



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.5.

11/6/2025

Subject:

Lawrence Crumley requests a change of zoning classification from AU to RU-1-13. (25Z00023) (Tax Account 2501503) (District 2)

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 AU (Agricultural Residential) to RU-1-13 (Single-Family Residential).

Summary Explanation and Background:

The applicant is requesting a change of zoning classification from AU (Agricultural Residential) to RU-1-13 (Single-family residential) on 0.51 acres of 3.03 acres. The applicant intends to construct a single-family residence on the newly created lot. The applicant requests to rezone due to the new lot not meeting the lot size requirement of AU. The new lot is a half-acre, and AU requires a minimum of 2.5 acres. As the remaining lot will be over 2.5 acres, and it will keep its existing AU zoning, this configuration will not create a substandard lot.

The two (2) lots were recorded in the River Cliff Subdivision in Plat Book 3, Page 56 on March 14, 1924. The new vacant lot is described as Lot 2 and 3, Block 1, and a portion of the vacated right of way of Goldenrod Street lying adjacent to said Lot 3. The developed lot is recorded as Part of Lot 1, Block 1, Lots 2,3,4,5, Block 2, and the vacated right of way of Goldenrod Street lying adjacent to said Lots.

North of the subject property is a 1.65-acre parcel, developed with a single-family residence, which has EU zoning classification with RES 15 FLU designation. South of the subject property is Victoria Street and a vacant right-of-way parcel. East of the subject property across South Tropical Trail are three parcels. The first parcel is 0.14 acres, developed with a single-family residence which has RU-1-9 zoning classification and RES 6 FLU designation. The second parcel is 1.89 acres, developed with a single-family residence and a poultry farm, AU zoning classification with RES 15 FLU designation. The third parcel is 2.58 acres, developed with a single-family residence and a plant nursery, AU zoning classification with RES 15 FLU designation. The fourth and fifth parcels abut the subject property, vacant parcels 0.3 and 0.28 acres in size, with RU-1-13 zoning classification and RES 15 FLU designation. West of the subject property is the Indian River.

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

On October 13, 2025, the Planning and Zoning Board considered the request and voted 8:1 to recommend approval.

Clerk to the Board Instructions:

Upon receipt of the resolution, please execute and return a copy to Planning and Development.

Resolution 25Z00023

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

WHEREAS, Lawrence Crumley requests a zoning classification change from AU (Agricultural Residential) to RU-1-13 (Single-Family Residential), on property described as Tax Parcel 1, as recorded in OR Book 9554, Page(s) 689-692, of the Public Records of Brevard County, Florida. **Section 02, Township 25, Range 36.** (0.53 acres) Located on the north end of the cul-de-sac of Goldenrod St. (885 Goldenrod St., Merritt Island); and

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

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

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from AU to RU-1-13, 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 06, 2025.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida


Rob Feltner, Chairman
Brevard County Commission

As approved by the Board on November 06, 2025.

ATTEST:


RACHEL M. SADOFF, CLERK

(SEAL)

P&Z Board Hearing – October 13, 2025

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

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:
 - 1. historical land use patterns;
 - 2. actual development over the immediately preceding three years; and
 - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 - 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 - 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

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

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) General Standards of Review.

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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

STAFF COMMENTS

25Z00023

Lawrence Crumley

AU (Agricultural Residential) to RU-1-13 (Single-Family Residential)

Tax Account Number: Portion of 2501503
 Parcel I.D. 25-36-02-27-1-1
 Location: 885 Goldenrod St., Merritt Island, FL 32952 (District 2)
 Acreage: 0.51 acres of 3.03 acres

Planning & Zoning Board: 10/13/2025

Board of County Commissioners: 11/06/2025

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	AU	RU-1-13
Potential*	0 Single-family residence	1 Single-family residence
Can be Considered under the Future Land Use Map	Yes RES 15	Yes RES 15

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

Background and Purpose of Request

The applicant is requesting a change of zoning classification from AU (Agricultural Residential) to RU-1-13 (Single-family residential) on 0.51 acres of 3.03 acres. The applicant proposes to split a 0.5-acre portion from the parent parcel per the survey provided, creating two lots. Subject property, here within, refers to the 0.5-acre portion. Approval of the request will legitimize the proposed lot. The remaining portions of the lot will be in conformance with zoning requirements; the proposed configuration will not create a substandard lot.

There is an existing barn on the parent parcel that will need to be relocated/removed, or a variance sought to the side setback requirement. Another concern raised as part of the request

is that the proposed lot split may trigger Code requirements to create turnaround (this will be determined at permitting). The subject property is located on the north end of the cul-de-sac of Goldenrod Street, a county-maintained roadway. The new vacant lot description will be Lot 2 and 3, Block 1, and a portion of the vacated right of way of Goldenrod Street as depicted on the provided survey and legal description.

On May 22, 1958, the subject property was established with the AU (Agricultural Residential) zoning classification.

Previous zoning actions:

Z-1083 AU to RU-1, Denied, July 1, 1963.

Z-2741 Special Use Permit for guesthouse with kitchen facilities, January 28, 1971.

Residential 15 (RES 15) is the original established FLU designation.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence	EU	RES 15
South	Single-family residence	AU	RES 15
East	Vacant/Single-family residence	RU-1-13, RU-1-9	RES 15, RES 6
West	Indian River	N/A	N/A

North of the subject property is a 1.65-acre parcel, developed with a single-family residence, which has EU zoning classification with RES 15 FLU designation.

South of the subject property is a single-family residence and a portion of a vacated right-of-way.

East of the subject property across South Tropical Trail are three parcels. The first parcel is 0.14 acres, developed with a single-family residence which has RU-1-9 zoning classification and RES 6 FLU designation. The second parcel is 1.89 acres, developed with a single-family residence and a poultry farm, AU zoning classification with RES 15 FLU designation. The third parcel is 2.58 acres, developed with a single-family residence and a plant nursery, AU zoning classification with RES 15 FLU designation.

West of the subject property is the Indian River.

EU zoning classification encompasses lands devoted to single-family residential development

of a spacious character, together with such accessory uses as may be necessary or are normally compatible with the surrounding residential. The minimum lot size is 15,000 square feet with a minimum lot width and depth of 100 feet. The minimum living area is 2,000 square feet.

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

RU-1-13 zoning classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on minimum 7,500 square foot lots, with minimum widths and depths of 75 feet. The minimum house size is 1,300 square feet. RU-1-13 does not permit horses, barns, or horticulture.

RU-1-9 classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on lots of 6,600 square feet (minimum). The minimum house size is 900 square feet

Future Land Use

The subject property's current AU zoning is consistent with the RES 15 FLU designation. The proposed RU-1-13 zoning is consistent with the existing RES 15 FLU designation.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

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

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.

The potential development of one additional single-family residence is not anticipated to diminish the enjoyment of safety or quality of life in the existing residential area. The proposed property split is compatible with the established residential character in the area. Any new development would need to meet Performance Standards defined by Sections 62-2251 through 62-2272 for hours of operations, lighting, odor, noise levels, traffic, or site activity.

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

Only a certified MAI (Master Appraiser Institute) appraisal can determine if material reduction has or will occur due to the proposed request.

- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns.

The historical land use patterns of the surrounding development can be characterized as predominantly single-family residences. Properties range in size from approximately 0.14 acres to 2.94 acres. There are approximately six properties in the immediate surrounding area with lots sizes larger than one acre.

West of S. Tropical Trail, within the segment lying between Moore Ave and Oak Grove Lane, has RES 15 FLU designation on the river. However, RES 6 FLU is the prominent designation in this area.

The predominant zoning classification is RU-1-13 on the west side of South Tropical Trail. The predominant zoning on the east side of South Tropical Trail is RU-1-9.

There are multiple parcels with RU-1-13 zoning located within a 0.5-mile radius of the subject property. The closest parcel with this zoning classification is abutting the subject property to the east.

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

There has been one development, a single-family residence, within a 0.5-mile radius during the preceding three years.

Zoning actions during the preceding three years:

- **22Z00002 rezoned from AU to RU-1-13 on April 7, 2022. The rezoning resulted in three nonconforming lots being converted to two conforming lots, which are currently undeveloped.**

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

There has been one development approved within the past three years that has not been constructed.

- **25Z00001 rezoned from BU-1-A (Restricted neighborhood commercial) to BU-2 (Retail, warehousing, and wholesale commercial)**

with a new binding development plan (BDP) on July 18, 2025. The BDP limits the use to indoor RV and boat storage as the only BU-2 use and all BU-1 uses.

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

No material violation of relevant policies has been identified.

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

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

The proposed use can be considered compatible with the existing character of the area. Preliminary concurrency indicates a 0.12% increase in MAV utilization.

- B. In determining whether an established residential neighborhood exists, the following factors must be present:

1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

The property is located in an existing platted residential neighborhood. There are clearly established roads and residential lot boundaries. The road boundaries are Victoria St. to the south and South Tropical Trail to the East.

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

The request is not for commercial use. It is located in a residential area.

3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

The area is primarily single-family residential along this portion of South Tropical Trail south of Cone Road. Commercial uses are predominantly found approximately 0.4 miles to the east along South Courtenay Parkway corridor.

Administrative Policy 7- Proposed use(s) shall not cause or substantially aggravate any (a) substantial drainage problem on surrounding properties; or (b) significant, adverse and unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

The subject property is part of a Type 3 Aquifer Recharge area, which is subject to impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance. The western portion of the property is located within the Coastal High Hazard Area (CHHA). This property is mapped as FEMA Special Flood Hazard Area (SFHA) AE. The entire property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. The subject property is located on the Indian River Lagoon, designated as a Class III Water in this location. Federally and/or state-protected species may be present on the property.

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

Preliminary Concurrency

The closest concurrency management segment to the subject property is South Tropical Trail from Plantation Rd. to Cone Rd., which has a Maximum Acceptable Volume (MAV) of 12,480 trips per day, an Acceptable Level of Service (ALOS) of E, and currently operates at 54.17% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.12%. The corridor is anticipated to operate at 54.29% of capacity daily. The addition of one single family dwelling unit will have a minimal impact on the level of service. This is only a preliminary review and is subject to change.

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 property has access to Brevard County Utilities for sewer service and the City of Cocoa for water service.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Coastal High Hazard Area
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Surface Waters of the State
- Land Clearing and Landscape Requirements
- Protected Species

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

For Board Consideration

The Board should consider whether the proposed zoning request is consistent and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 25Z00023

Applicant: Bruce Moia (Owner: Lawrence Crumley)

Zoning Request: AU to RU-1-13

Note: wants to split off 0.53-acre portion of existing 2.94 ac parcel

Zoning Hearing: 10/13/2025; **BCC Hearing:** 11/06/2025

Tax ID No.: 2501503 (portion of)

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Coastal High Hazard Area
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Surface Waters of the State
- Land Clearing and Landscape Requirements
- Protected Species

Land Use Comments:

Aquifer Recharge Soils

This property contains Paola fine sand, 0 to 8 percent slopes, classified as an aquifer recharge soil. Additionally, the mapped topographic elevations show that the property falls within a Type 3 Aquifer Recharge area, which is subject to impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Coastal High Hazard Area

The western portion of this property is located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The Coastal Management Element of the Comprehensive Plan, Policy 6.1, designates Coastal High Hazard Areas to be those areas below the elevation of the Category 1 storm surge elevation as defined in Chapter 163, Florida Statute. Objective 7 of the

Coastal Management Element aims to limit densities within the coastal high hazard area and direct development outside of this area.

Floodplain Protection

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

Indian River Lagoon Nitrogen Reduction Septic Overlay

The entire property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - 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. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Surface Waters of the State

The subject property is located on the Indian River Lagoon, designated as a Class III Water in this location. A 25-foot Surface Water Protection Buffer is required. Primary structures shall be located outside the Buffer. Accessory structures are permissible within the Buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). The removal of native vegetation located within the Buffer is prohibited unless approved through an active development order. Temporary impacts to native vegetation require in-kind restoration. The Florida Department of Environmental Protection (FDEP) regulates mangrove trimming and can be reached at 407-897-4101. The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.

Land Clearing and Landscape Requirements

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen tree preservation. Land clearing is not permitted without prior authorization by NRM. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

Protected Species

Federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable.

The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.

LOCATION MAP

CRUMLEY, LAWRENCE

25Z00023



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC. (c) OpenStreetMap contributors, and the GIS User Community



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.

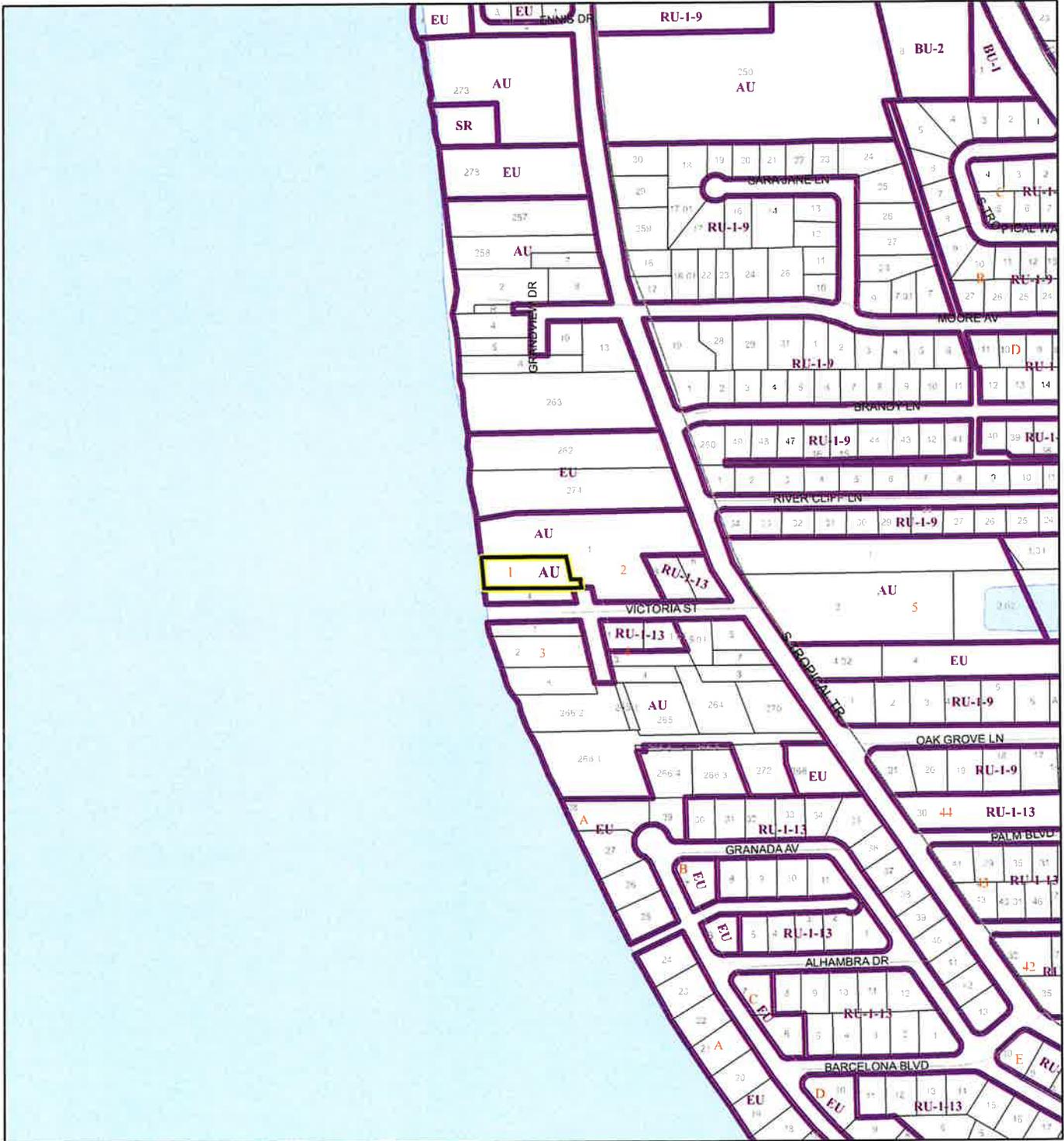
Produced by BoCC - GIS Date: 8/7/2025

-  Buffer
-  Subject Property

ZONING MAP

CRUMLEY, LAWRENCE

25Z00023



1:4,800 or 1 inch = 400 feet

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 Subject Property

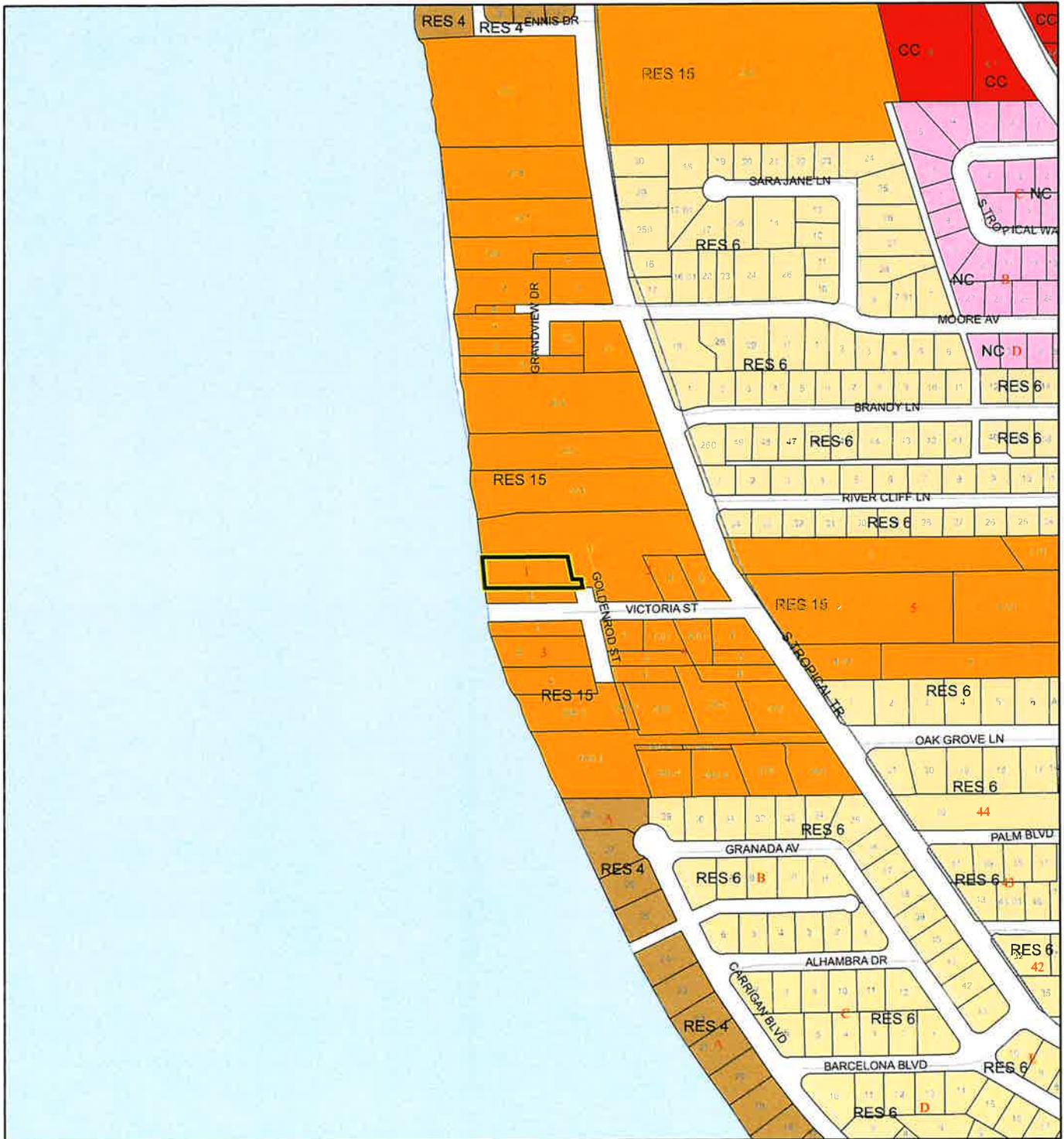
 Parcels

 Zoning

FUTURE LAND USE MAP

CRUMLEY, LAWRENCE

25Z00023



1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels

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AERIAL MAP

CRUMLEY, LAWRENCE

25Z00023



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2025

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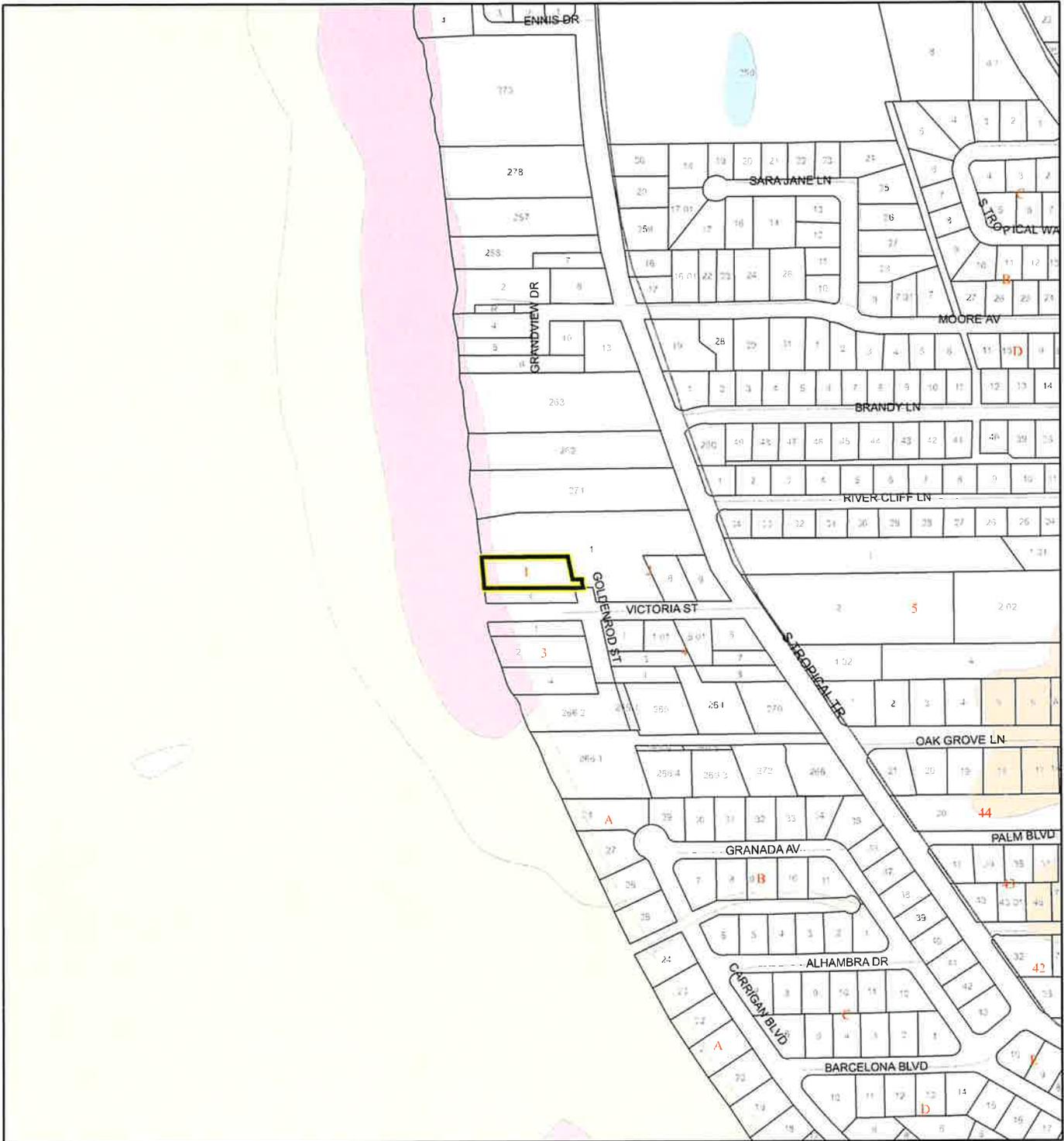
 Subject Property

 Parcels

NWI WETLANDS MAP

CRUMLEY, LAWRENCE

25Z00023



1:4,800 or 1 inch = 400 feet

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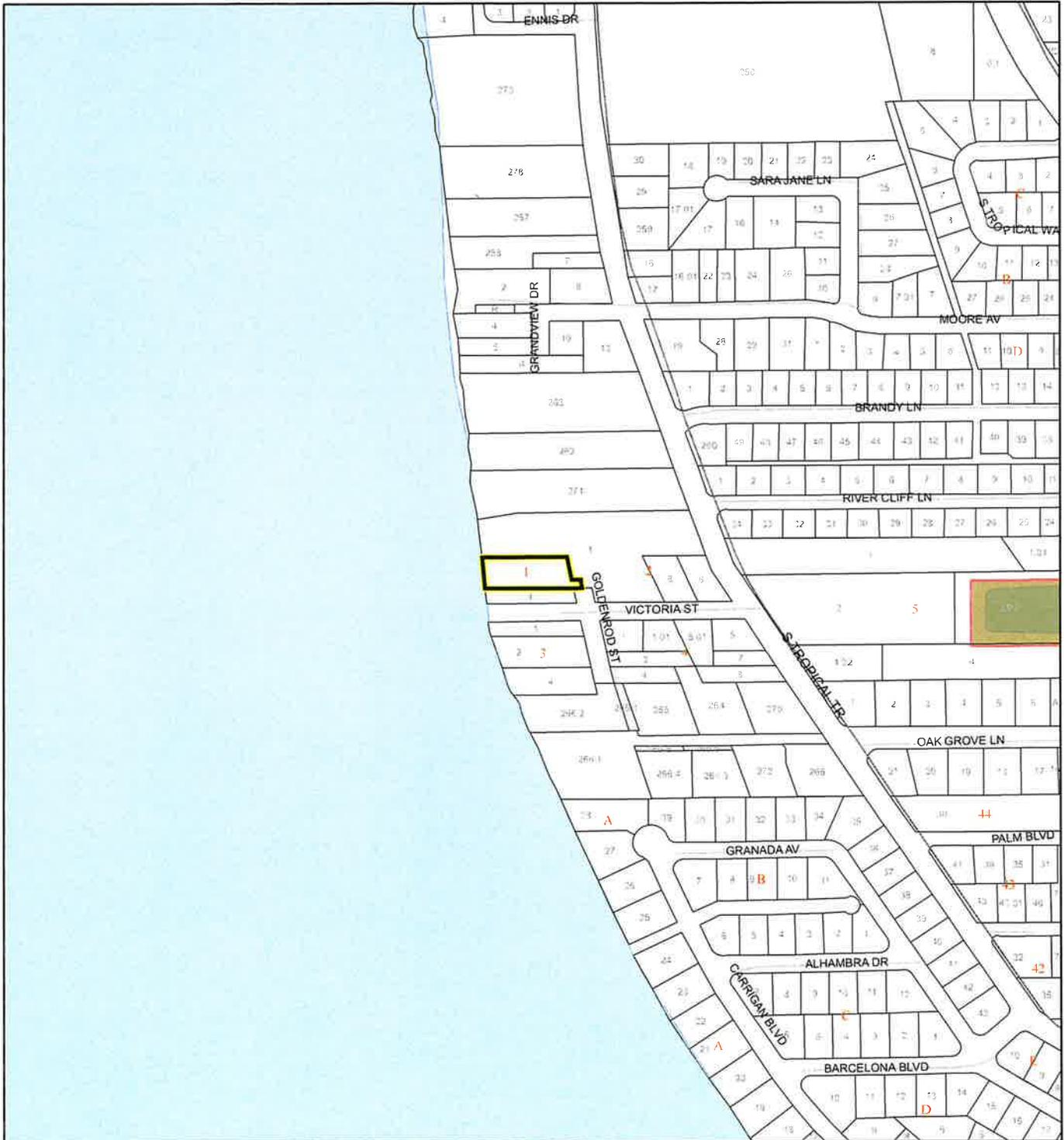
Produced by BoCC - GIS Date: 8/7/2025

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

CRUMLEY, LAWRENCE
25Z00023



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2025

SJRWMD FLUCCS WETLANDS

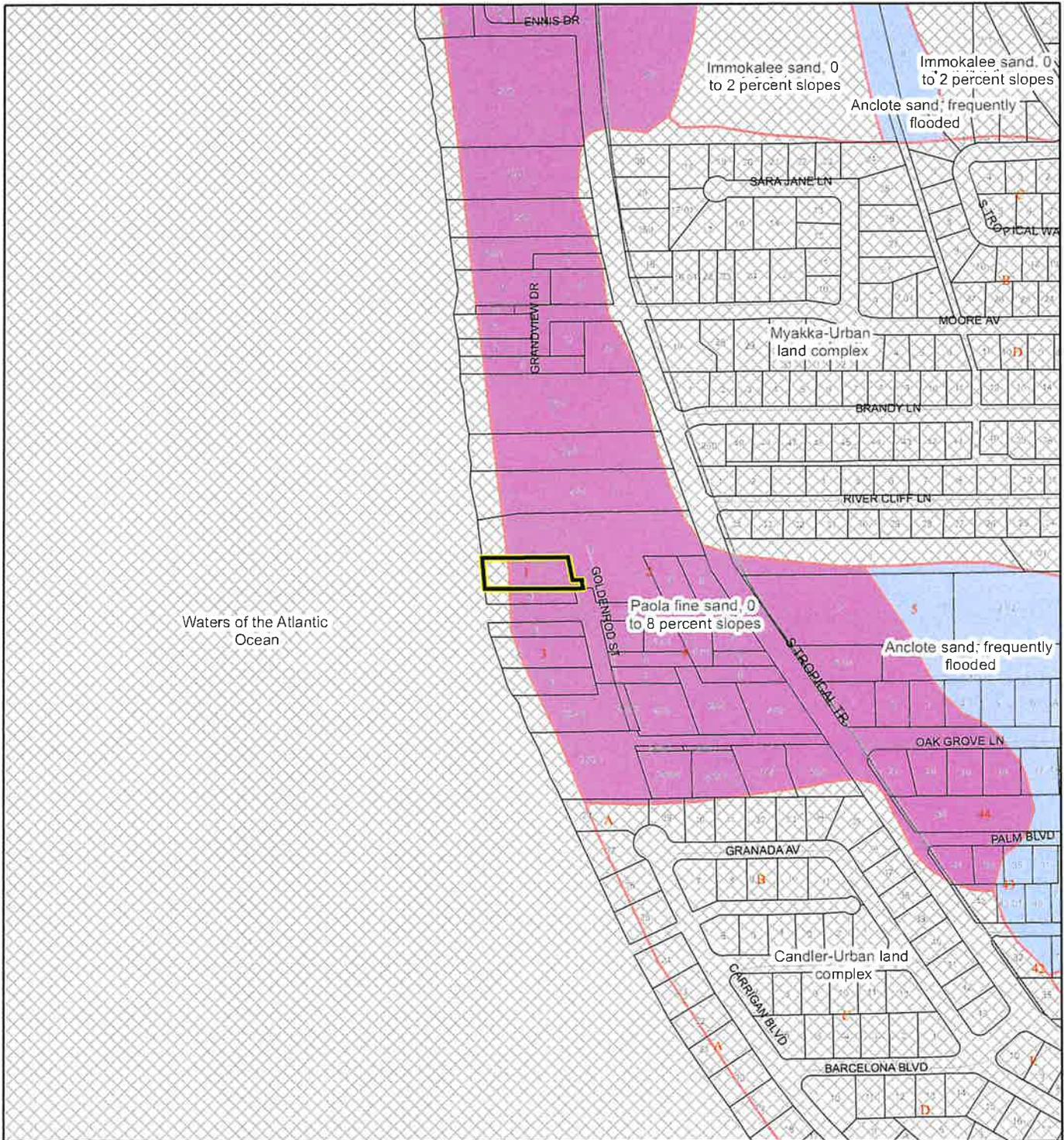
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property Parcels

USDA SCSSS SOILS MAP

CRUMLEY, LAWRENCE

25Z00023



1:4,800 or 1 inch = 400 feet

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USDA SCSSS Soils

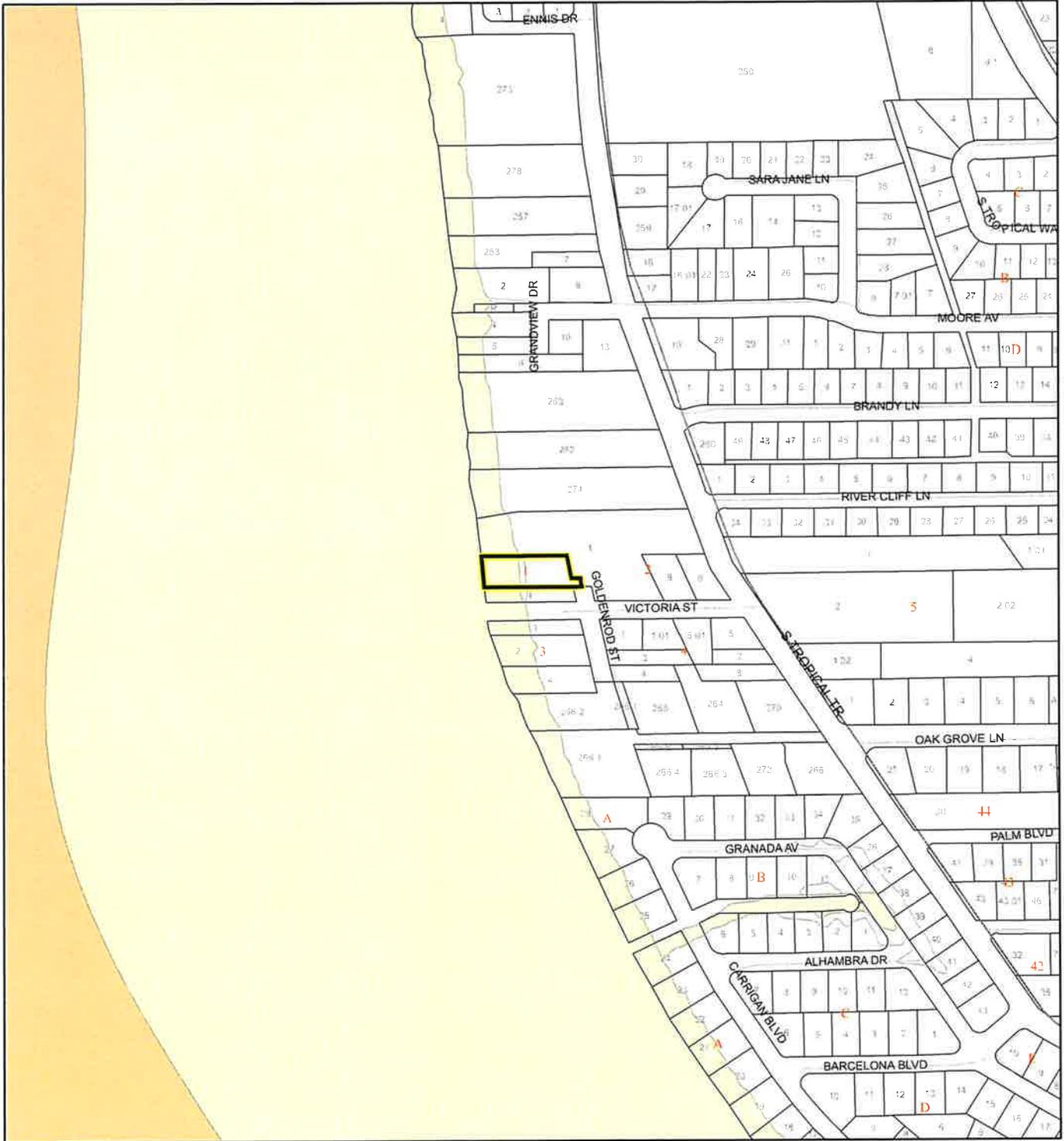
-  Aquifer and Hydric
-  Aquifer
-  Hydric
-  None

-  Subject Property
-  Parcels

FEMA FLOOD ZONES MAP

CRUMLEY, LAWRENCE

25Z00023



1:4,800 or 1 inch = 400 feet

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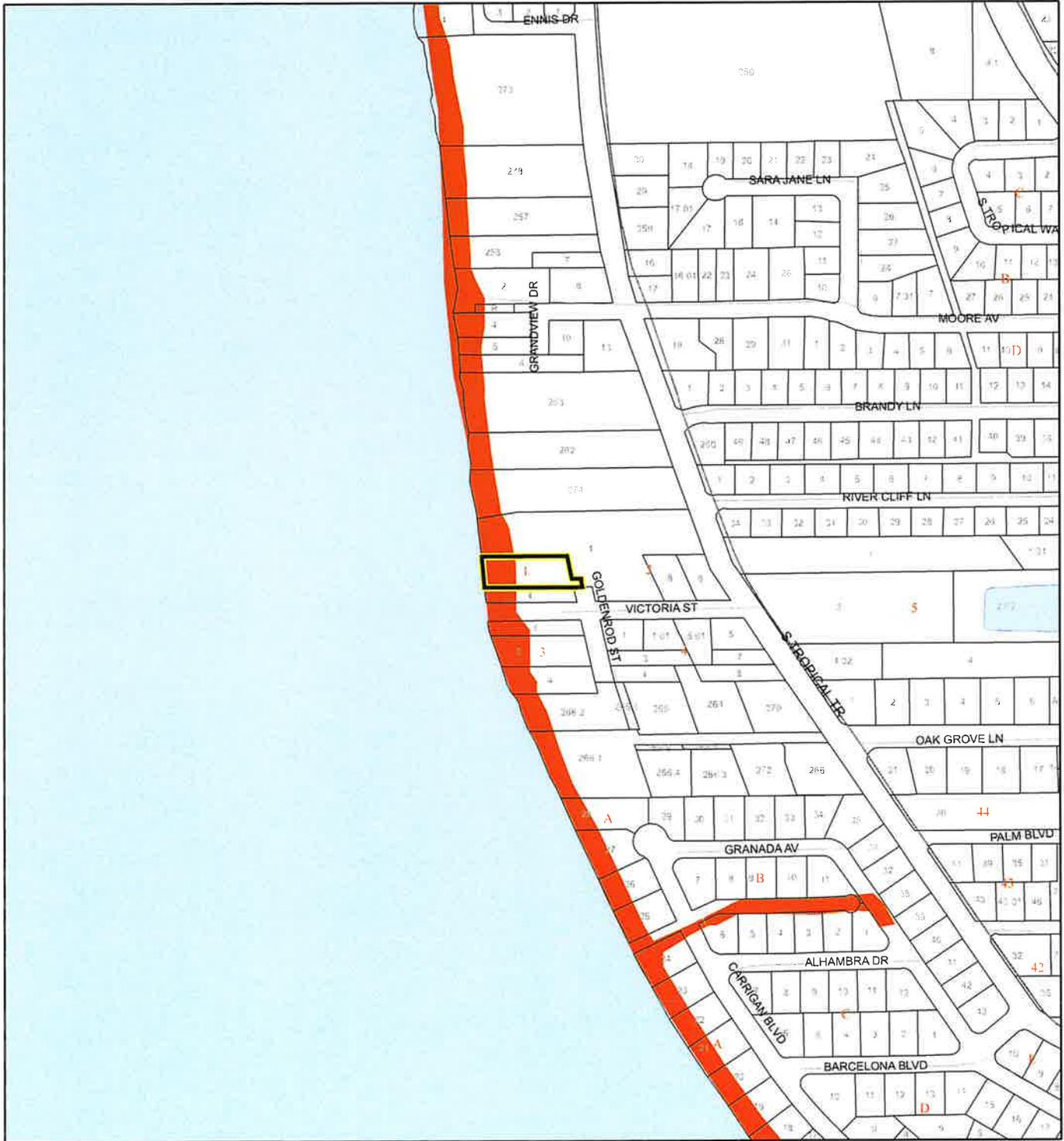
Produced by BoCC - GIS Date: 8/7/2025

- FEMA Flood Zones**
- A
 - AO
 - Open Water
 - AH
 - VE
 - Subject Property
 - Parcels
 - X

COASTAL HIGH HAZARD AREA MAP

CRUMLEY, LAWRENCE

25Z00023



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

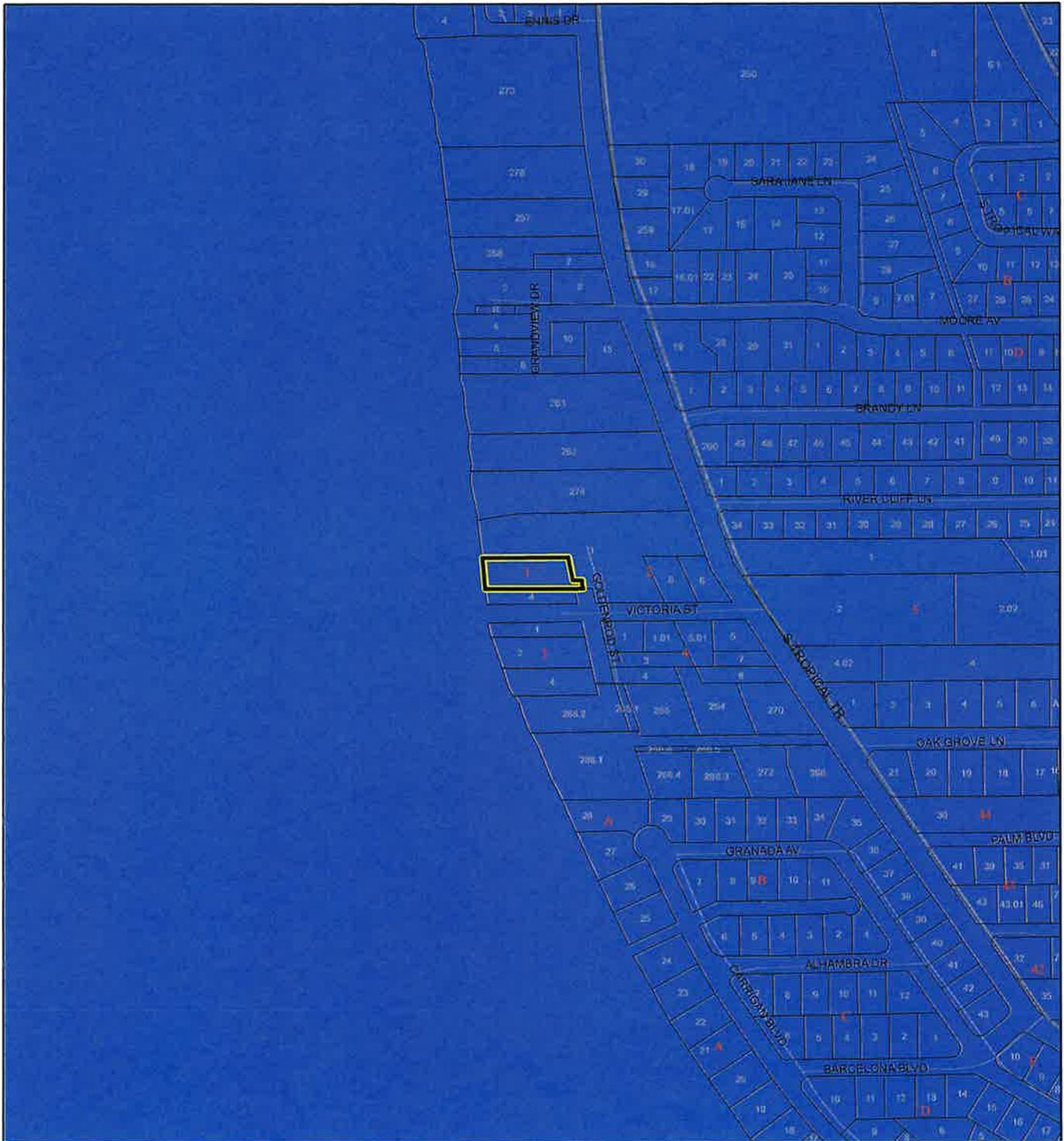
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

CRUMLEY, LAWRENCE

25Z00023



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

Septic Overlay

 40 Meters

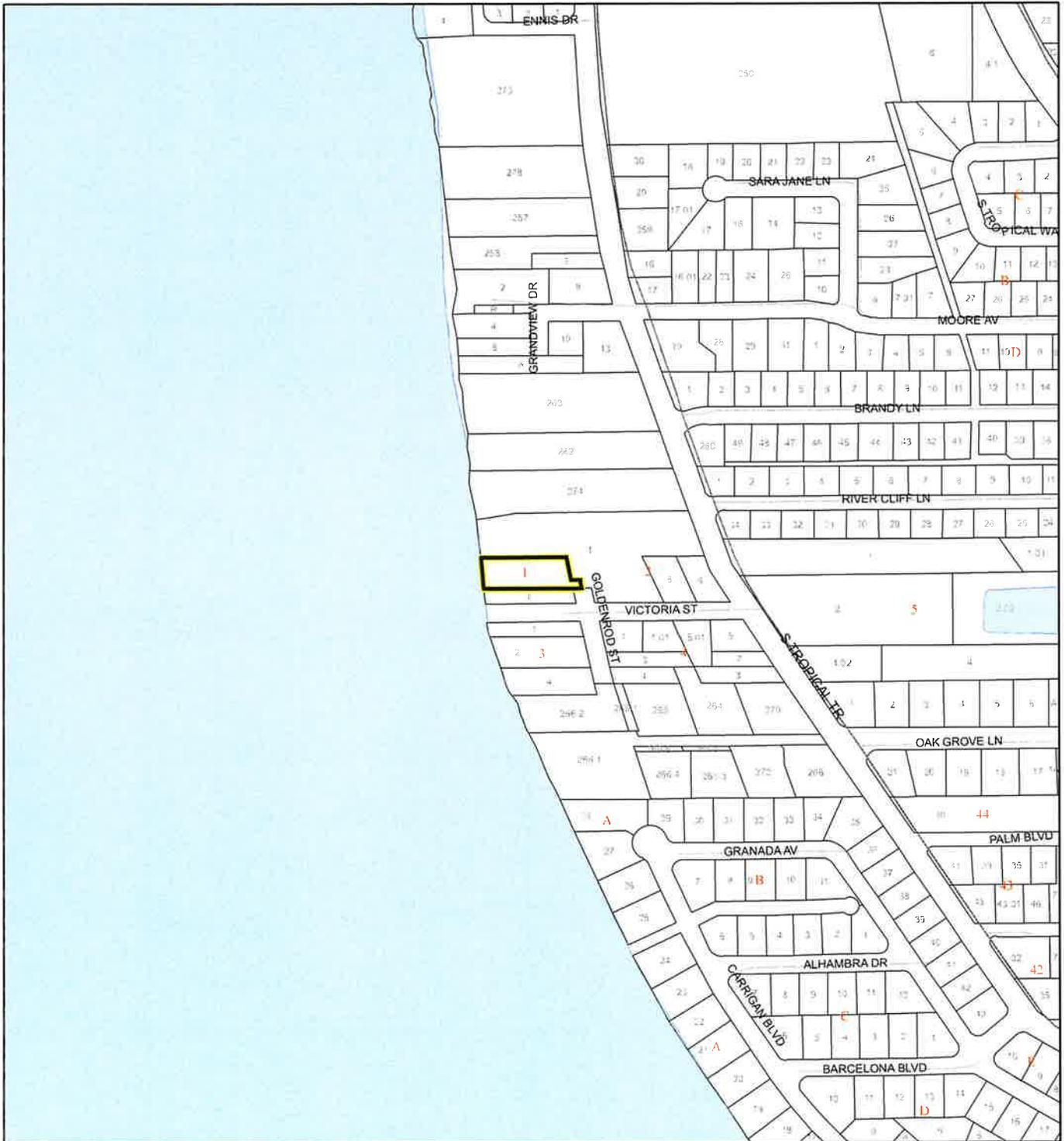
 60 Meters

 All Distances

EAGLE NESTS MAP

CRUMLEY, LAWRENCE

25Z00023



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2025

 Subject Property

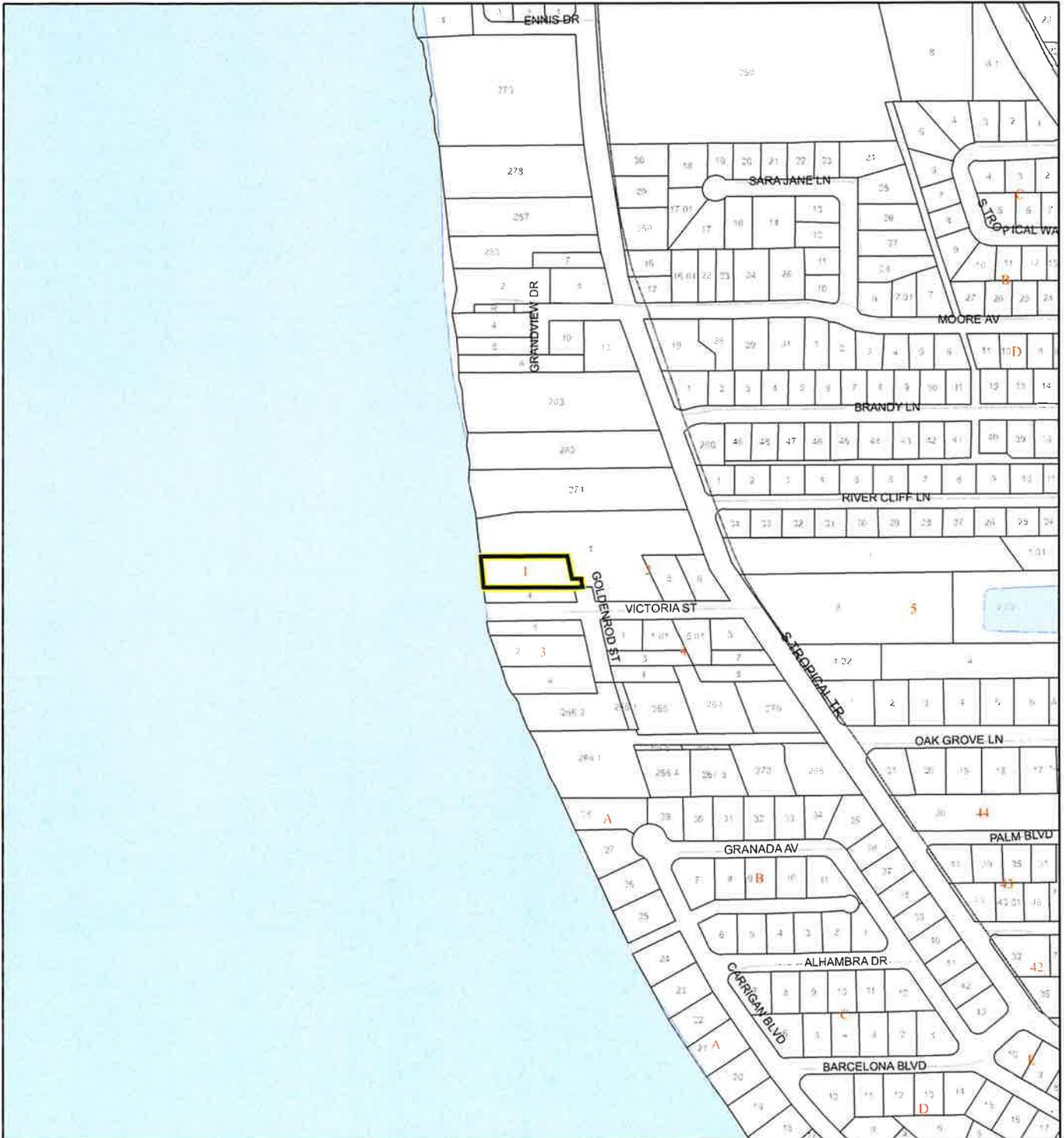
 Parcels

 Eagle Nests FWS

SCRUB JAY OCCUPANCY MAP

CRUMLEY, LAWRENCE

25Z00023



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2025

 Subject Property

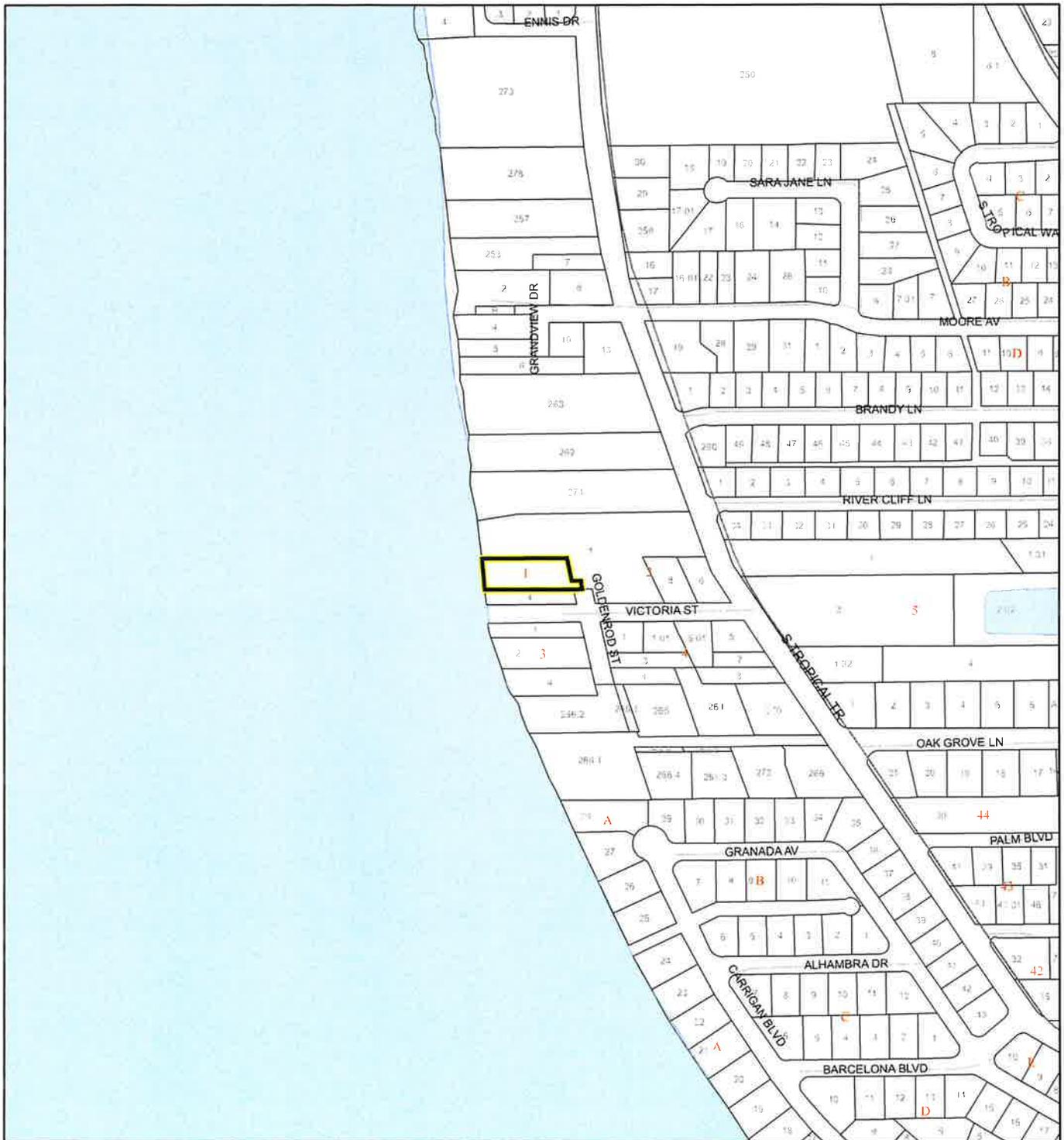
 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

CRUMLEY, LAWRENCE

25Z00023



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/7/2025

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

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, October 13, 2025**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Ron Bartcher (D2); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Robert Brothers (D5); Melissa Jackson (D5); and Eric Michajlowicz (3).

Staff members present were Billy Prasad, Planning & Development Manager; Trina Gilliam, Planning and Zoning Manager; Paul Body, Planner; George Ritchie, Planner; Alex Esseeesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

EXCERPT OF COMPLETE AGENDA

H.2. Lawrence Crumley requests a change of zoning classification from AU to RU-1-13. (25Z00023) (Tax Account 2501503) (District 2)

Ms. Gilliam read the item into the record.

Bruce Moia spoke to the application. He is the president of MVB Engineering and is representing the applicant. We're proposing today to do a one-time lot split of the main parcel on South Tropical Trail, create a buildable single family residential lot, rezone it to RU-1-13, which is compatible to a couple lots that are to the east and to the south, so that he can build a house. The plan is the neighbor to the north wants to buy it and build a house for his son so he can take care of him in his older years. I think it should be straightforward. So, if you have any questions, I'm happy to answer them.

No Public Comment

Ruth Amato stated it says this is for 0.51 acres of a 3.03-acre lot. So, we're sectioning off the 0.5 acres from the whole 3 acres to build a second home.

Mr. Moia responded right.

Mr. Hopengarten commented access on Golden Rod.

Mr. Moia responded that would be their legal access. Yes.

Mr. Hopengarten asked is that paved?

Mr. Moia responded it is. It's an existing driveway entrance for the main lot. So, they're going to share the entrance.

Mr. Hopengarten commented okay, I couldn't tell on the map. The name was covering over it and I couldn't tell if it was all the way through.

Motion to recommend approval of item H.2. by Jarred Atkins, seconded by Henry Minneboo. Motion passed with a vote of 8:1.

Meeting adjourned at 3:40 p.m.

Board Meeting Date

11-4-25

Item Number: H. 5

Motion By: KA

Second By: KD

Nay By: _____

Commissioner	DISTRICT	AYE	NAY
Commissioner Delaney	1	✓	
Vice Chair Goodson	2		
Commissioner Adkinson	3	✓	
Commissioner Altman	5	✓	
Chairman Feltner	4	✓	