



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.2.

11/3/2022

Subject:

Lifestyle Homes builders, Inc. (Jordan Luhn / Natasha Petrie) requests a change of zoning classification from RU-1-7 to RU-1-11. (22Z00044) (Tax Account 2864390) (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 RU-1-7 (Single-Family Residential) to RU-1-11 (Single-Family Residential).

Summary Explanation and Background:

The applicant is seeking a change of zoning classification from RU-1-7 to RU-1-11 in order to reconfigure six parcels into five parcels with all of the proposed parcels having access on Commodore Boulevard. Warren Street, running along the east side of the parcels, is currently not opened for access. The current Future Land Use designation of RES 4 and could allow up to 7 dwelling units on the property.

The proposed RU-1-11 classification permits single-family residences on minimum 7,500 square-foot lots, with a minimum width and depth of 75 feet, and a minimum house size of 1,100 square feet. This classification essentially increases the development standards of the RU-1-7 zoning classification which are 5,000 square-foot lots and a minimum house size of 700 square feet.

To the north of the subject property across Henry Avenue and Indiana Avenue are single-family residential lots zoned RU-1-7. To the east of the subject property across the undeveloped road Warren Street are single-family residential lots zoned RU-1-7. To the south of the subject property are single-family residential lots zoned RU-1-7. To the west of the subject property across Commodore Boulevard are single-family residential lots zoned RU-1-7.

The Board may wish to consider whether the introduction of RU-1-11 is consistent and compatible with the RU-1-7 zoning in 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 22Z00044

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

WHEREAS, Lifestyle Homes Builders, Inc., have requested a change of zoning classification from RU-1-7 (Single-Family Residential) to RU-1-11 (Single-Family Residential), on property described as Lots 1, 5, 9, 11, 41, & 10, Block 6, June Park Subdivision, as recorded in ORB 9463, Page 1047, of the Public Records of Brevard County, Florida. **Section 12, Township 28, Range 36.** (1.76 acres) Located on the southeast corner of Henry Ave. and Commodore Blvd. (Lot 1 = 8555 Henry Ave., Melbourne; Lot 5 = 2335 Commodore Blvd., Melbourne; Lot 11 = 2355 Commodore Blvd., Melbourne; Lot 41 = 8525 Henry Ave., Melbourne; Lots 9 & 10 = No assigned address. In the Melbourne 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 RU-1-7 to RU-1-11, 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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Building A, Room 114

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(321)633-2070 Phone / (321)633-2074 Fax

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

STAFF COMMENTS

22Z00044

Life Style Homes Builders, Inc.

RU-1-7 (Single-Family Residential) to RU-1-11 (Single-Family Residential)

Tax Account Number: 2802303, 282304, 2802305, 2802306, 2802313, 2864390
Parcel I.D.s: 28-36-12-25-6-1, 28-36-12-25-6-5, 28-36-12-25-6-9, 28-36-12-25-6-11,
28-36-12-25-6-41, 28-36-12-25-6-10
Location: South east corner of Henry Avenue and Commodore Blvd. (District 5)
Acreage: 1.76 acres

Planning & 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, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	RU-1-7	RU-1-11
Potential*	7 SF Lots	5 SF lots
Can be Considered under the Future Land Use Map	NO RES 4	YES RES 4

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

Background and Purpose of Request

The applicant is seeking a change of zoning classification from RU-1-7 (Single-family Residential) to RU-1-11 (Single-family Residential) in order to reconfigure their 1.76-acre properties into 5-lots. The parcels are currently configured as six parcels and are undeveloped vacant land. The parcels were originally Platted as 28 lots, 25 ft. wide by 110 ft. deep per plat of June Park recorded in Plat Book 4, page 4. The applicant is proposing to reconfigure the six parcels into five parcels with all of the proposed parcels having access on Commodore Blvd. Warren Street running along the east of the parcels is currently not developed with a road for access. The current Future Land Use designation of RES 4 will allow up to 7 dwelling units on the property.

The original zoning for the properties was RU-1 single-family residential and was changed to the new zoning classification of RU-1-7 per zoning ordinance **Z-2980** in June 1972.

Land Use

The subject property is currently designated Residential 4 (RES 4). The RU-1-7 zoning classification is not consistent with the Residential 4 FLU designation. The RU-1-11 zoning classification can be considered consistent with the Residential 4 FLU designation.

Applicable Land Use Policies

FLUE Policy 1.7 – The Residential 4 Future land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre, except as otherwise may be provided for within 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;

Regarding the hours of operation, lighting, odor, noise levels, traffic or site activity. The proposed rezoning is not anticipated to diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area. Residential uses will need to comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272.

- 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 subject property has been undeveloped with single-family zoning since 1958. The area immediately surrounding the subject site has been developed as single-family residences and have RU-1-7 zoning.

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

There has not been any actual development within this area in the preceding three (3) years.

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

There has not been any development approved but not yet constructed within a half mile in the preceding three (3) years.

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.

There is an existing pattern of RU-1-7 single-family residential zoning on lots ranging from 0.25 acres to 1.37 acres surrounding the subject property.

The request is an introduction of RU-1-11 zoning classification into an area developed as single-family residences on RU-1-7 zoned lots.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Single-Family	RU-1-7	RES 4
South	Single-Family	RU-1-7	RES 4
East	Single-Family	RU-1-7	RES 4
West	Single-Family	RU-1-7	RES 4

To the north of the subject property across Henry Ave. and Indiana Ave. are single-family residential lots zoned RU-1-7. To the east of the subject property across the undeveloped road Warren St. are single-family residential lots zoned RU-1-7. To the south of the subject property are single-family residential lots zoned RU-1-7. To the west of the subject property across Commodore Blvd. are single-family residential lots zoned RU-1-7.

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

The proposed 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. This classification essentially increases the development standards of the RU-1-7 zoning classification.

There has been no zoning action within a half-mile radius of the subject property within the last three years.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Minton Road, between Highway 192 and Milwaukee Ave., which has a Maximum Acceptable Volume (MAV) of 39,800 trips per day, a Level of Service (LOS) of C, and currently operates at 78.10% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.17%. The corridor is anticipated to operate at 78.27% of capacity daily. The request is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

The parcel is not serviced by Brevard County sewer or public water. The closest Brevard County sewer line is approximately 6.3 miles north on Kennesaw Place. The closest Brevard County water line is approximately 8.3 miles northwesterly on Akarad Drive.

Environmental Constraints

- Hydric Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- 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 whether the introduction of RU-1-11 is consistent and compatible with the RU-1-7 zoning in the surrounding area.

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

Item #22Z00044

Applicant: Jordan Luhn

Zoning Request: RU-1-7 to RU-1-11

Note: Applicant wants to reduce six lots to five lots

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

Tax ID Nos: 2802303, 2802313, 2802304, 2802305, 2864390, and 2802306

- 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
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- 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:

Hydric Soils

The subject parcel contains mapped hydric soils (Malabar, Holopaw, and Pineda soils), an indicator that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities or site plan application. The wetland assessment shall be verified at time of site plan 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. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than

1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 62-3694(c)(6). 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.

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.

Land Clearing and Landscape Requirements

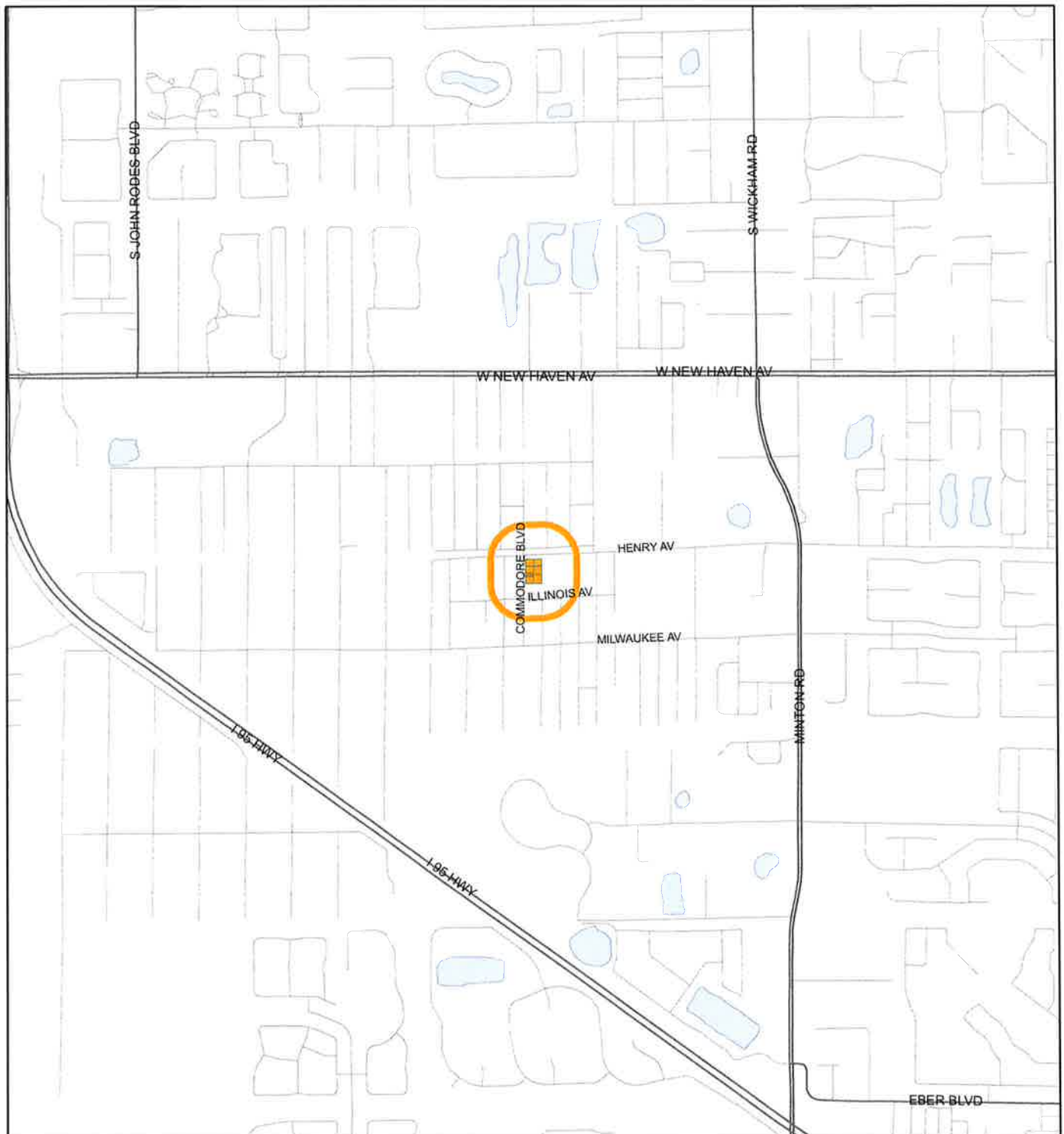
Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), a purpose and intent of the ordinance is to encourage the protection of Heritage Specimen and Protected Trees. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, 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

LIFE STYLE HOMES BUILDERS INC
22Z00044



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 BuCC - GIS Date: 8/29/2022

— Buffer
— Subject Property

ZONING MAP

LIFE STYLE HOMES BUILDERS INC

22Z00044



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 herein.

Produced by BuCC - GIS Date: 8/29/2022

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

LIFE STYLE HOMES BUILDERS INC

22Z00044



1:4,800 or 1 inch = 400 feet

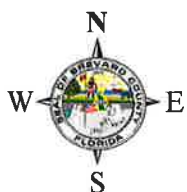
— Subject Property

□ 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 BuCC - GIS Date: 8/29/2022

AERIAL MAP
LIFE STYLE HOMES BUILDERS INC
22Z00044



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 RoCC - GIS Date: 8/29/2022

— Subject Property
□ Parcels

NWI WETLANDS MAP

LIFE STYLE HOMES BUILDERS INC

22Z00044



1:4,800 or 1 inch = 400 feet

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 |

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 RoCC - GIS Date: 8/29/2022

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

LIFE STYLE HOMES BUILDERS INC

22Z00044



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/29/2022

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

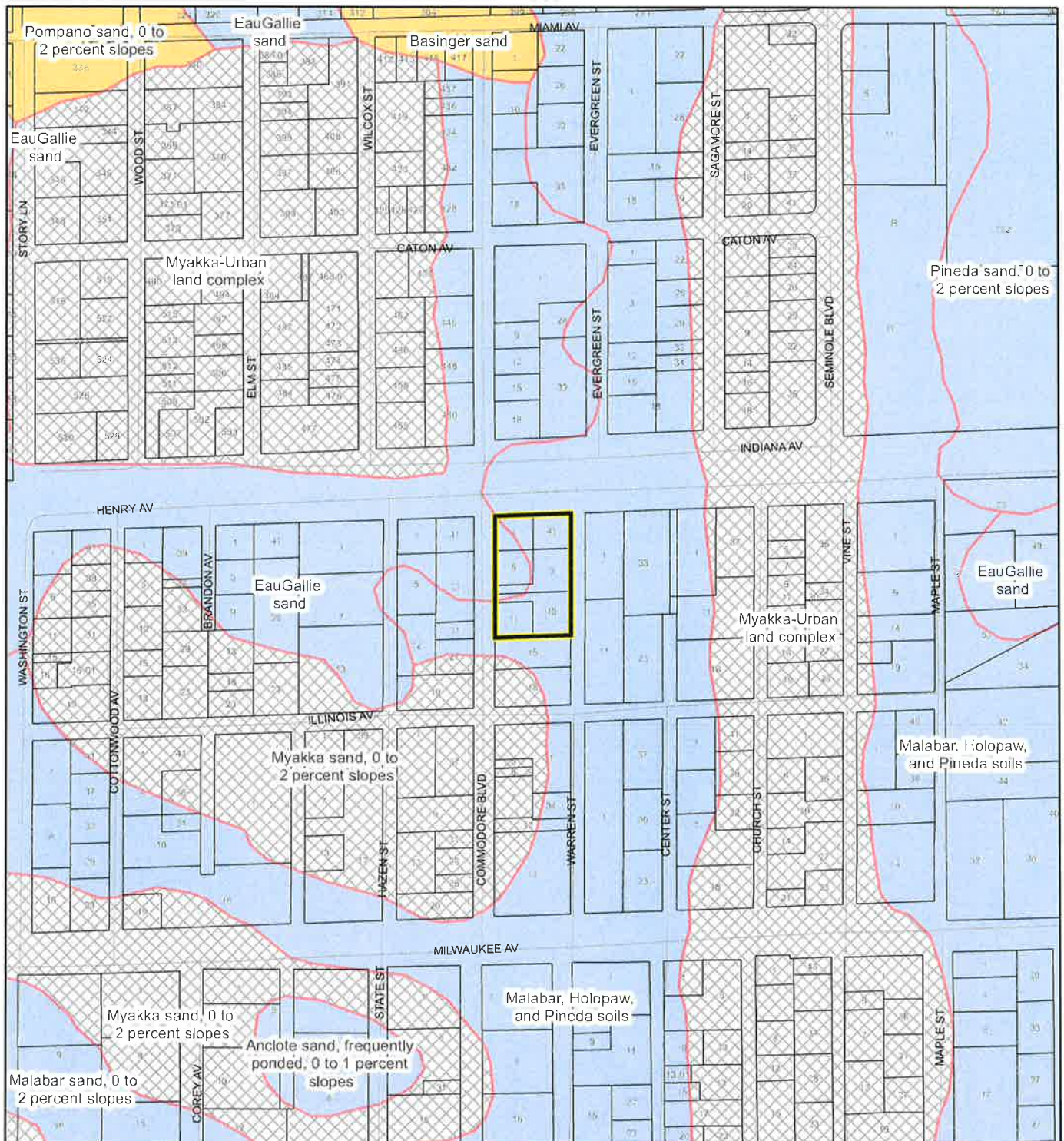
Subject Property

Parcels

USDA SCSSS SOILS MAP

LIFE STYLE HOMES BUILDERS INC

22Z00044



1:4,800 or 1 inch = 400 feet

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

Subject Property

Parcels

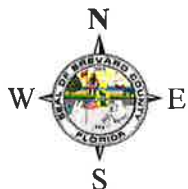
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by RnCC - GIS Date: 8/29/2022

FEMA FLOOD ZONES MAP

LIFE STYLE HOMES BUILDERS INC

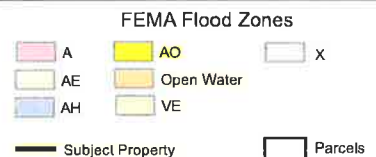
22Z00044



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.

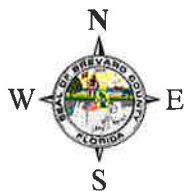
Produced by BoCC - GIS Date: 8/29/2022



COASTAL HIGH HAZARD AREA MAP

LIFE STYLE HOMES BUILDERS INC

22Z00044



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: 8/29/2022

 Subject Property

 Parcels

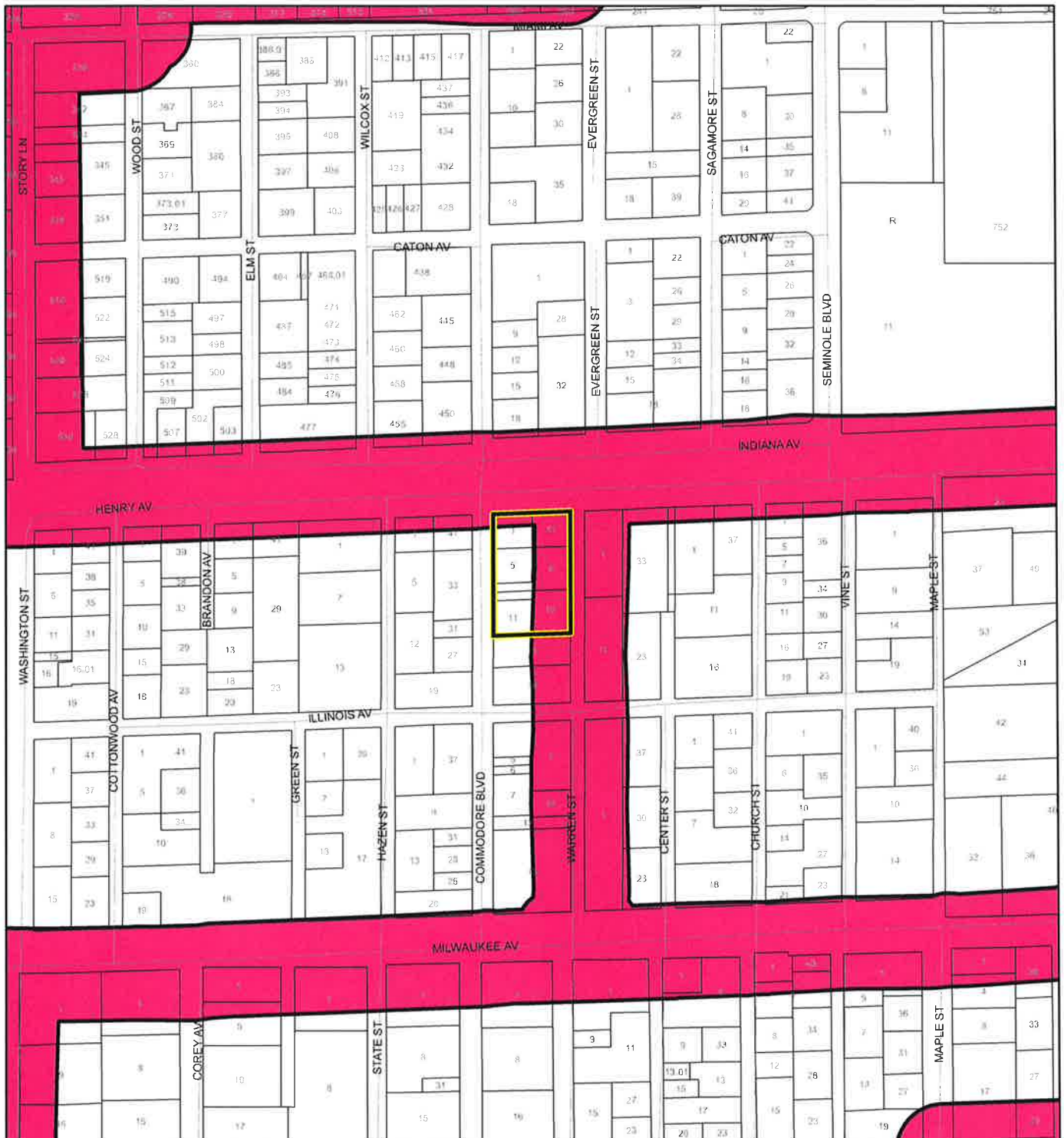
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

LIFE STYLE HOMES BUILDERS INC

22Z00044



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: 8/29/2022

Subject Property

Parcels

Septic Overlay

40 Meters

60 Meters

All Distances

EAGLE NESTS MAP

LIFE STYLE HOMES BUILDERS INC

22Z00044



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: 8/29/2022

 Subject Property

 Parcels

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

LIFE STYLE HOMES BUILDERS INC

22Z00044



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: 8/29/2022

 Subject Property

 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

LIFE STYLE HOMES BUILDERS INC

22Z00044



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: 8/29/2022

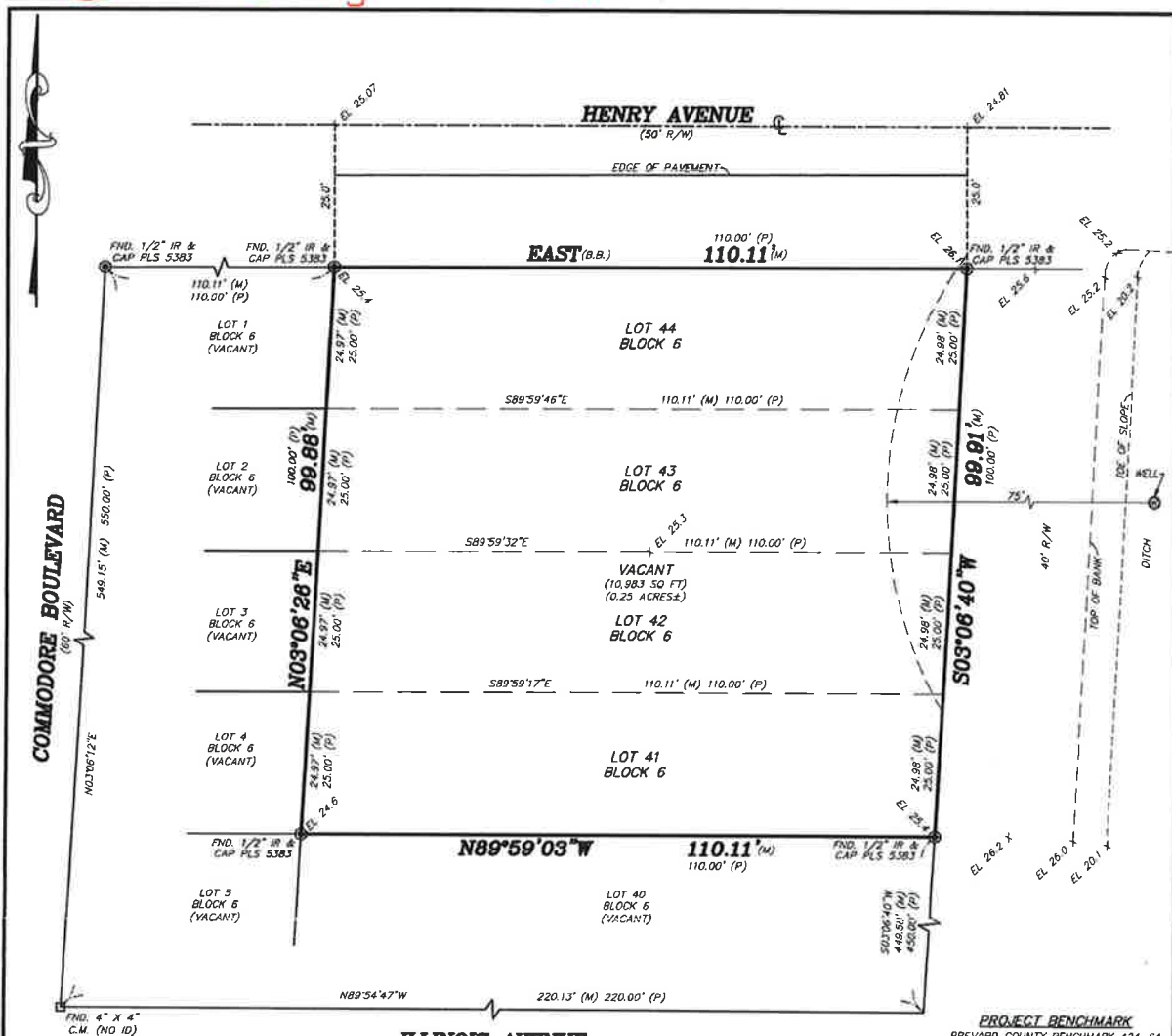
SJRWMD FLUCCS Upland Forests

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

Subject Property

Parcels

Current Configuration Parcel 6



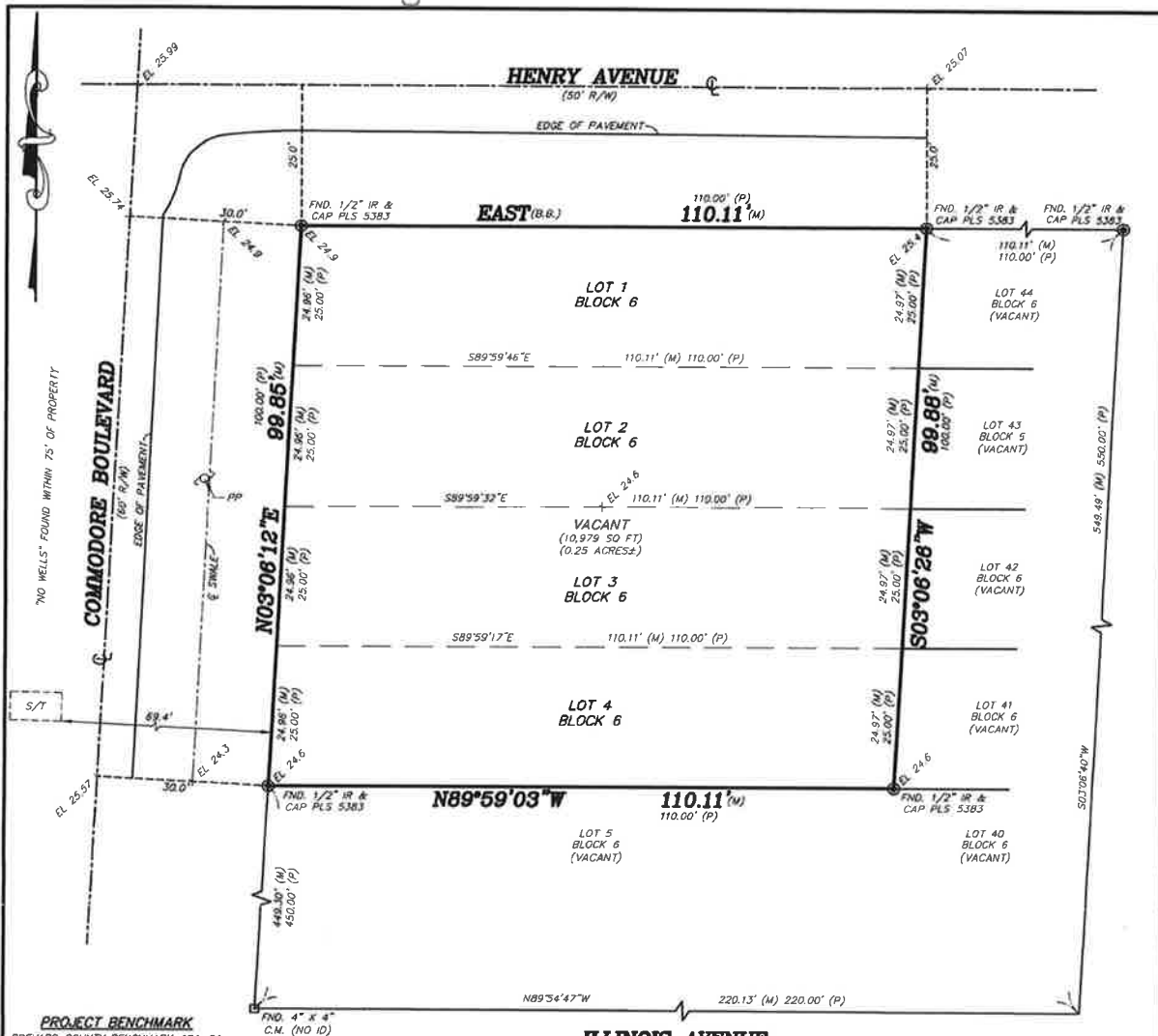
SURVEY PREPARED FOR:
LIFESTYLE HOMES BUILDERS, INC.
STATE TITLE PARTNERS, LLP
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
FIRST FEDERAL BANK OF FLORIDA
SOUTH STATE BANK

DESCRIPTION: LOTS 41-44, BLOCK 6, JUNE PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 4, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

AAL LAND SURVEYING SERVICES, INC.

<p>ACCORDING TO F.I.R.M. #12009C 0583 G, DATED MARCH 17, 2014 THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE X.</p>	<p>GENERAL NOTES:</p> <ol style="list-style-type: none"> 1. THIS SURVEY AND DRAWING HAS BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES. 2. THIS SURVEY AND DRAWING IS FOR THE SOLE USE AND BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE AS NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES. 3. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE SEAL OF THE SURVEYOR, AND ANY REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN. 4. NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR. 5. THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED. 6. BEARINGS ARE BASED ON AN ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS. 7. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN. 8. ELEVATIONS, IF SHOWN, ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988, UNLESS OTHERWISE NOTED. 9. "NO WELLS" AND "NO SEPTICS" ARE DEFINITIONS TO SHOW AN ATTEMPT BY THE SURVEYOR TO LOCATE POSSIBLE EXISTING WELLS AND SEPTICS, HOWEVER THERE MAY BE EXISTING FACILITIES THAT WERE NOT FOUND USING STANDARD SURVEY LOCATING EQUIPMENT. IT IS THE CLIENTS RESPONSIBILITY TO VERIFY. 	<p>LEGEND:</p> <ul style="list-style-type: none"> (B.B.) - BEARING BASIS B.S.L. - BUILDING SETBACK LINE CB - CHORD BEARING CH - CHORD LENGTH C - CENTERLINE C.M. - CONCRETE MONUMENT C.M.P. - CORRUGATED METAL PIPE CONC. - CONCRETE (D) - DEED DELTA - DELTA D.E. - DRAINAGE EASEMENT EL - ELEVATION EP - EDGE OF PAVEMENT FF - FINISH FLOOR FOUND - FOUND IP - IRON PIPE IR - IRON ROD L - ARC LENGTH LB - LICENSE BUSINESS (M) - MEASURED N&D - NAIL AND DISK N&T - NAIL AND TIN TAB OHW - OVERHEAD WIRE (P) - PLAT PC - POINT OF CURVATURE PLS - PROFESSIONAL LAND SURVEYOR P.O.L. - POINT ON LINE PP - POWER POLE PT - POINT OF TANGENCY P.U. - PUBLIC UTILITY R - RADIUS R.C.P. - REINFORCED CONCRETE PIPE R/W - RIGHT OF WAY (XX.XX) - PROPOSED GRADE
<p>TYPE OF SURVEY: BOUNDARY</p>	<p>3970 WINTON ROAD, WEST MELBOURNE, FL 32904 L.B. #6623 PHONE: (321) 791-1111 FAX: (321) 952-9771 EMAIL: frontdesk@aalsurvey.com</p>	
<p>SCALE: 1" = 20'</p>	<p>Andrew W. Powshok P.L.S. No. 5383 Date: 2022.07.29</p>	<p>DANIEL D. GARNER P.L.S. No. 6189</p>
<p>FIELD DATE: 03-17-22</p>		
<p>SECTION 12, TOWNSHIP 28 SOUTH, RANGE 36 EAST</p>		
<p>PROJECT #46849</p>		

Current Configuration Parcel 1



PROJECT BENCHMARK
BREVARD COUNTY BENCHMARK 424-64
2.5" BRASS BCS&M BENCH MARK
DISK IN CONCRETE
STAMPED "424-64 2006"
EL. 26.29 (NAVD 83)
EL. 27.65 (NGVD 29)

SURVEY PREPARED FOR:
LIFESTYLE HOMES BUILDERS, INC.
STATE TITLE PARTNERS, LLP
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
FIRST FEDERAL BANK OF FLORIDA
SOUTH STATE BANK

DESCRIPTION: LOTS 1-4, BLOCK 6, JUNE PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 4, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

The seal appearing on this document was authorized by Andrew W. Powshok, P.L.S. No. 5383, on 7-28-2022

This item has been electronically signed and sealed by Andrew W. Powshok, PLS No. 5383 using a digital signature on 7-28-2022

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

AAL LAND SURVEYING SERVICES, INC.

ACCORDING TO F.I.R.M. #12009C 0583 G, DATED MARCH 17, 2014 THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE X

TYPE OF SURVEY:
BOUNDARY

SCALE: 1" = 20'

FIELD DATE: 03-17-22

SECTION 12,
TOWNSHIP 28 SOUTH,
RANGE 36 EAST

PROJECT #46850

GENERAL NOTES:

1. THIS SURVEY AND DRAWING HAS BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.
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3970 WINTON ROAD, WEST MELBOURNE, FL 32904 L.B. #6623
PHONE: (321) 251-1300 FAX: (321) 952-9771 EMAIL: frontdesk@aalsurvey.com

Andrew W. Powshok
P.L.S. No. 5383
Date: 2022.07.29

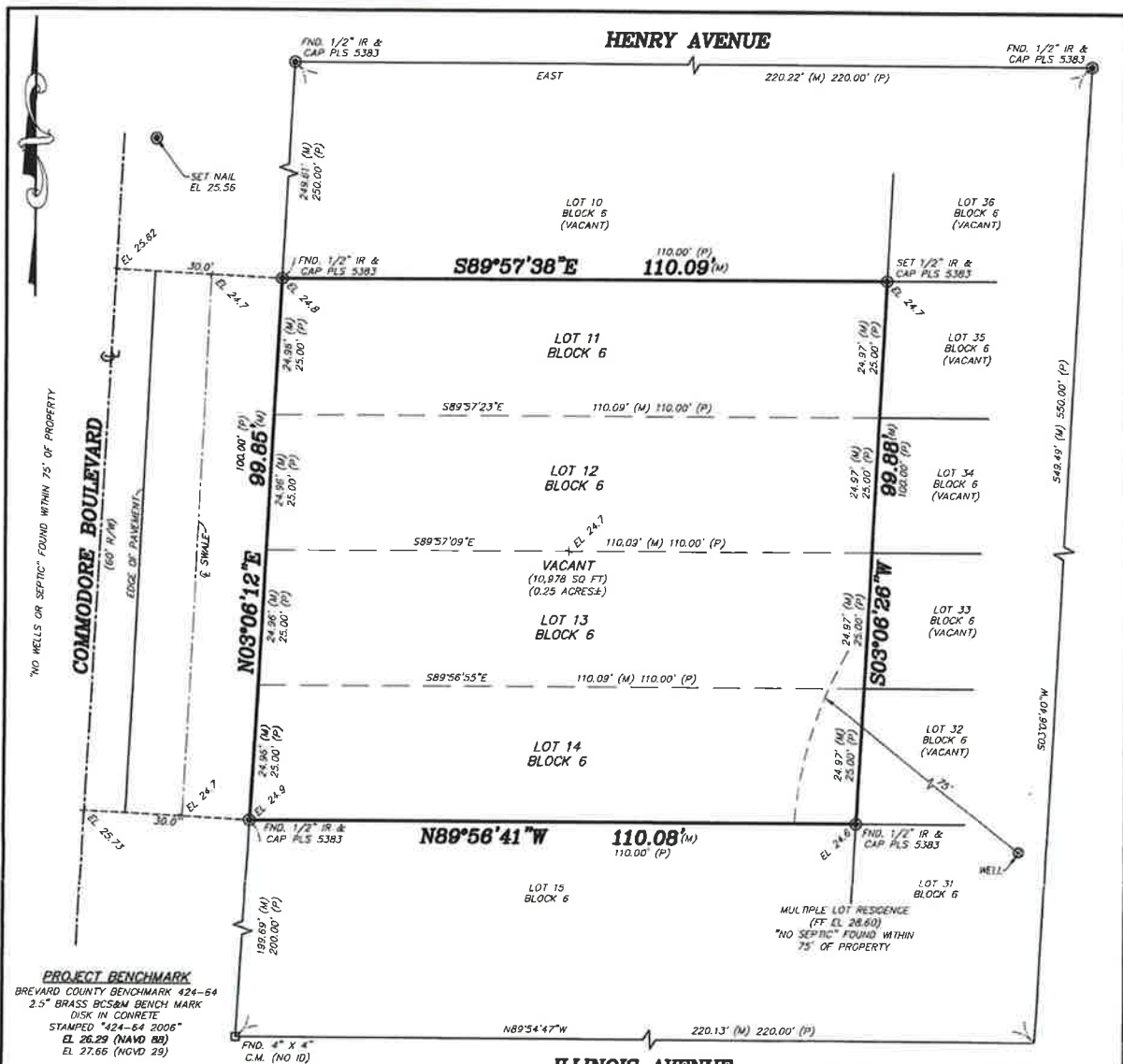
Seal of Andrew W. Powshok, P.L.S. No. 5383, State of Florida, Commission Expires 07-01-00'

DANIEL D. GARNER
P.L.S. No. 6189

LEGEND:

(B.B.)	BEARING BASES
B.S.L.	BUILDING SETBACK LINE
CB	CHORD BEARING
CH	CHORD LENGTH
C	CENTERLINE
C.M.	CONCRETE MONUMENT
C.M.P.	CORRUGATED METAL PIPE
CONC.	CONCRETE
(D)	DEED
D	DELTA
D.E.	DRAINAGE EASEMENT
EL	ELEVATION
EP	EDGE OF PAVEMENT
FF	FINISH FLOOR
FND	FOUND
IP	IRON PIPE
IR	IRON ROD
L	ARC LENGTH
LB	LICENSE BUSINESS
(M)	MEASURED
N&D	NAIL AND DISK
N&TT	NAIL AND TIN TAB
OHW	OVERHEAD WIRE
(P)	PLAT
PC	POINT OF CURVATURE
PLS	PROFESSIONAL LAND SURVEYOR
P.O.L.	POINT ON LINE
PP	POWER POLE
PT	POINT OF TANGENCY
P.U.	PUBLIC UTILITY
R	RADIUS
R.C.P.	REINFORCED CONCRETE PIPE
R/W	RIGHT OF WAY
(T)	TRIMMED GRADE

current Configuration Parcel 5



SURVEY PREPARED FOR:
LIFESTYLE HOMES BUILDERS, INC.
STATE TITLE PARTNERS, LLP
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
FIRST FEDERAL BANK OF FLORIDA
SOUTH STATE BANK

The seal appearing on this document
was authorized by Andrew W. Powshok,
P.L.S. No. 5383, on 7-28-2022

This item has been electronically signed
and sealed by Andrew W. Powshok, PLS
No. 5383 using a digital signature
on 7-28-2022

Printed copies of this document are
not considered signed and sealed and
the signature must be verified on any
electronic copies.

AAL LAND SURVEYING SERVICES, INC.

ACCORDING TO F.I.R.M.
#12009C 0583 G, DATED
MARCH 17, 2014 THIS
PROPERTY IS LOCATED
WITHIN FLOOD ZONE X

TYPE OF SURVEY:
BOUNDARY

SCALE: 1" = 20'

FIELD DATE: 03-17-22

**SECTION 12,
TOWNSHIP 28 SOUTH,
RANGE 36 EAST**

PROJECT #46854

GENERAL NOTES:

1. THIS SURVEY AND DRAWING HAS BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS IN CHAPTER SJ-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.
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3975 WINFORD ROAD, WEST MELBOURNE, FL 32904 L.B. #6623

PHONE: (321) 252-1100 FAX: (321) 252-9771 EMAIL: frontdesk@aalsurvey.com

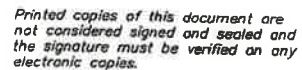
Andrew W. Powshok

Andrew W. Powshok
P.L.S. No. 5383
Date: 07.27.22

DANIEL D. GARNER
P.L.S. No. 6169

LEGEND

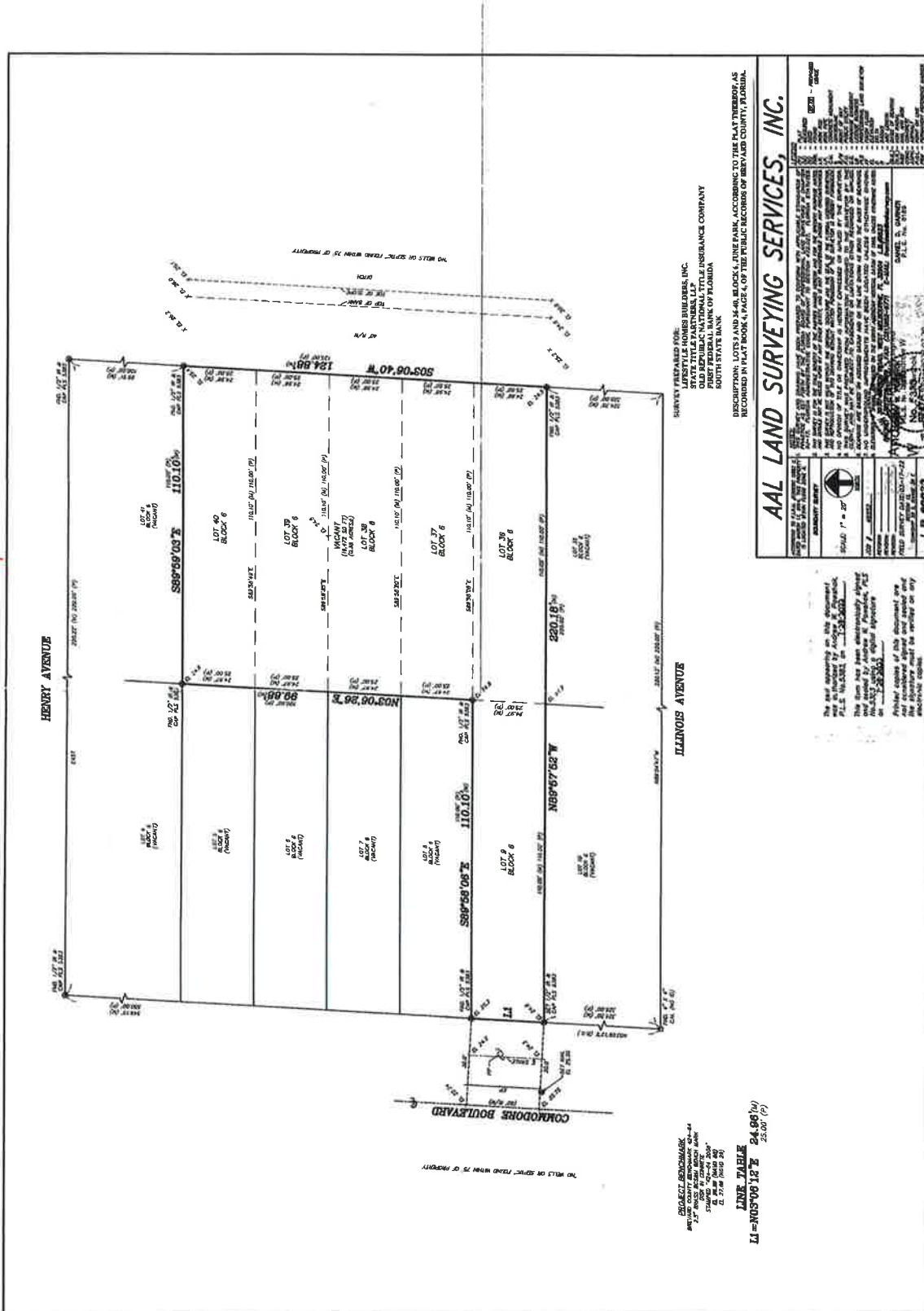
- (B.B.) - BEARING BASE
- (B.S.L.) - BUILDING SETBACK LINE
- (CB) - CHORD BEARING
- (CH) - CHORD LENGTH
- (C) - CENTERLINE
- (C.M.) - CONCRETE MONUMENT
- (C.M.P.) - CORRUGATED METAL PIPE
- (CONC.) - CONCRETE
- (D) - DEED
- (DELTA) - DELTA
- (D.E.) - DRAINAGE EASEMENT
- (EL) - ELEVATION
- (EP) - EDGE OF PAVEMENT
- (FF) - FINISH FLOOR
- (FND) - FOUND
- (IP) - IRON PIPE
- (IR) - IRON ROD
- (L) - ARC LENGTH
- (LB) - LICENSE BUSINESS
- (M) - MEASURED
- (N&D) - NAIL AND DISK
- (N&TT) - NAIL AND TIN TAB
- (OHW) - OVERHEAD WIRE
- (P) - PLAT
- (PC) - POINT OF CURVATURE
- (PLS) - PROFESSIONAL LAND SURVEYOR
- (P.O.L.) - POINT ON LINE
- (PP) - POWER POLE
- (PT) - POINT OF TANGENCY
- (P.U.) - PUBLIC UTILITY
- (R) - RADIUS
- (R.C.P.) - REINFORCED CONCRETE PIPE
- (R/W) - RIGHT OF WAY
- (XX) - PROPOSED GRADE



DESCRIPTION: LOTS 5-8, BLOCK 6, JUNE PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 4, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

DANIEL D. GARNER
P.L.S. No. 8189

current configuration
Parcel 13



5



[illegible]

20



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 Essee, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Agenda

Lifestyle Homes Builders, Inc. (Jordan Luhn / Natasha Petrie)

A change of zoning classification from RU-1-7 (Single-Family Residential) to RU-1-11 (Single-Family Residential). The property is 1.76 acres, located on the southeast corner of Henry Ave. and Commodore Blvd. (22Z00044) (Lot 1 = 8555 Henry Ave., Melbourne; Lot 5 = 2335 Commodore Blvd., Melbourne; Lot 11 = 2355 Commodore Blvd., Melbourne; Lot 41 = 8525 Henry Ave., Melbourne; Lots 9 & 10 = No assigned address. In the Melbourne area.) (Tax Account 2864390) (District 5)

Jordan Luhn, 1104 S. Shannon Ave., Indialantic, stated there is an old underlying plat that has lots of 25 ft. x 110 ft. The Property Appraiser's Office shows the property as six different lots, but the County doesn't recognize it as six different lots. He said he would like to convert the entire property to five larger lots and have them re-platted.

Public comment:

Matthew Bauk, 2315 Commodore Blvd., West Melbourne, stated he has lived in his home for almost 30 years and he bought there because of the country setting, and now the applicant wants to rezone it to look like Palm Bay, and it will completely change the character of the area. He said he doesn't see how the rezoning will benefit the people in the community.

Denise Roseman, 8450 Illinois Ave., West Melbourne, stated the subject property is 1.76 acres and most of the residents there have a half-acre or more. She said she agrees with the previous speaker that it will completely change the dynamics of the area. She said the subdivision is on septic and well, and this change will put a burden on those systems. She noted she is also concerned about deed restrictions and homeowners' associations coming into the community.

David Mojica, 2180 Michigan St., West Melbourne, stated he has wanted to live in June Park since he was very young because of the way the area is structured. He said his lot is .85 acres and he moved there specifically because of the lot size.

Clyde Lewis, 2420 Green St., West Melbourne stated he agrees with all of the other speakers. June Park is a different dynamic and not full of people who want to live on zero lot lines. He said building all of these houses there will not help the neighborhood.

Michael Cole, 2585 Warren St., West Melbourne stated his property and home flooded in Hurricane Irma in 2017, so flooding has always been a concern. He said June Park has an issue with drainage

and the County has a hard time keeping up with it. He stated he is opposed to higher density on the subject property and zero lot lines.

Ben Glover asked if the six individual lots are not buildable lots now, and asked if it is currently six lots, and the applicant wants five lots, would that not be less intense. Jeffrey Ball replied yes, five lots would be a reduction in density per the zoning.

Mr. Glover stated he understands the concerns of the residents, but it will not be any denser than what could potentially already be there.

Ron Bartcher stated the area is all RU-1-7, yet the Future Land Use is RES 4, so it seems the County has created a problem for any land owner wanting to build there. Mr. Ball replied, at the time, the land use and zoning didn't match the development trends in the area. If anyone wants to develop in that area, they would have to change the zoning or change the land use.

Mr. Bartcher asked if the applicant is only building five houses. Mr. Luhn replied yes, five houses, and there will not be any deed restrictions or a homeowners' association. Mr. Bartcher asked the size of the proposed lots. Mr. Luhn replied three of them will be 75 feet by 210 feet; and the other two will be 100 ft. on Henry Avenue, and 125 ft. on Commodore Boulevard.

Robert Sullivan asked if the proposed homes will be on well and septic. Mr. Luhn replied yes, and Lifestyle Homes uses engineered drainage and retains all of the water on its properties.

Motion by Ben Glover, seconded by Ron Bartcher, to recommend approval of a change of zoning classification from RU-1-7 to RU-1-11. The motion passed unanimously.