Recharge Soils
- Land Clearing and Landscape Requirements
- Protected Species

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required.

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 #22Z00046

Applicant: Louis Columbo Andrus

Zoning Request: BU-1-A to RU-2-12

Note: Applicant wants to develop six residential units

P&Z Hearing Date: 10/17/22; **BCC Hearing Date:** 11/03/22

Tax ID No: 2731679

- 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:

- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Aquifer Recharge Soils
- Land Clearing and Landscape Requirements
- Protected Species

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then 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 Use Comments:

Indian River Lagoon Nitrogen Reduction Overlay

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer is not available, then the use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required if applicable. If a septic system is applicable, NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Aquifer Recharge Soils

The property is mapped as 100% aquifer recharge soils (Canaveral-Palm Beach-Urban land complex). 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

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 Heritage Specimen and Protected Trees. 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, and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM. 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.

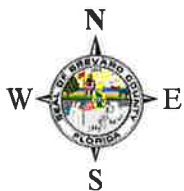
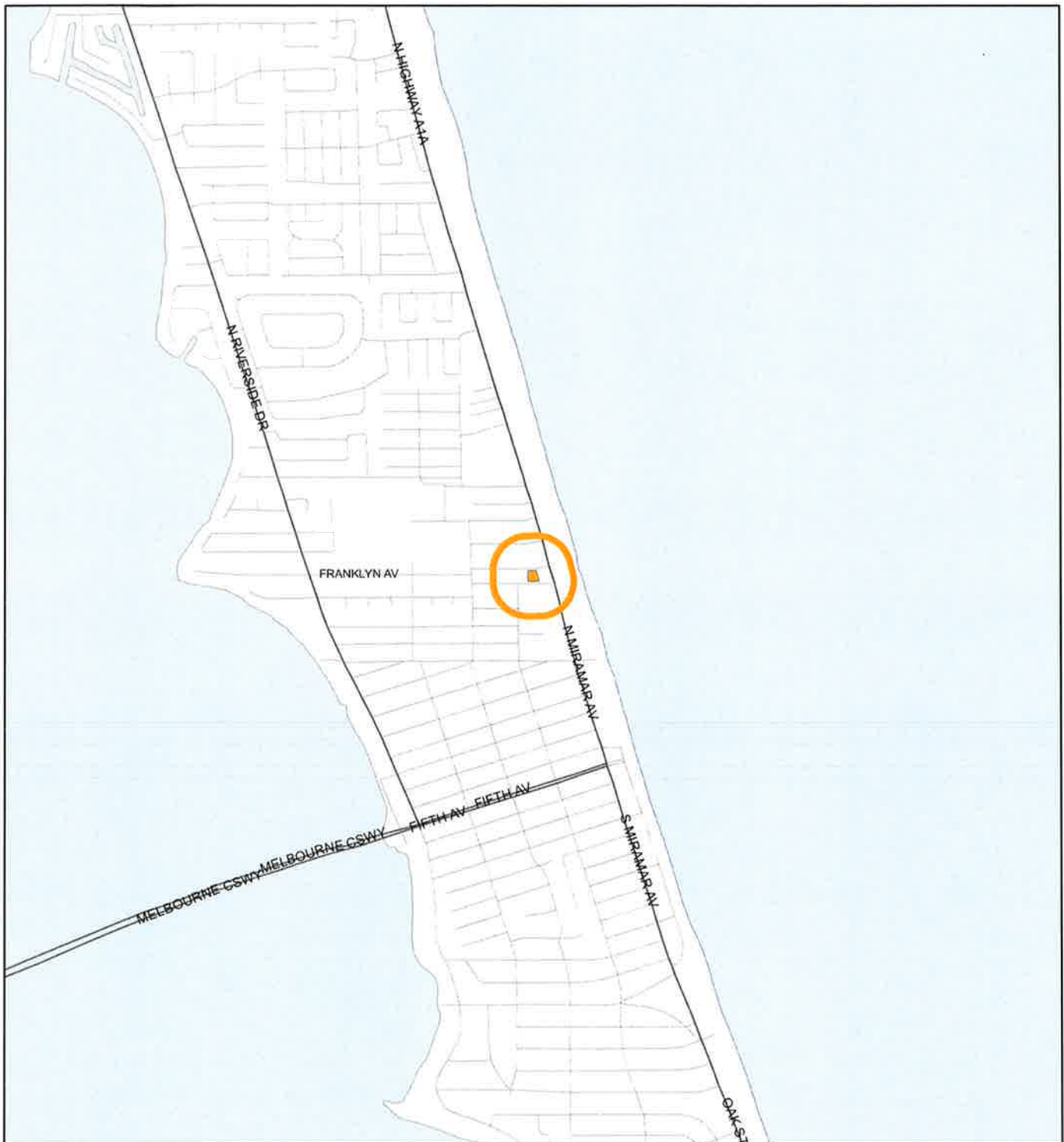
Protected Species

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.

LOCATION MAP

DAISY MAE OF BREVARD INC

22Z00046



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: 8/30/2022

- Buffer
- Subject Property

22Z00046



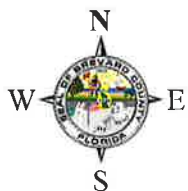
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Zoning

FUTURE LAND USE MAP

DAISY MAE OF BREVARD INC

22Z00046



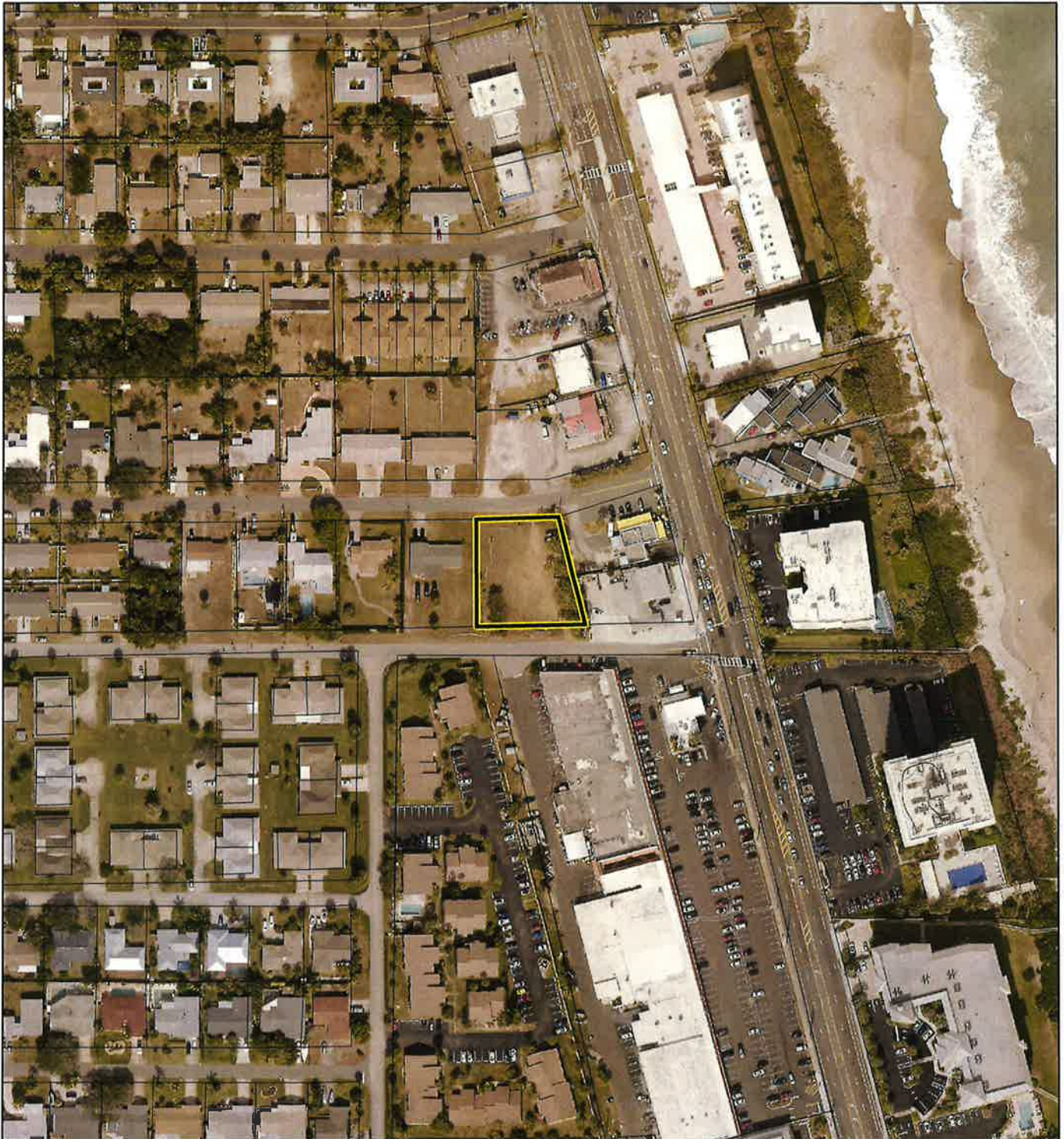
1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

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: 8/30/2022

AERIAL MAP
DAISY MAE OF BREVARD INC
22Z00046



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2021

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: 8/30/2022

— Subject Property
□ Parcels

NWI WETLANDS MAP

DAISY MAE OF BREVARD INC

22Z00046



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/30/2022

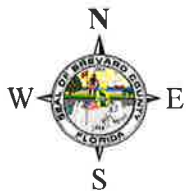
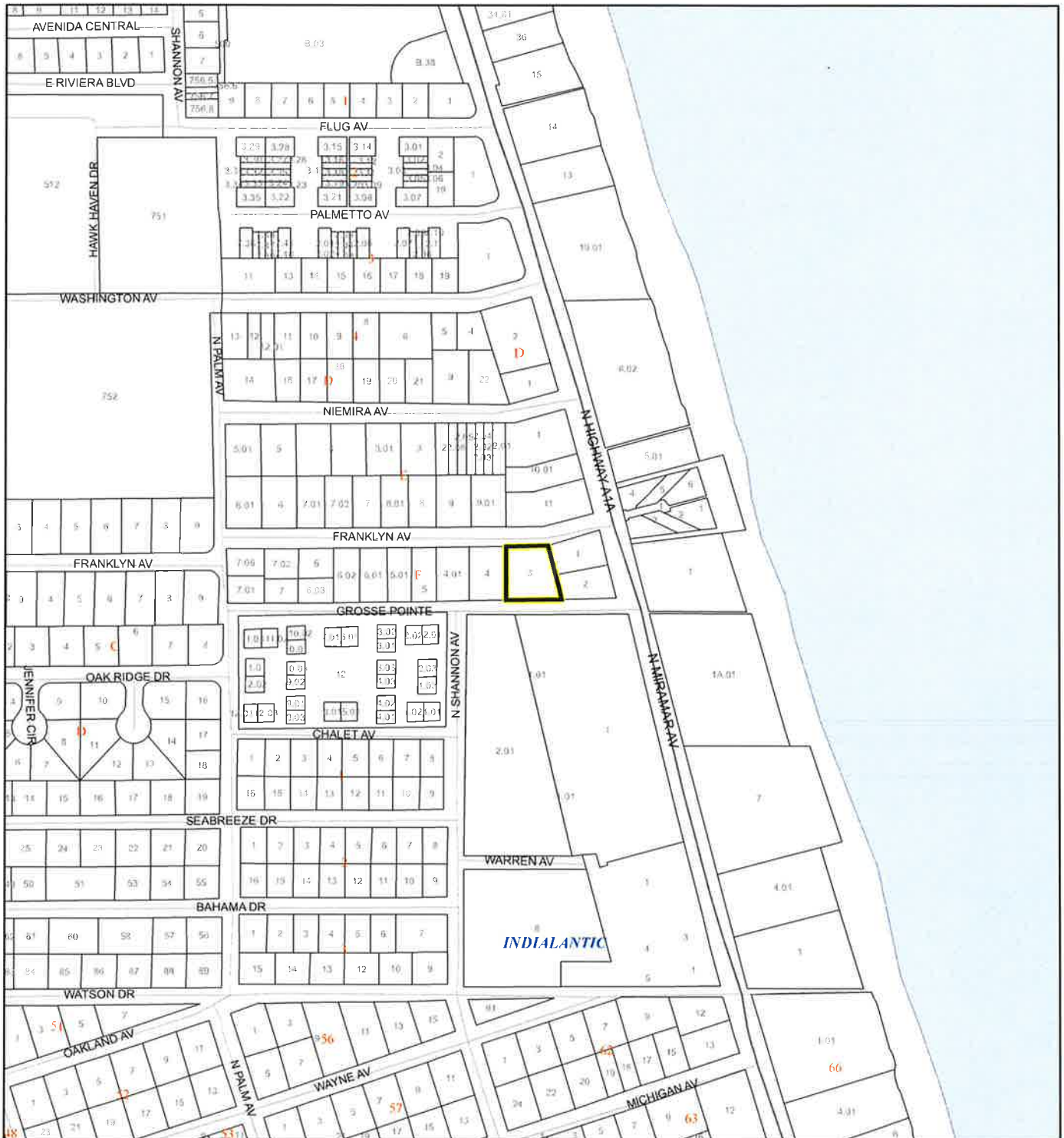
National Wetlands Inventory (NWI)

- | | |
|-----------------------------------|-----------------|
| 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

DAISY MAE OF BREVARD INC

22Z00046



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/30/2022

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

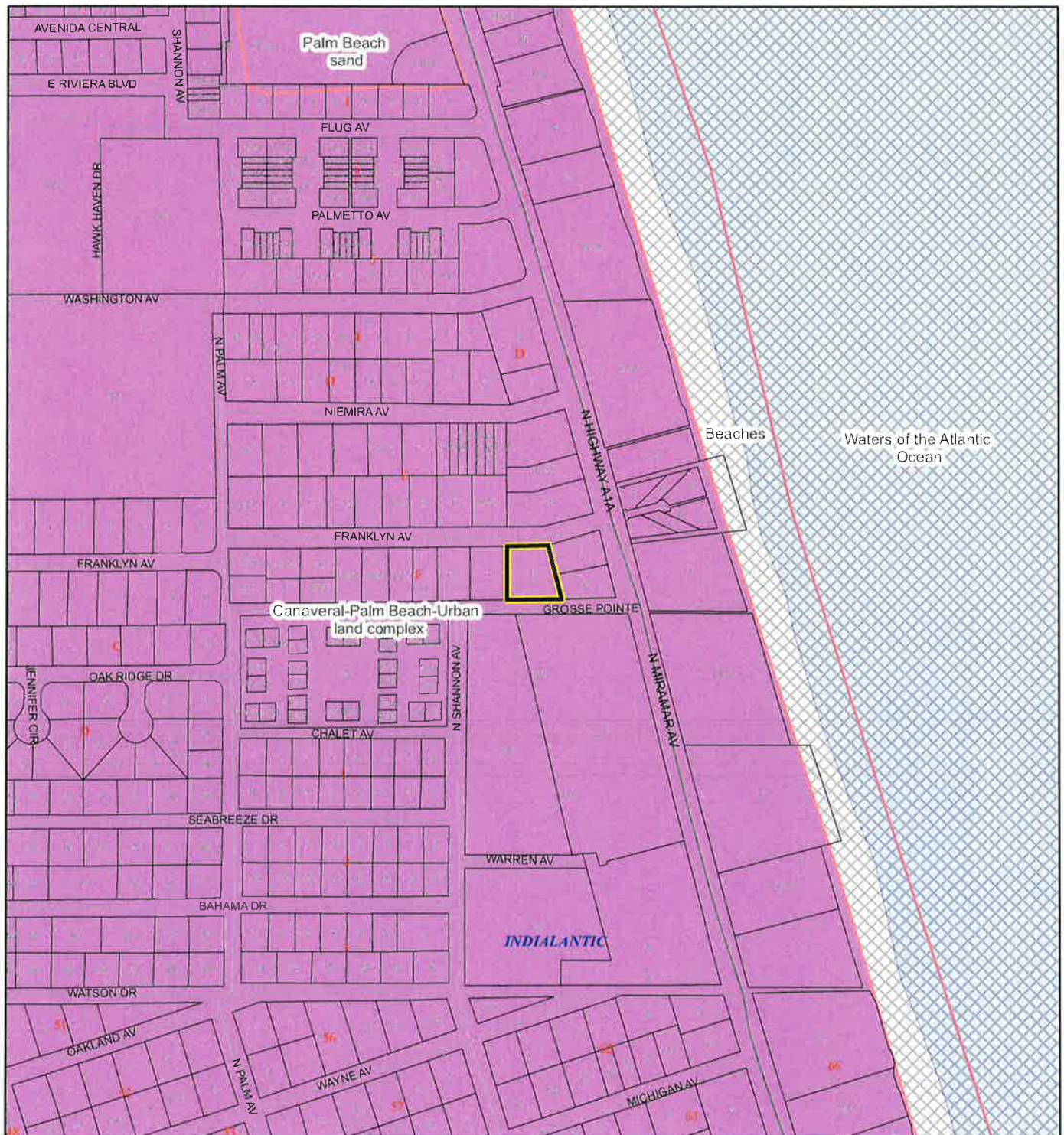
Subject Property

Parcels

USDA SCSSS SOILS MAP

DAISY MAE OF BREVARD INC

22Z00046



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/30/2022

USDA SCSSS Soils

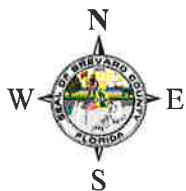
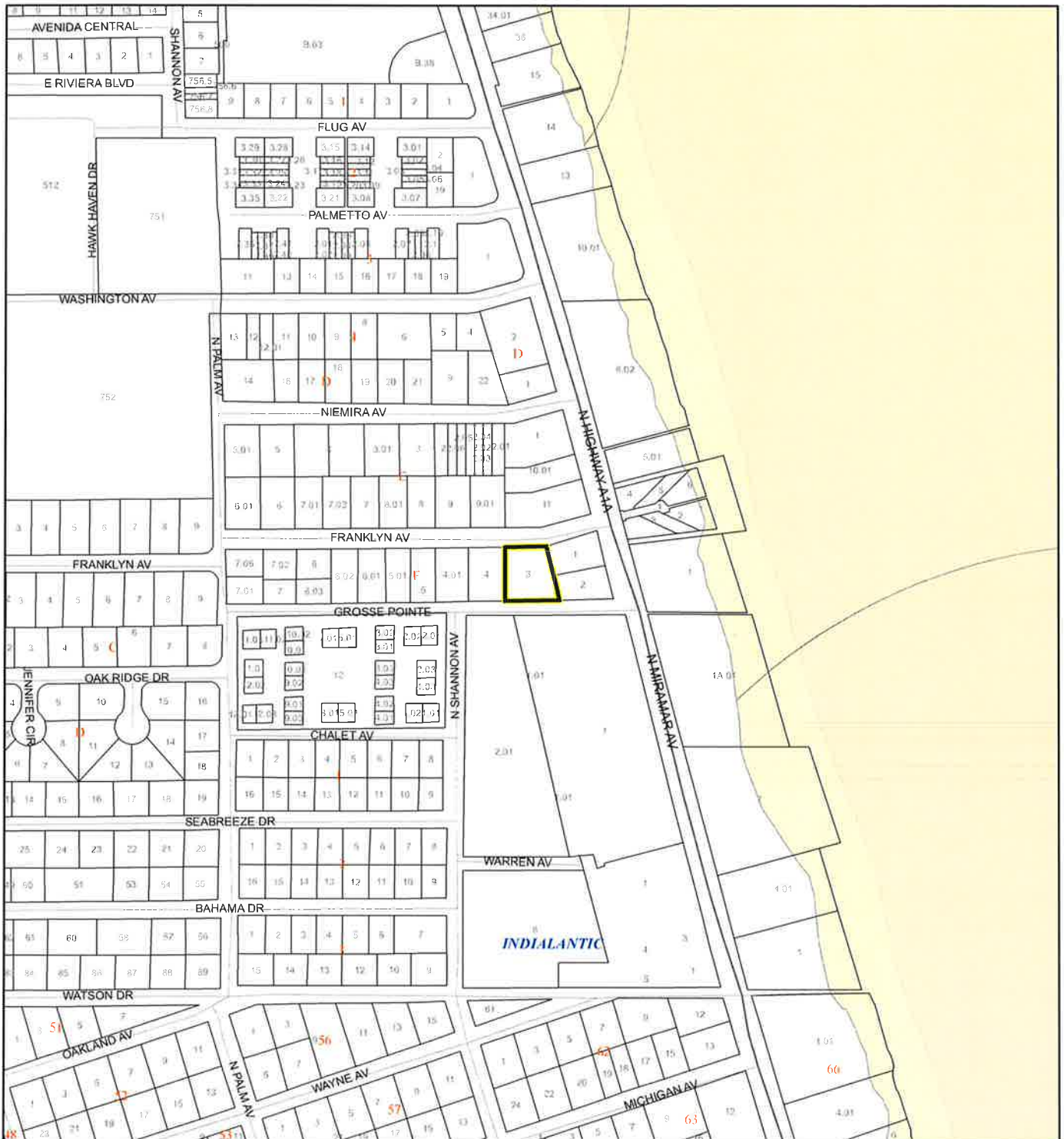
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

DAISY MAE OF BREVARD INC

22Z00046



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/30/2022

FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

DAISY MAE OF BREVARD INC

22Z00046



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/30/2022

— Subject Property

□ Parcels

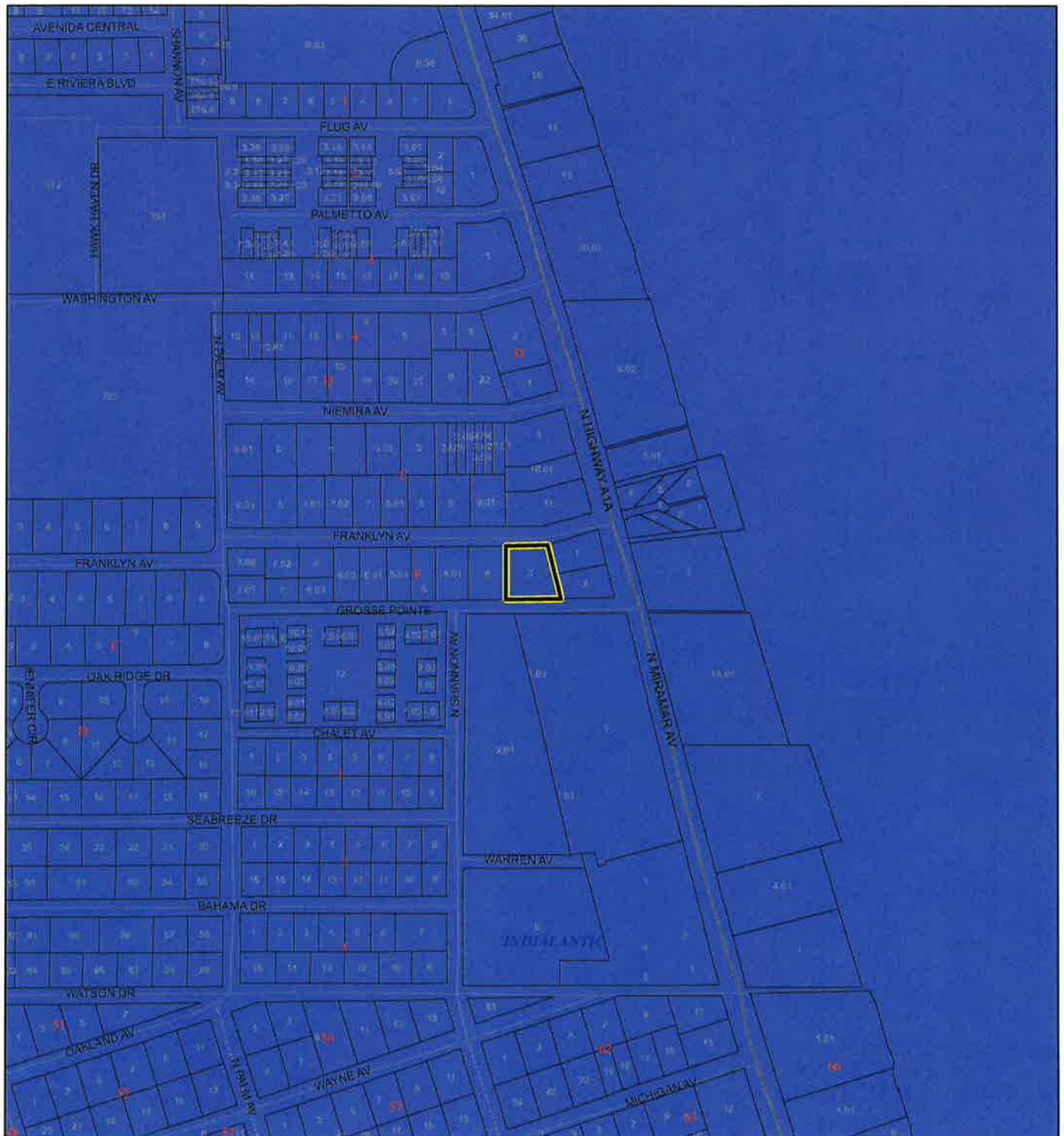
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

DAISY MAE OF BREVARD INC

22Z00046



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/30/2022

— Subject Property

□ Parcels

Septic Overlay

■ 40 Meters

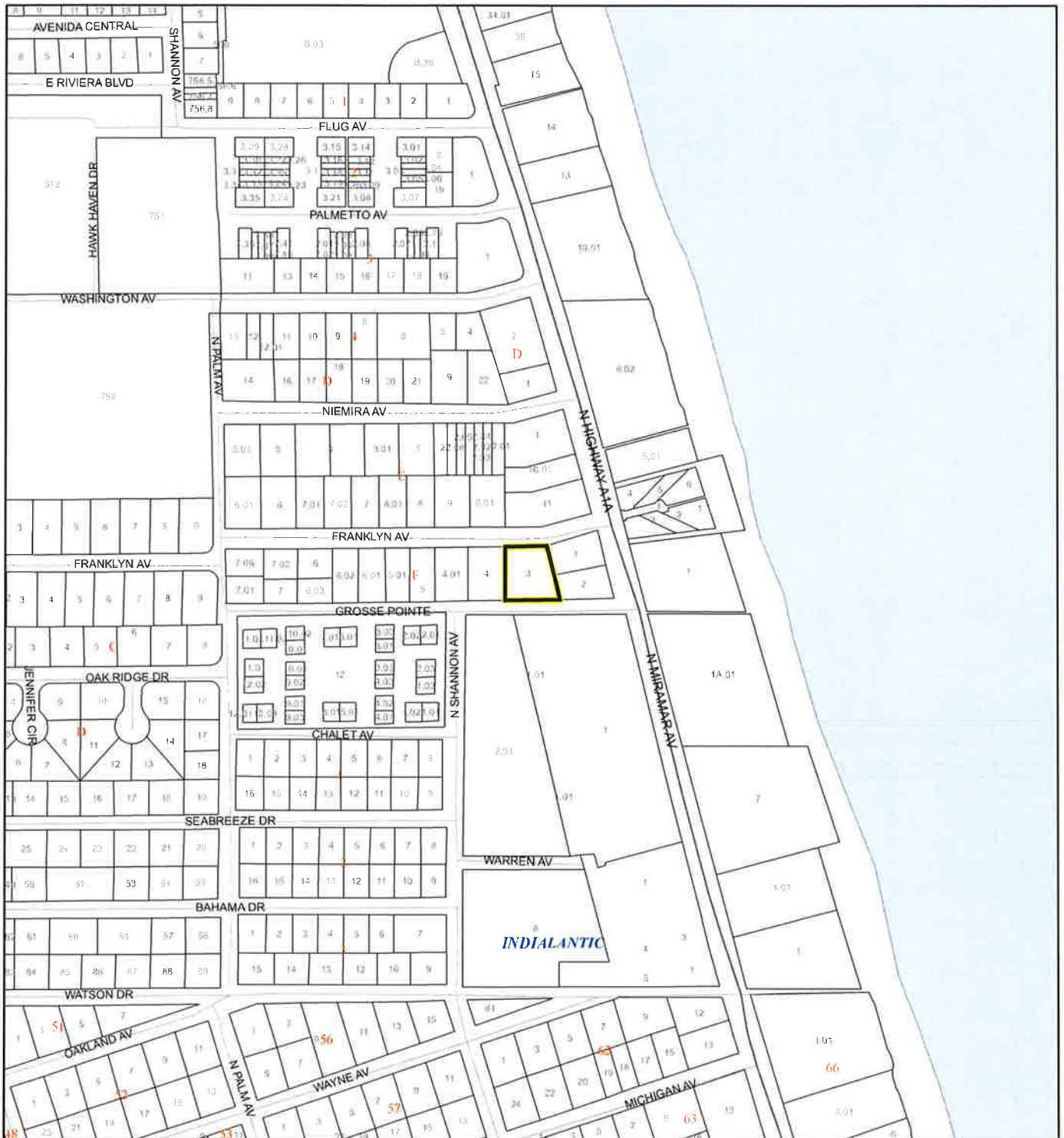
■ 60 Meters

■ All Distances

EAGLE NESTS MAP

DAISY MAE OF BREVARD INC

22Z00046




1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/30/2022

 Subject Property

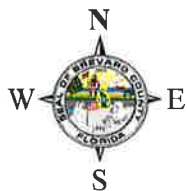
 Parcels

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

DAISY MAE OF BREVARD INC

22Z00046




1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/30/2022

 Subject Property

 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

DAISY MAE OF BREVARD INC

22Z00046



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: 8/30/2022

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

See D.B. 181 pg. 245-246
.. P. 14. 10 p. 76

35959

— 10 —

ADDITIONAL DESCRIPTION:
This plot includes lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 8

BREVARD CO., FLORIDA.

SCALE 1/4" = 100 FEET

MARCH 1947

Scale Of Feet

[illegible]

DESCRIPTION.—This is a very small volume of only 143 pages, and is written in a very simple and direct manner. It is a book which is written for the purpose of giving the reader a general idea of the history of the world, and of the progress of civilization. It is a book which is written for the purpose of giving the reader a general idea of the history of the world, and of the progress of civilization. It is a book which is written for the purpose of giving the reader a general idea of the history of the world, and of the progress of civilization.

STATE OF FLORIDA
COUNTY OF BREVARD

BEFORE ME, the undersigned authority, on this 11th day of November, 2010, personally appeared THE EFLI COMPANY, INC., known to me to be the person whose name is subscribed to the foregoing instrument, acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 11th day of November, 2010.

County Clerk of Brevard County, Florida

SUBSCRIBER'S CERTIFICATE:
I, the undersigned, declare that I am the President of the EFLI COMPANY, INC., and that I am duly qualified to execute this instrument.

President of EFLI COMPANY, INC.

[illegible]

(b)

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, October 17, 2022**, 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: Board members present were: Ron Bartcher (D1); Brian Rodgers (D2); Robert Sullivan (D2); Ben Glover, Vice Chair (D3); Liz Alward (D4); Mark Wadsworth, Chair (D4); Logan Luse (Alt. D4); Peter Filiberto (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Melissa Wilbrandt, Associate Planner; Paul Body, Planner III; Alex Esseeesse, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Agenda

Daisy Mae of Brevard, Inc. (Louis Columbo Andrus)

A change of zoning classification from BU-1-A (Restricted Neighborhood Commercial) to RU-2-12 (Medium Density Multi-Family Residential). The property is 0.50 acres, located on the south side of Franklyn Ave., approx. 150 ft. west of Highway A1A. (22Z00046) (No assigned address. In the Indialantic area.) (Tax Account 2731679) (District 5)

Louis Andrus, 407 Oak St., Melbourne, stated he's owned the property for 22 years and it has always been BU-1-A, but he's never wanted to develop commercially. He said the property is surrounded by townhouses and duplexes, and he would like to rezone to RU-2-12 in order to build some duplexes on the property.

Public comment:

Carly Sinigoi, 113 Franklyn Avenue, Indialantic, stated she is in favor of the request and she would rather see duplexes on the subject property as opposed to a commercial business.

Motion by Peter Filiberto, seconded by Ben Glover, to recommend approval of a change of zoning classification from BU-1-A to RU-2-12. The motion passed unanimously.

From: [James Preece](#)
To: [Jones, Jennifer](#)
Cc: [James Preece](#); [Kimberly B. Rezanka](#)
Subject: ID# 22Z00046 Rezoning
Date: Thursday, October 13, 2022 12:23:33 AM
Importance: High

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Jennifer,

Please confirm you have received my comments.

I support the Daisy Mae owner's property rights and support the rezoning request.

Considering the following facts:

- 1.) RU-2-12 is a considerable down zone from BU-1-A in fact, owner could have requested and in my opinion should be approved for RU-2-30 or RU-2-15.**
- 2.) RU-2-12, RU-2-30 or RU-2-15 are all reasonable transitions from BU-1**
- 3.) All parcels to the north and East of the Daisy Mae property for more than 500 feet are all zoned multi-family.**
- 4.) All parcels directly to the south of the Daisy Mae property for more than 500 feet are all zoned multi-family.**
- 5.) The parcels to the west of the Daisy Mae property within 500 feet include four (4) zoned multi-family (3) zoned RU-2-12 & (1) zoned RU-2-6 and four additional parcels.**

**James Eric Preece
Owner
117 Franklyn Ave.
Indialantic, FL 32903**

Alward, Keith A

H.3
Disclosure

From: Michelle Tishler <michelletishler@gmail.com>
Sent: Wednesday, November 02, 2022 2:17 PM
To: Commissioner, D4
Subject: Letter against rezoning on Franklyn Avenue
Categories: Email - Keith

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Commissioner,

This email is pertaining to the rezoning of the vacant lot behind Moo's Soft Serve, Indialantic, FL 32903. ID# INC 22Z00046

I am against this particular rezoning because:

- 1) financial damage by reducing the value of my home and neighboring homes.
- 2) We already have several multi-family households on the street, but these are small duplexes - adding more will change the residential street.
- 3) The anticipation of how this major construction will impact my family's and other family's safety, high school traffic we already experience on that street and increased large truck construction traffic.
- 4) safety concerns due to the potential of high volume of airbnb and tourist visitations, and reducing the safety of the neighborhood.
- 5) increased noise pollution from construction activities over a prolonged duration.

If the county continues to move forward with this rezoning, I request the county prepare and perform the following mitigations to the neighbors and neighborhood:

- 1) providing short-term and long-term compensation for home devaluation (with use of an independent home and neighborhood assessor)
- 2) compensation for applying new safety features either on individual homes or on the street (providing us funds to purchase our own camera and alarm systems, adding more street lights to the street, etc).
- 3) rental restrictions on the homes to ensure this stays a residential neighborhood and not an AirBNB.
- 4) noise-canceling headphones for every family within a 1000 yard radius
- 5) no through traffic from Grosse Point Avenue to Franklyn Ave (otherwise this will become a safety hazard)

Thank you for your time and consideration.

Best,
Michelle Tishler of Franklyn Avenue

From: [Michelle Tishler](#)
To: [Commissioner, D4](#)
Subject: Letter against rezoning on Franklyn Avenue
Date: Wednesday, November 2, 2022 2:17:05 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Commissioner,

This email is pertaining to the rezoning of the vacant lot behind Moo's Soft Serve, Indialantic, FL 32903. ID# INC 22Z00046

I am against this particular rezoning because:

- 1) financial damage by reducing the value of my home and neighboring homes.
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- 5) no through traffic from Grosse Point Avenue to Franklyn Ave (otherwise this will become a safety hazard)

Thank you for your time and consideration.

Best,
Michelle Tishler of Franklyn Avenue

Objection (Rec'd by D4)
22Z00046
Daisy Mae
Alena & Denis Knoepfler
109 Franklyn Ave
Indialantic, FL 32903

District 5 Commission Office
7101 S. Highway 1
Titusville, FL 32780

October 12, 2022

Request Disapproval Rezoning from BU-1-A to RU-2-12 (22Z00046)
Daisy Mae of Brevard, Inc.

Good day Mrs. Zonka,
dear Ladies and Gentlemen,

My husband and I appreciate that we were informed proactively by your team with flyers to get heard.

We are residents/owners of 109 Franklyn Ave, Indialantic (the '109 Franklyn Ave Trust'), the second property west to the subject property, and we would like to oppose the rezoning.

There are plenty of fact-based testimonies and expert opinions, which will be summarised below:

- 1) The rezoning application is NOT consistent and compatible with the current intensity and density nearby.
- 2) The rezoning application is NOT consistent with the former zoning and current zoning nearby.
- 3) The traffic will be increased.
- 4) The parking and public safety situation will become worse.
- 5) The value of the nearby single-family homes as well as of the one-story duplexes will decrease.
- 6) The majority of the neighborhood also denies the request of rezoning up to 6 units on a .5 acre lot.
- 7) There is no hardship or need to upzone from a former RU-1-11 to a RU-2-12.
- 8) Other rezoning applications will most likely follow to change your Beachside District to a higher-density zone.

Ad 1 and 2) Density, intensity and zoning

The historic land use pattern is a mixture of Neighborhood Commercial (NC) land use along Highway A1A with single-family residences to the west and multi-family residences mainly east of Highway A1A. The A1A Highway separates the multiple-family residences and condos from the mainly single-family homes - all mainly one story homes - west of the A1A Highway.

In 1977 the property was rezoned from RU-1-11 to BU-1-A (Z-4366). Single-family homes were built, small businesses and restaurants were established. The lot has remained vacant over 45 years, zoned as BU-1-A.

a) All nearby properties are one-story houses only and have an overall moderate density.

- To the north is a restaurant at the A1A followed by the two duplex-homes (one story homes only).
- East of the vacant lot is a delicious ice cream restaurant.
- South is a small-business complex, all are one stories too.
- West of the subject property is a single-family home adjacent to the vacant lot.

There has been one zoning action approved within the last 3 years (21Z00033) from RU-1-11 to RU-2-12 with a BDP limiting uses for the property to not be used as a resort dwelling. The density is limited to two units, constructed as a duplex. Access was limited to one unit to Franklyn Avenue and one unit to Gross Pointe Avenue. **However, the development has not started or constructed yet, the parcel is for sale after the rezoning. Also, there is no actual development over the immediately preceding.**

b) Increasing the density up to (6) six Multifamily residential units as three (3) duplexes increases the level of noise dramatically and interferes with the peaceful enjoyment of the neighbors' premises, their and our quality of life.

c) Further the view from 107 Franklyn Ave - and all other nearby homes - would be disrupted.

d) On the one hand the Board of County Commissioners states in their staff states comments that the proposed property "would be considered consistent with the character of the area" and on the other hand they state that the property "could be considered as buffer between more intense commercial and single-family residential zoning to the west".

- For us, a "buffer" is not equal to a consistent character of the area, esp. not, when it would be the only RU-2-12 2 story building surrounded by mainly one-story family homes.

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On 10/06/2022 you evaluated the rezoning classification from RR-1 to RU-2-4 (22Z00039) of the A1A Highway Oceanfront vacant parcel of my client Dieter Tytko from Germany. You certainly remember this public hearing.

The two condo complexes with 46 units north and 11 units west of this 1 acre lot were not amused to get another multi-family of 3-4 units in the middle. However, it is 1 acre, fits to the character; and 3-4 units are way less than the units of the other condo complexes.

When we compare this situation to the current subject property, the owner seeks for more than the neighbors are doing. **All other dwellings are just one-story houses, duplexes instead of triplexes, and no resort overdevelopments.**

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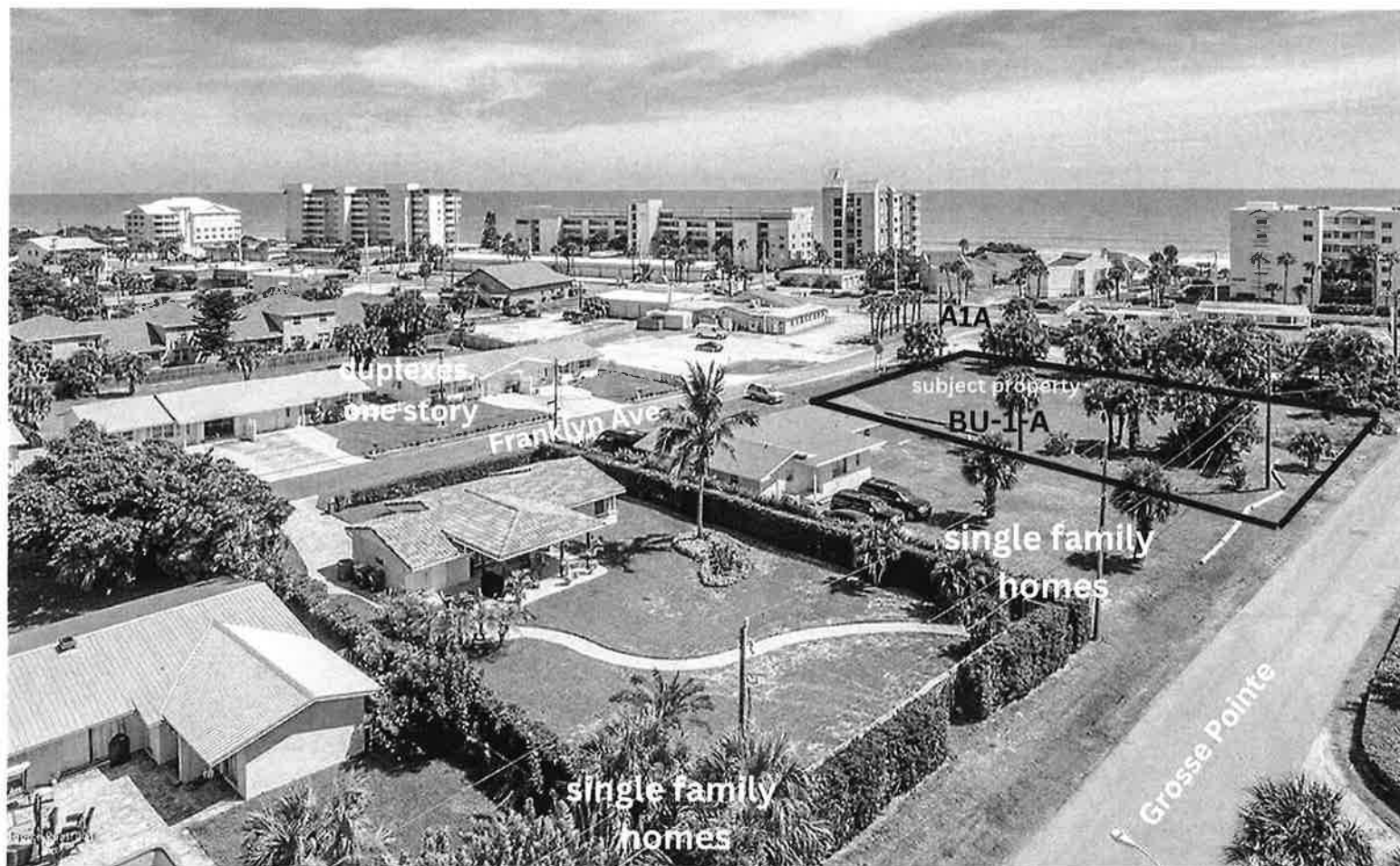
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Please let us know if you have any questions or would like to discuss.

Respectfully,
Alena & Denis Christian Knoepfler

109 Franklyn Ave, Indialantic FL, 32903
Cell 321-285 2323





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 (owns a small business) at 107 Franklyn Ave 108 (Tax ID: 2731680)

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Objection (Rec'd by D3)
22Z00046
Daisy Mae
Alena & Denis Knoepfler
109 Franklyn Ave
Indialantic, FL 32903

District 5 Commission Office
7101 S. Highway 1
Titusville, FL 32780

October 12, 2022

Request Disapproval Rezoning from BU-1-A to RU-2-12 (22Z00046)
Daisy Mae of Brevard, Inc.

Good day Mrs. Zonka,
dear Ladies and Gentlemen,

My husband and I appreciate that we were informed proactively by your team with flyers to get heard.

We are residents/owners of 109 Franklyn Ave, Indialantic (the '109 Franklyn Ave Trust'), the second property west to the subject property, and we would like to oppose the rezoning.

There are plenty of fact-based testimonies and expert opinions, which will be summarised below:

- 1) The rezoning application is NOT consistent and compatible with the current intensity and density nearby.
- 2) The rezoning application is NOT consistent with the former zoning and current zoning nearby.
- 3) The traffic will be increased.
- 4) The parking and public safety situation will become worse.
- 5) The value of the nearby single-family homes as well as of the one-story duplexes will decrease.
- 6) The majority of the neighborhood also denies the request of rezoning up to 6 units on a .5 acre lot.
- 7) There is no hardship or need to upzone from a former RU-1-11 to a RU-2-12.
- 8) Other rezoning applications will most likely follow to change your Beachside District to a higher-density zone.

Ad 1 and 2) Density, intensity and zoning

The historic land use pattern is a mixture of Neighborhood Commercial (NC) land use along Highway A1A with single-family residences to the west and multi-family residences mainly east of Highway A1A. The A1A Highway separates the multiple-family residences and condos from the mainly single-family homes - all mainly one story homes - west of the A1A Highway.

In 1977 the property was rezoned from RU-1-11 to BU-1-A (Z-4366). Single-family homes were built, small businesses and restaurants were established. The lot has remained vacant over 45 years, zoned as BU-1-A.

a) All nearby properties are one-story houses only and have an overall moderate density.

- To the north is a restaurant at the A1A followed by the two duplex-homes (one story homes only).
- East of the vacant lot is a delicious ice cream restaurant.
- South is a small-business complex, all are one stories too.
- West of the subject property is a single-family home adjacent to the vacant lot.

There has been one zoning action approved within the last 3 years (21Z00033) from RU-1-11 to RU-2-12 with a BDP limiting uses for the property to not be used as a resort dwelling. The density is limited to two units, constructed as a duplex. Access was limited to one unit to Franklyn Avenue and one unit to Gross Pointe Avenue. **However, the development has not started or constructed yet, the parcel is for sale after the rezoning. Also, there is no actual development over the immediately preceding.**

b) Increasing the density up to (6) six Multifamily residential units as three (3) duplexes increases the level of noise dramatically and interferes with the peaceful enjoyment of the neighbors' premises, their and our quality of life.

c) Further the view from 107 Franklyn Ave - and all other nearby homes - would be disrupted.

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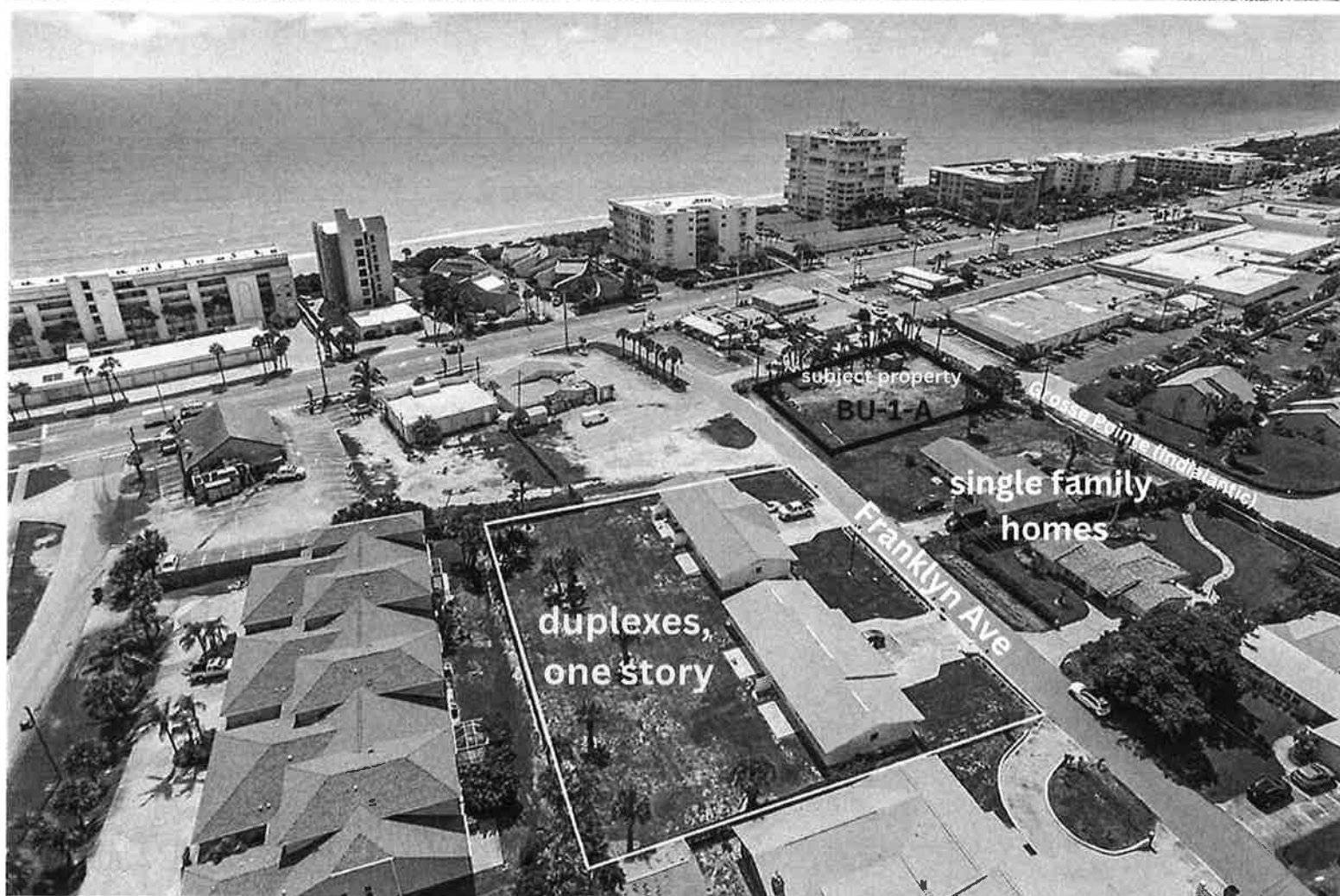
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