



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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G.2.

5/2/2024

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### Subject:

Christopher Strozier requests a change of zoning classification from RU-1-9 to RU-1-11. (23Z00086) (Tax Account 2104016) (District 1)

### Fiscal Impact:

None

### Dept/Office:

Planning and Development

### Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from RU-1-9 (Single-Family Residential) to RU-1-11 (Single Family Residential).

### Summary Explanation and Background:

The applicant is requesting to rezone the property from RU-1-9 (Single-Family Residential) to RU-1-11 (Single-Family Residential) to have the zoning classification consistent and compatible with the RES 4 (Residential 4) Future Land Use Map designation. This will allow for future development of one single family residence. Currently, the existing RU-1-9 zoning classification is not consistent with the RES 4 (FLUM) designation per 62-1255. Rezoning this property will correct this inconsistency.

The subject property is currently a vacant lot. Based on the best available date, the lot was created in 1960 and does not qualify as a non-conforming lot of record because at that time, it did not meet the lot width. The surrounding properties have been developed as single-family residences and were typically constructed in the 1960's.

Additionally, the applicant applied for variance for the lot width, to permit a 13% deviation for the lot width in a RU-1-11 zoning classification. The variance was approved on March 20, 2024, by the Board of Adjustment (BOA).

There are no parcels with RU-1-11 zoning located within the 0.5-mile radius of the subject property. The request could be considered an introduction of a new zoning classification in the area (spot zoning). However, the request provides consistency with the FLUM and zoning classification. It will also recognize existing development trends.

The Board may wish to consider if the request is consistent and compatible with the surrounding area. The Board may also consider reconciling the existing development with current land use and zoning requirements.

On April 15, 2024, the Planning and Zoning Board heard the request and unanimously recommended approval.

**Clerk to the Board Instructions:**

None

## **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  
Viera, Florida 32940  
(321)633-2070 Phone / (321)633-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS**

**23Z00086**

**Christopher Strozier**

**RU-1-9 (Single-Family Residential) to RU-1-11 (Single-Family Residential)**

Tax Account Number: 2104016

Parcel I.D. 21-35-18-00-779

Location: 2466 Kaiser Road, Mims, FL 32754 (District 1)

Acreage: 0.31 acres

Planning & Zoning Board: 04/15/2024

Board of County Commissioners: 05/02/2024

**Consistency with Land Use Regulations**

- Current zoning cannot be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	RU-1-9	RU-1-11
<b>Potential*</b>	1 single-family	1 single-family
<b>Can be Considered under the Future Land Use Map</b>	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 has requested a change of zoning classification from RU-1-9 (Single-family Residential) to RU-1-11 (Single-family residential) to allow a zoning consistent with the RES 4 FLUM designation. The applicant intends to construct a new single-family residence on this property.

On May 22, 1958, Brevard County adopted the zoning code, and the subject parcel was established with the zoning classification of RU-1, Single-Family Residential Zone. Based on the best available date, the lot was created in 1960 and does not qualify as a non-conforming lot of record.

This lot has not been platted. It is the only vacant lot in this small neighborhood. The surrounding properties have been developed as single-family residences and were typically constructed in the 1960's.

On June 1, 1972, the zoning classification RU-1 was replaced with the RU-1-9, Single-Family Residential zoning classification.

On September 8, 1988, Brevard County established the Comprehensive Plan and the Future Land Use Map (FLUM) and the parcel was established with the RES 4 Future Land Use. The RES 4 FLU is not consistent/compatible with the RU-1-9 zoning classification. Per section 62-1188(5) the parcel was considered nonconforming to the RES 4 FLU as the parcel was of record in the Official Record Books of the County when the Comprehensive Plan was established.

On March 20, 2024, the Board of Adjustment approved a 10-foot variance to the minimum lot width requirement of 75 feet required by RU-1-11 zoning regulations under Variance application (**23V00047**).

### Surrounding Area

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	Single-family residence	RU-1-9	RES 4
<b>South</b>	Single-family residence	RU-1-9	RES 4
<b>East</b>	Single-family residences.	RU-1-9	RES 4
<b>West</b>	Vacant single-family property FPL substation	AU	RES 1

The current RU-1-9 classification permits single family residences on minimum 6,600 square foot lots, with a minimum width of 66 feet and depth of 100 feet. The minimum house size is 700 square feet. It was rezoned administratively by the Board of County Commissioners under zoning file Z2980 which became effective June 1, 1972.

The proposed RU-1-11 classification permits single-family residences on a minimum of 7,500 square foot lots with a minimum width of 75 feet and depth of 75 feet. The minimum house size is 1,100 square feet.

AU zoning classification permits single-family residences and agricultural uses on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750

square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

### **Future Land Use**

The subject property is currently designated as Residential 4 (RES 4) FLUM designation. The current RU-1-9 zoning is not consistent with the existing RES 4 FLUM designation. The proposed RU-1-11 zoning is consistent with the existing RES 4 FLUM designation.

The applicant's request can be considered consistent with the existing Future Land Use. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

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

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

Criteria:

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

**The applicant intends to construct a single-family residence on this vacant property. The request is not anticipated to diminish the enjoyment of, safety or quality of life in the existing residential area.**

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

**Only a certified MAI (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 single-family residences on properties 0.24 acres to 1.61 acres in size.**

**There are four (4) FLU designations (RES 1, RES 4, NC, and CC) within a 0.5-mile radius of the subject property. RES 4 is the prominent FLU in this area although commercial land uses are prominent along the US Highway 1 corridor which is within the 0.5-mile radius of the subject.**

**There are multiple zoning classifications within a 0.5-mile radius of the subject. They include AU, RR-1, SR, RU-1-7, RU-1-9 and RU-1-13 residential zones, BU-1 and BU-2 commercial zoning classifications, IN(L) institutional low intensity and GML government managed land classifications.**

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

**There has been no development within 0.5 miles during the preceding three years.**

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

**While there has been no development approved within the past three years that has not been constructed, there have been two zoning actions, 23Z00006 and 23Z00041, within a half-mile of the subject property within the last three years. These are adjacent properties located on US Highway 1 which were rezoned to BU-2, Retail, Warehousing and Wholesale Commercial with Binding Development Plans that allow a self-storage, mini-warehouse with outdoor storage of recreational vehicles and boats.**

- 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.

**There are no parcels with RU-1-11 zoning located within the 0.5-mile radius of the subject property. The request could be considered an introduction of a new zoning classification in the area (spot zoning), however, the request provides consistency with the FLUM and zoning classification. It will also recognize existing development trends. RU-1-11 requires a larger lot and dwelling size than RU-1-9.**

**The request is not anticipated to materially or adversely impact the surrounding**

**established residential 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.

**The property is not located in an existing platted residential neighborhood. There are clearly established roads and residential lot boundaries. The road boundaries are Smith Road to the north, Folsom Road (Singleton Ave extension) to the east, West Main Street.**

**(State Road 46) to the south and the Florida Power and Light substation to the west.**

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 for single-family residential zoning in an existing single-family residential neighborhood.**

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

**The area is primarily single-family residential with commercial zoning located exclusively along the US Highway 1 corridor to the east.**

**Preliminary Concurrency**

The closest concurrency management segment to the subject property is SR46 from Interstate 95 to US 1, which has a Maximum Acceptable Volume (MAV) of 14,160 trips per day, an Acceptable Level of Service (ALOS) of D, and currently operates at 78% of capacity daily. The addition of one single-family dwelling unit will have a minimal impact on level of service. Specific concurrency issues will be addressed at the time of building permit review. 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.

There is a County sanitary sewer force main along Smith Road, just to the north of the property. There are County potable water service lines along Kaiser Road that will serve

the property.

## **Environmental Constraints**

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

- Protected and Specimen Trees – Unpermitted Land Clearing
- Protected Species

Information available to NRM indicates that unpermitted land clearing activities may have occurred on this parcel between 2021 and 2022. The confirmation of unpermitted land clearing activities may result in code enforcement action.

NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

### **For Board Consideration**

The Board should consider whether the proposed zoning request is consistent and compatible with the surrounding area. The Board may also consider reconciling the existing development with current land use and zoning requirements.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Zoning Review & Summary  
Item No. 23Z00086**

**Applicant:** Christopher Strozier (Owner: Universal Investment & Solutions LLC)

**Zoning Request:** RU-1-9 to RU-1-11

**Note:** To be consistent with RES 4 FLU

**Zoning Hearing:** 02/12/2024; **BCC Hearing:** 03/07/2024

**Tax ID No.:** 2104016

- 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:**

- Protected and Specimen Trees – Unpermitted Land Clearing
- Protected Species

Information available to NRM indicates that unpermitted land clearing activities may have occurred on this parcel between 2021 and 2022. The confirmation of unpermitted land clearing activities may result in code enforcement action.

**Land Use Comments:**

**Protected and Specimen Trees**

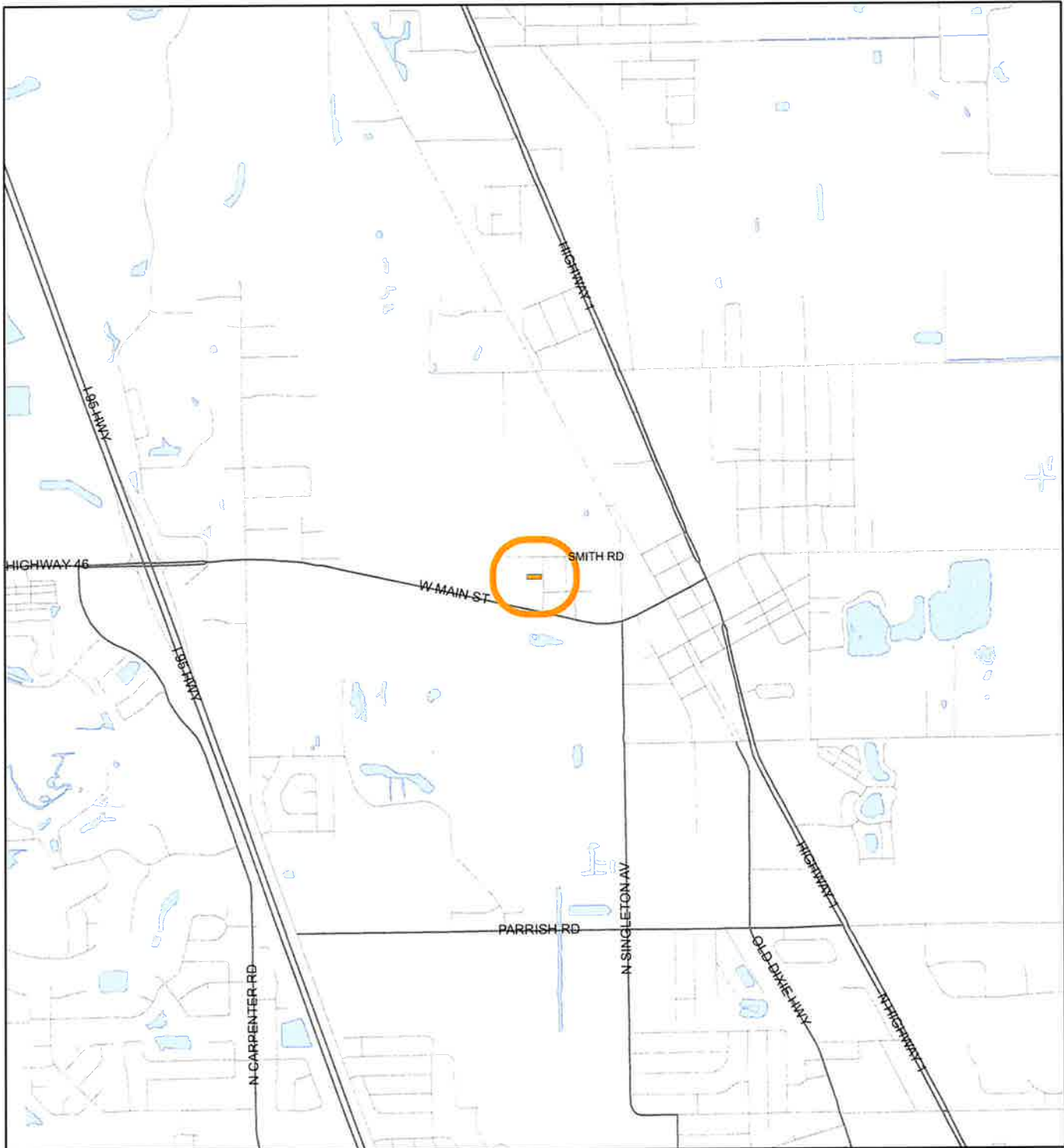
Protected and Specimen Trees likely exist on the parcel. Brevard County Landscaping, Land Clearing and Tree Protection ordinance Section 62-4337, entitled Permit Application Requirements and Review Process, states that a permit shall be required prior to any land clearing activities unless exempt. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. The confirmation of unpermitted land clearing activities may result in code enforcement action. **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. If applicable, 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 prior to any plan, permit submittal, or development activity, including land clearing, as applicable.

LOCATION MAP  
UNIVERSAL INVESTMENT & SOLUTIONS LLC  
23Z00086



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

Buffer Distance: 500 feet

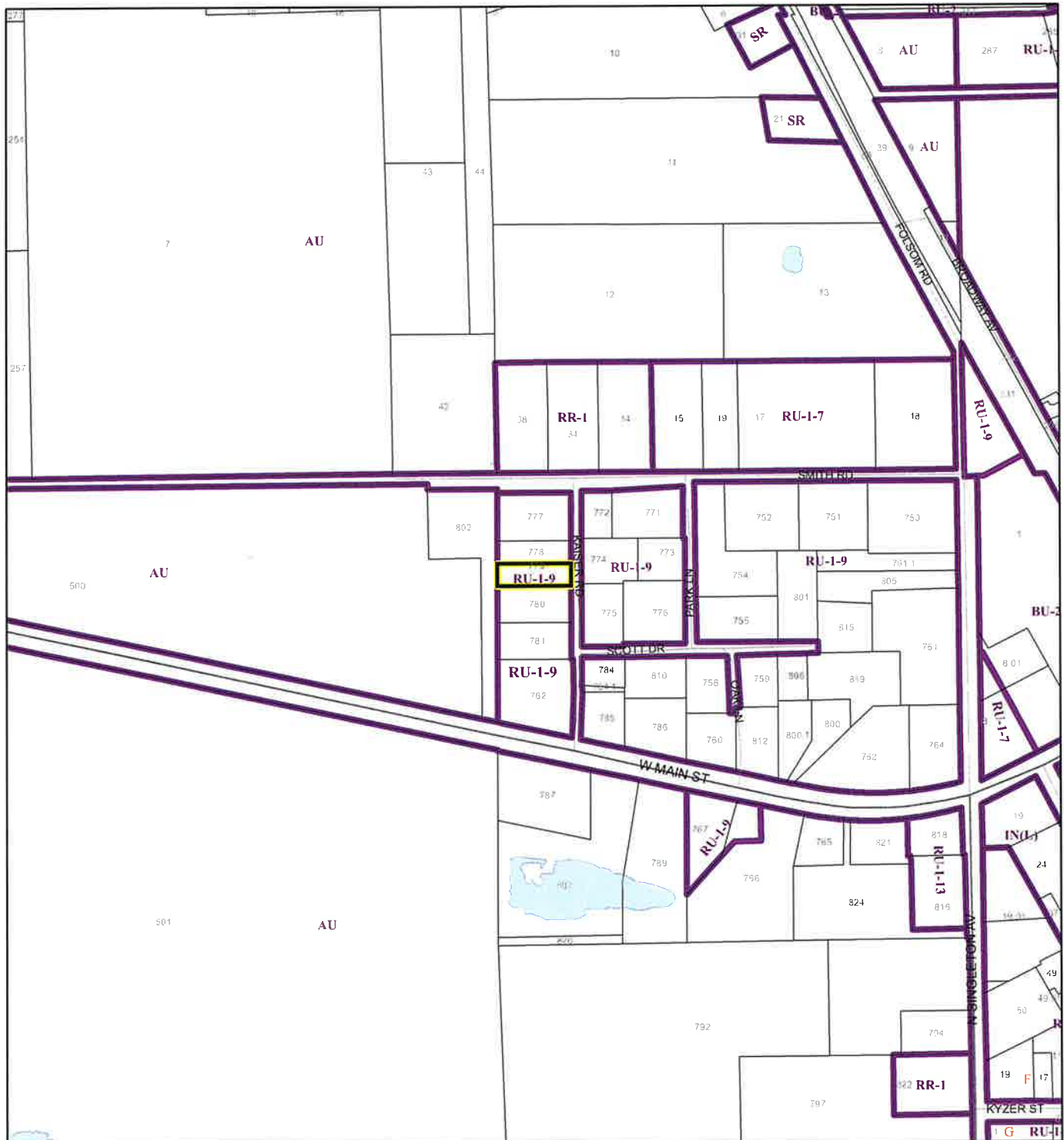
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/5/2023

- Buffer
- Subject Property

# ZONING MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC  
23Z00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/5/2023

Subject Property

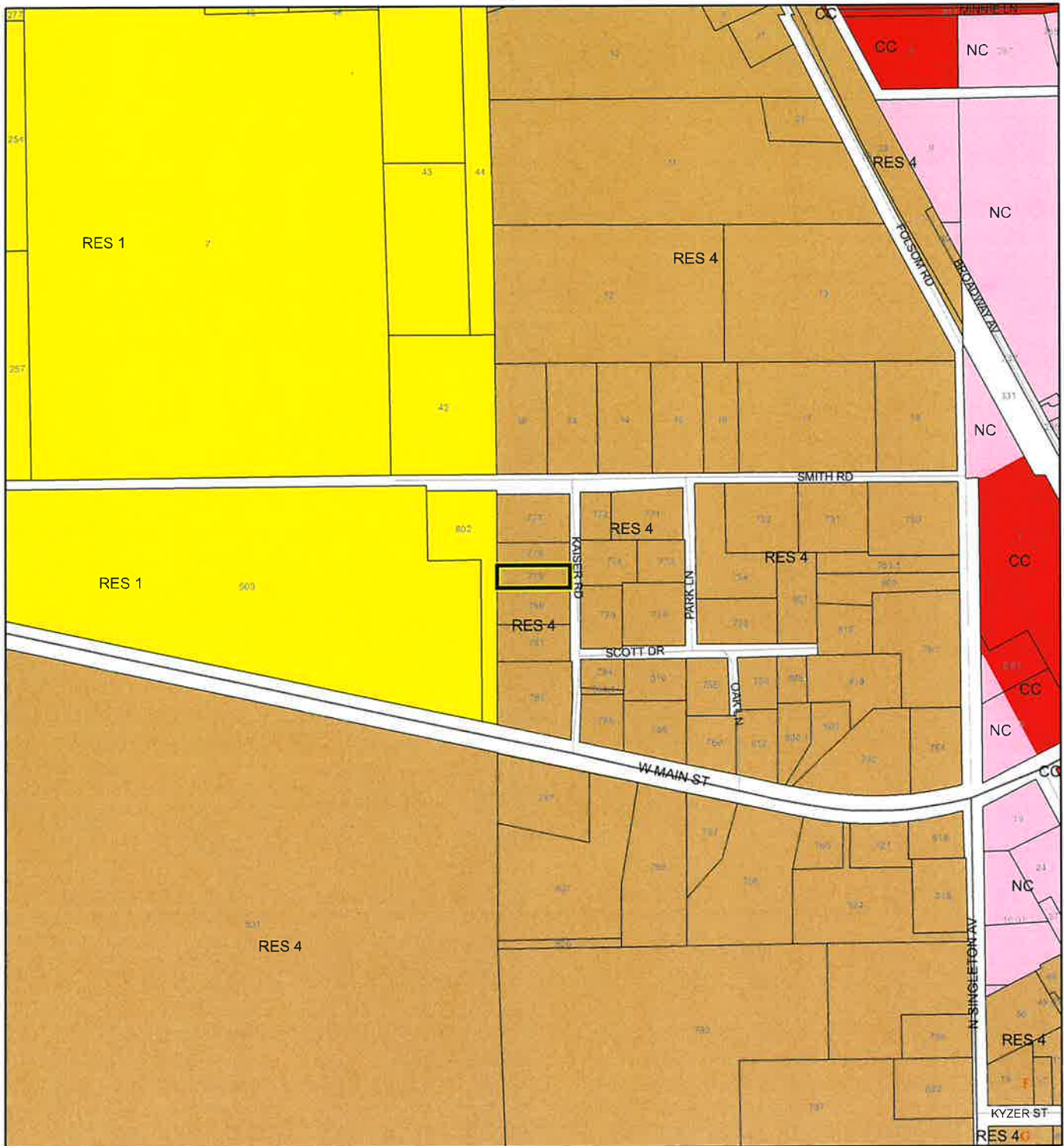
Parcels

Zoning

# FUTURE LAND USE MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086



1:4,800 or 1 inch = 400 feet

— Subject Property  
 □ Parcels

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Produced by BoCC - GIS Date: 12/5/2023

# AERIAL MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086



1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2023

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

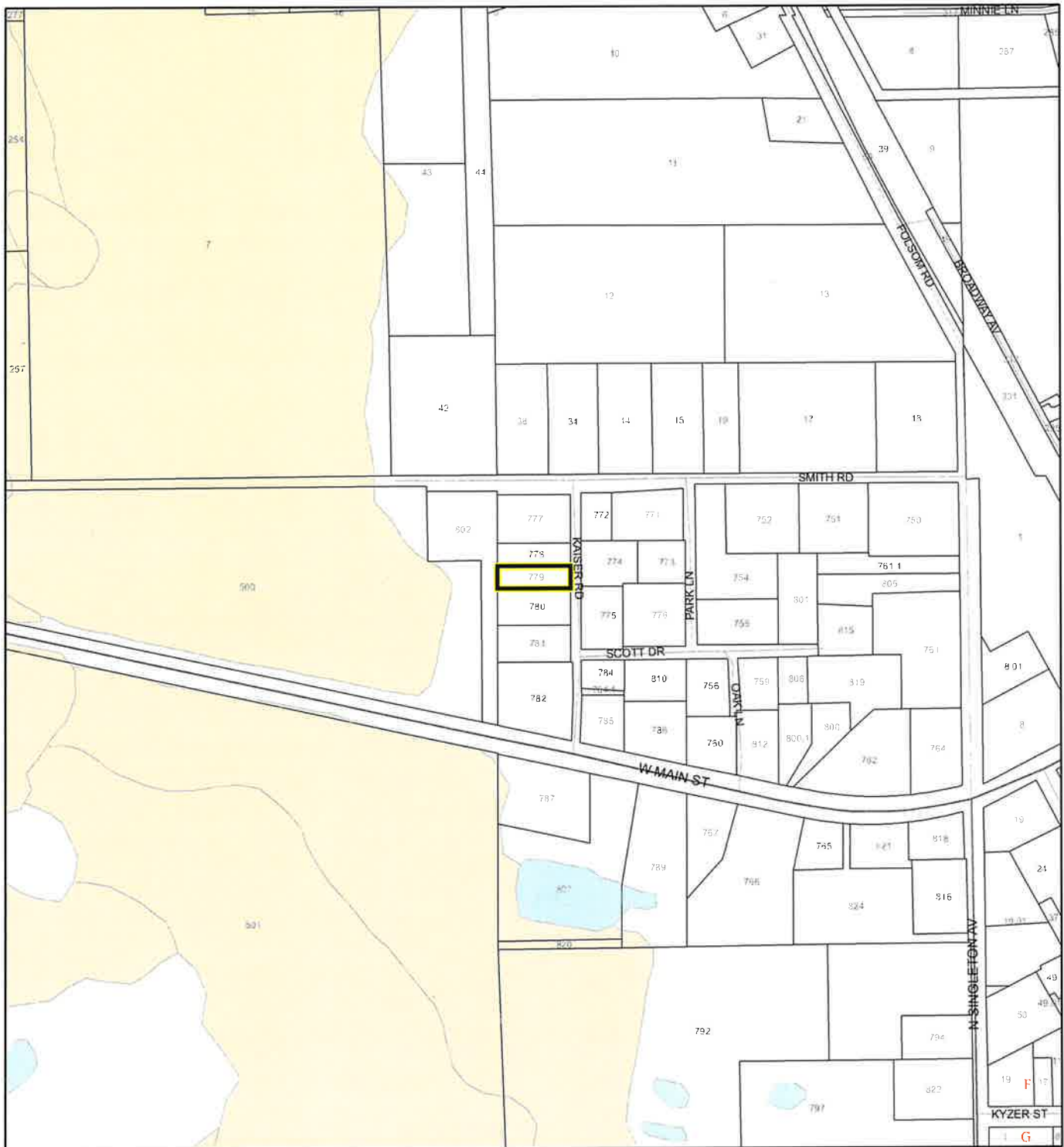
Produced by BoCC - GIS Date: 12/5/2023

 Subject Property

 Parcels

# NWI WETLANDS MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC  
23Z00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/5/2023

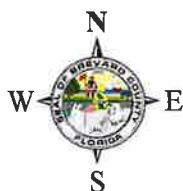
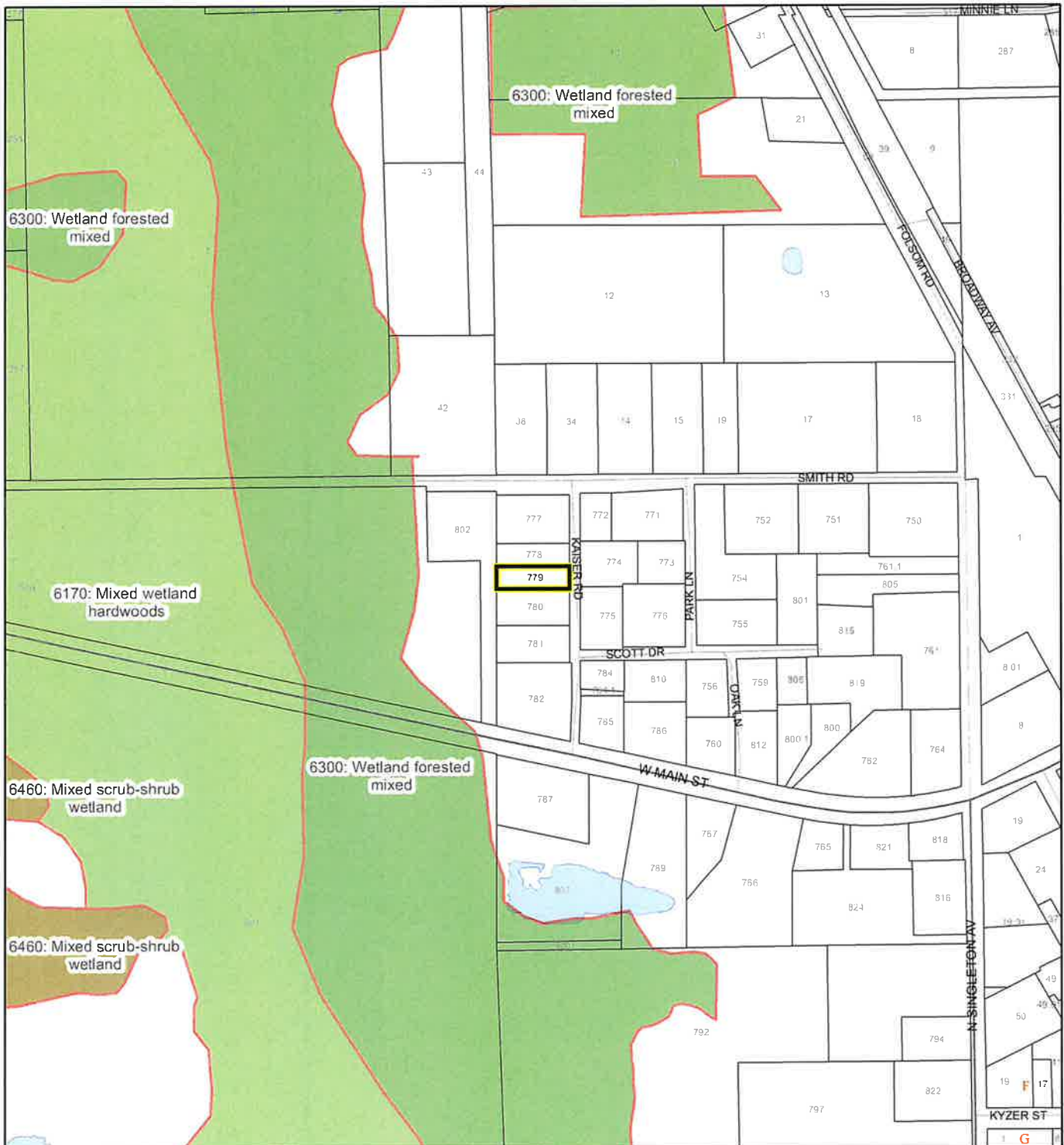
## National Wetlands Inventory (NWI)

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

# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/5/2023

## 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

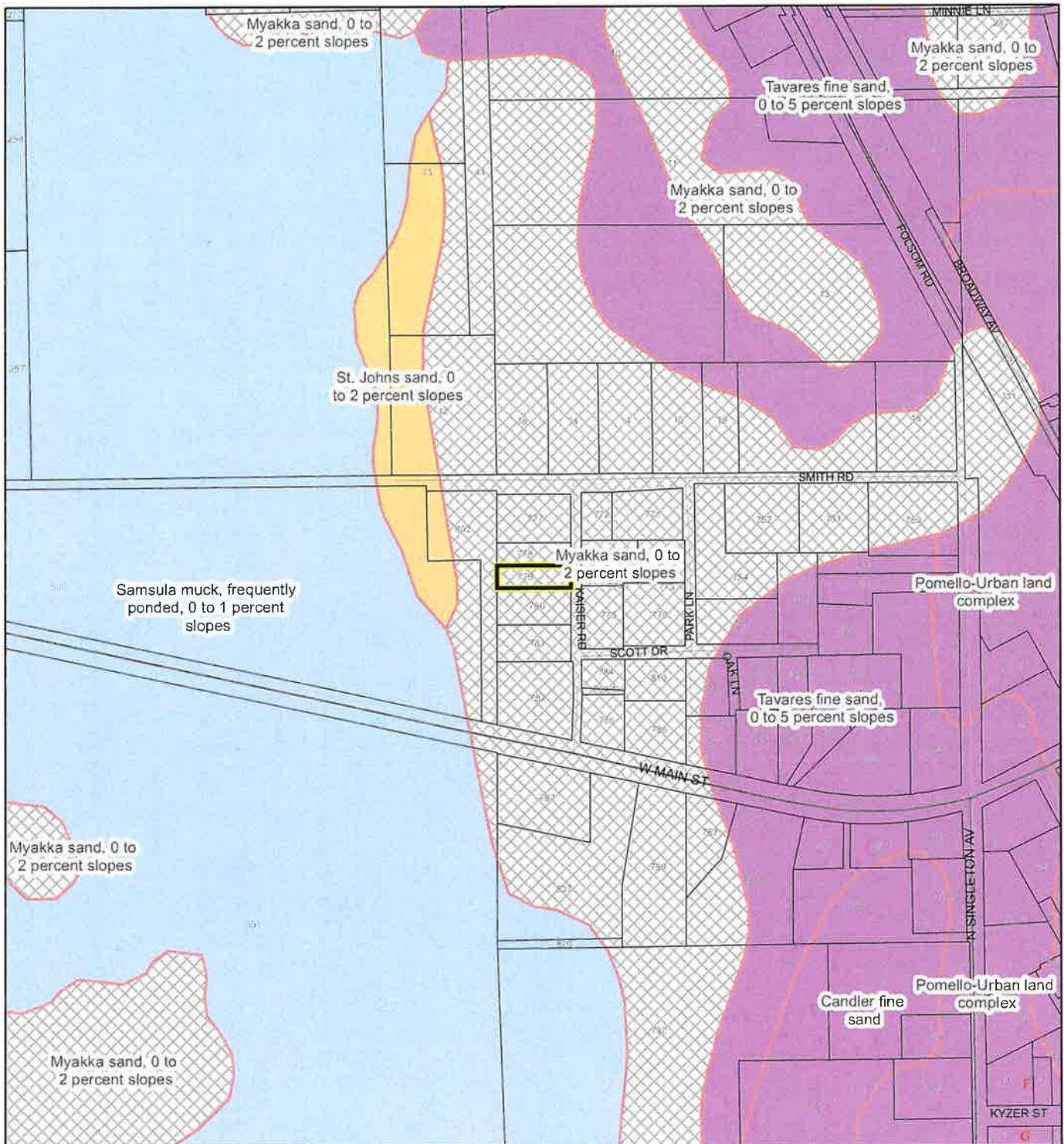
Subject Property

Parcels

# USDA SCSSS SOILS MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/5/2023

## USDA SCSSS Soils

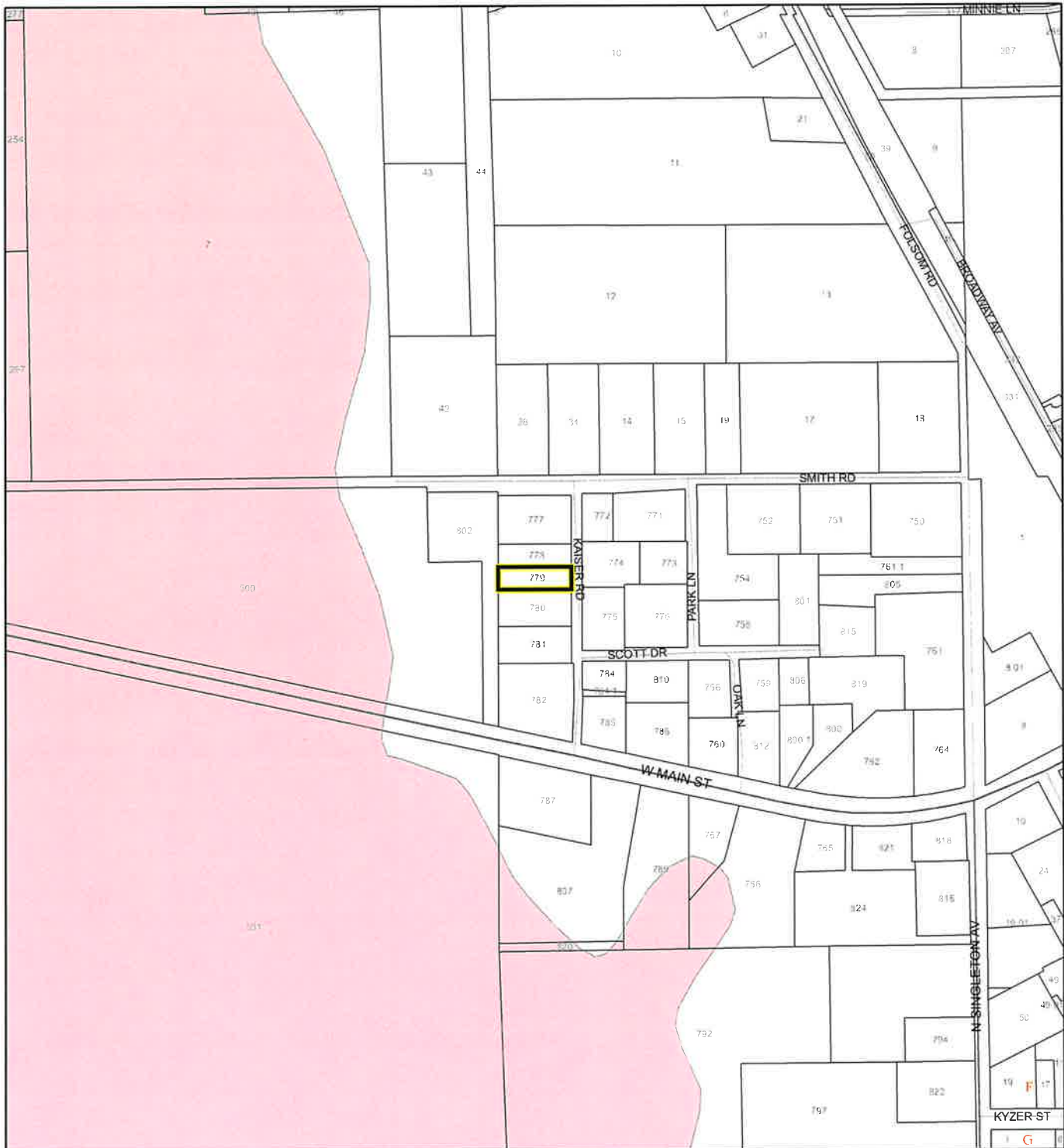
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

# FEMA FLOOD ZONES MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/5/2023

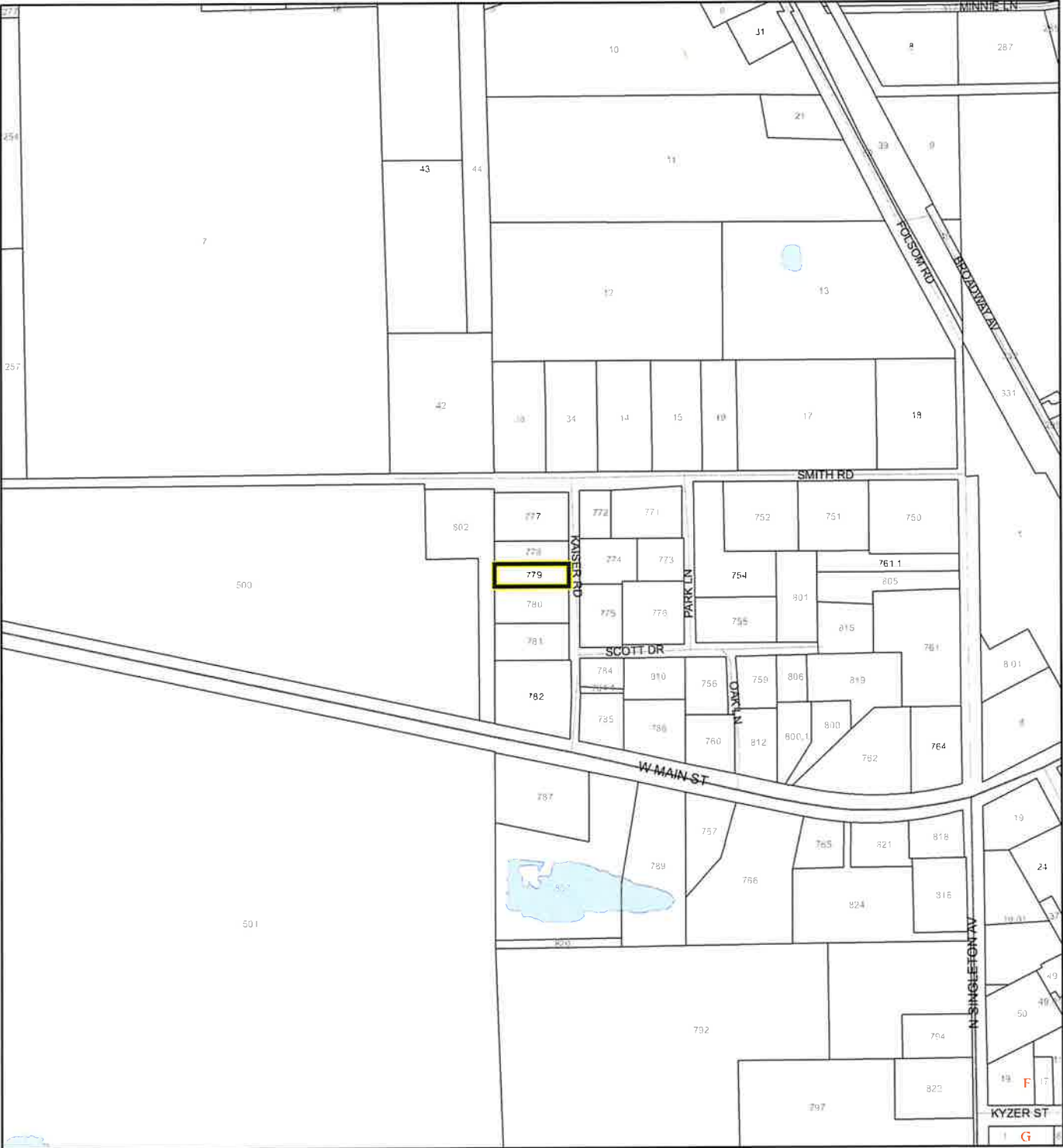
## FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086



1:4,800 or 1 inch = 400 feet

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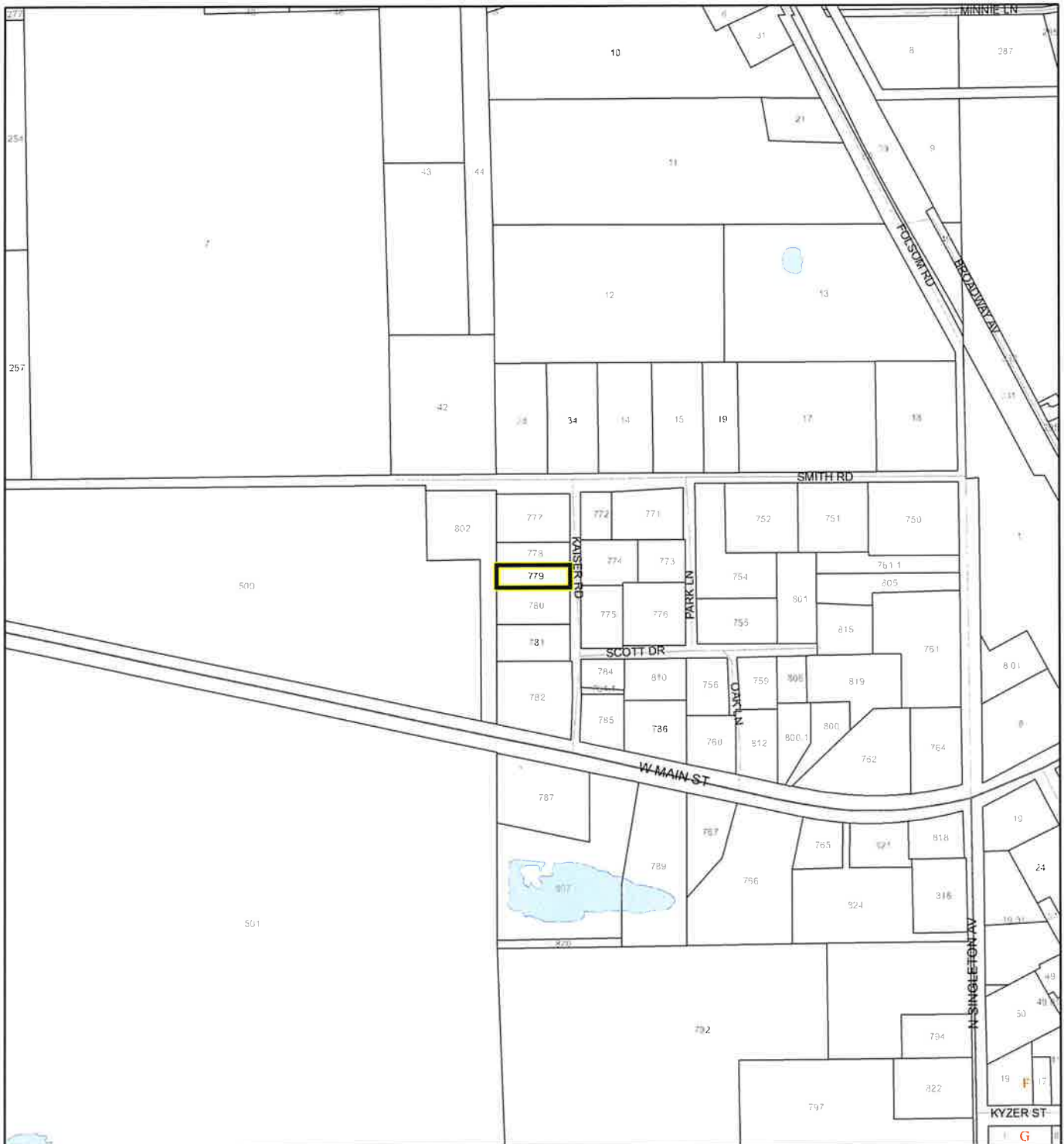
Produced by BoCC - GIS Date: 12/5/2023

- Subject Property
- ▭ Parcels
- Coastal High Hazard Area**
- ▭ SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/5/2023

— Subject Property

□ Parcels

## Septic Overlay

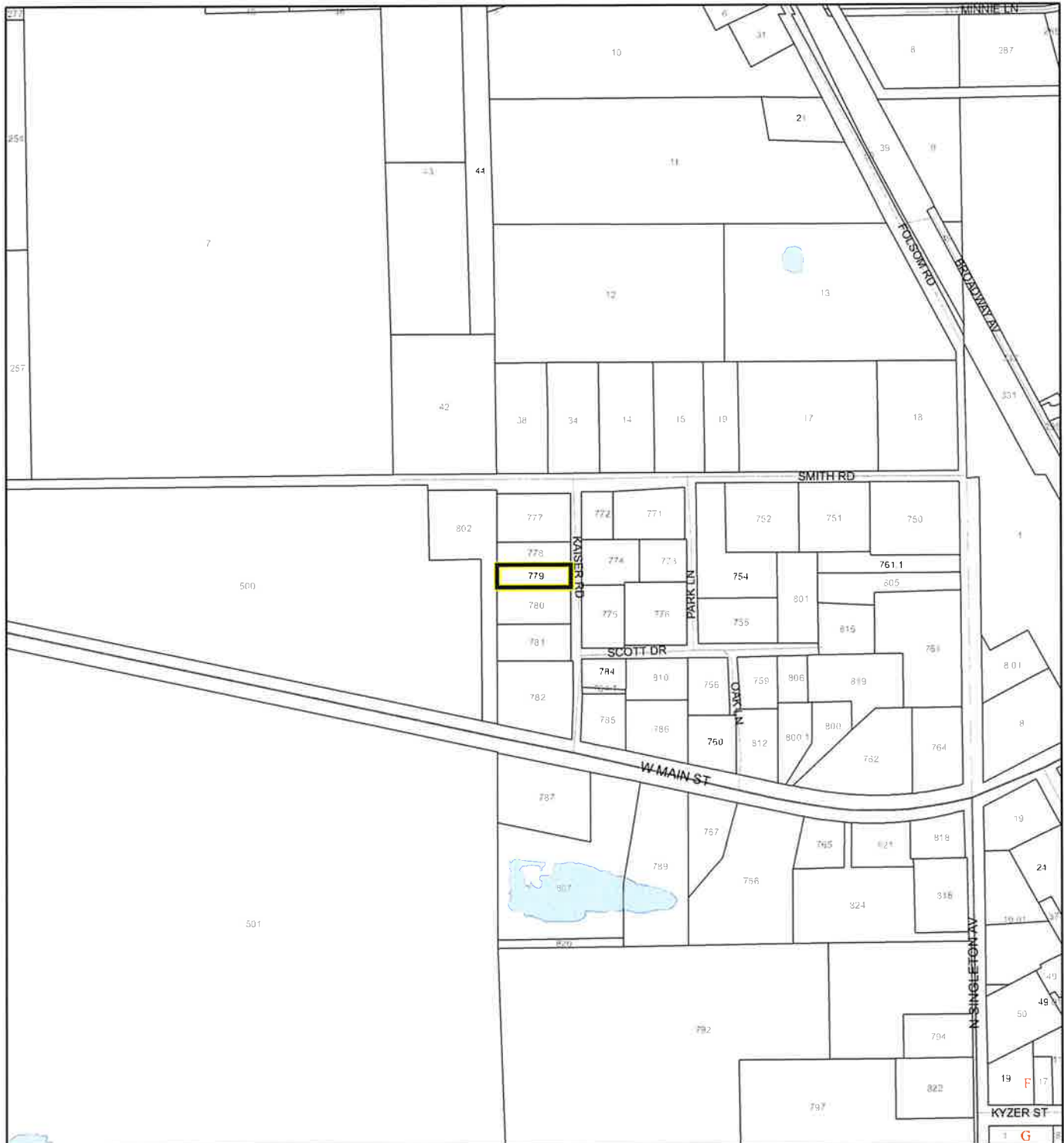
■ 40 Meters

■ 60 Meters

■ All Distances

# EAGLE NESTS MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC  
23Z00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/5/2023

 Subject Property

 Parcels

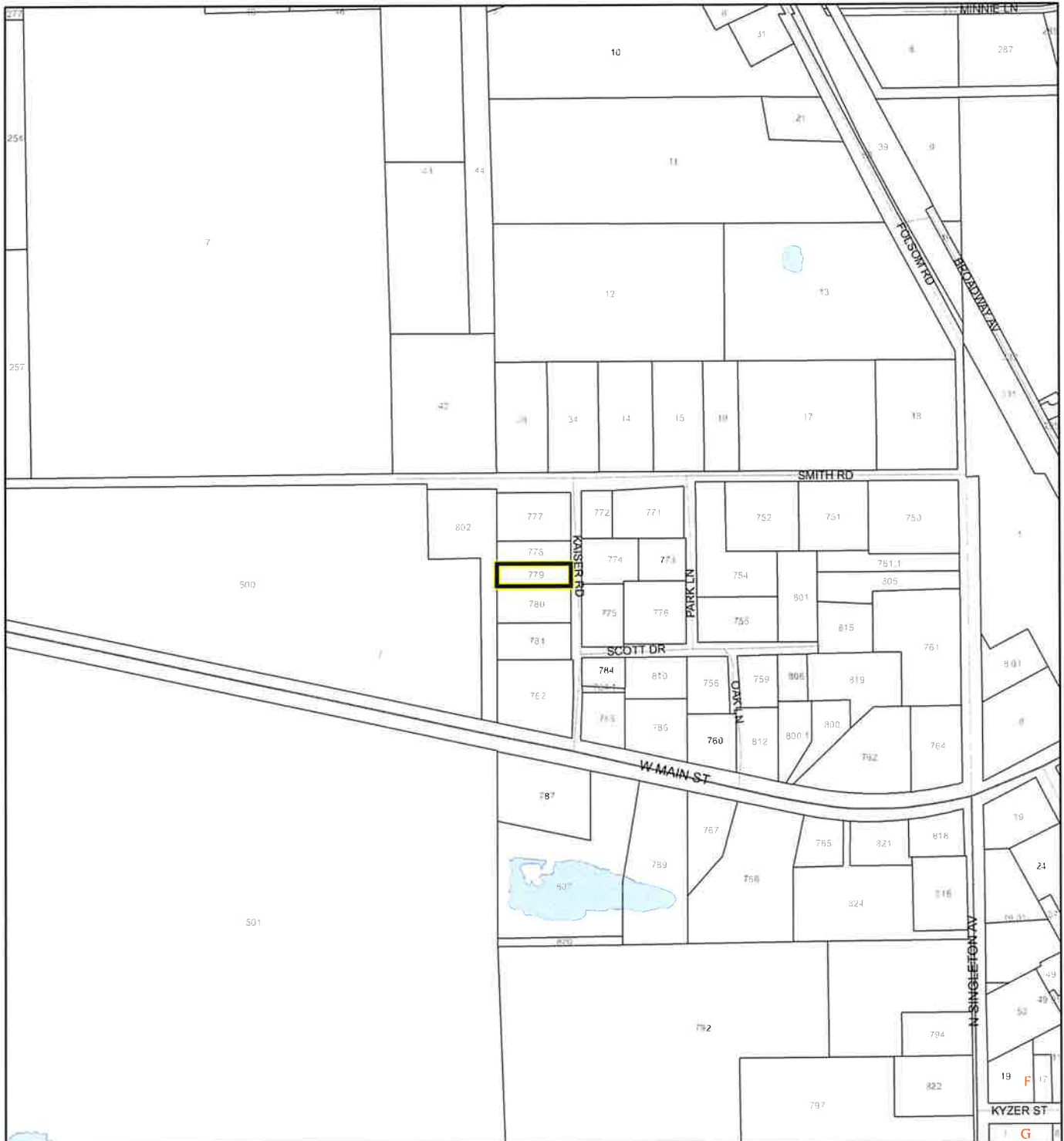


Eagle Nests  
FWS

# SCRUB JAY OCCUPANCY MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/5/2023

 Subject Property

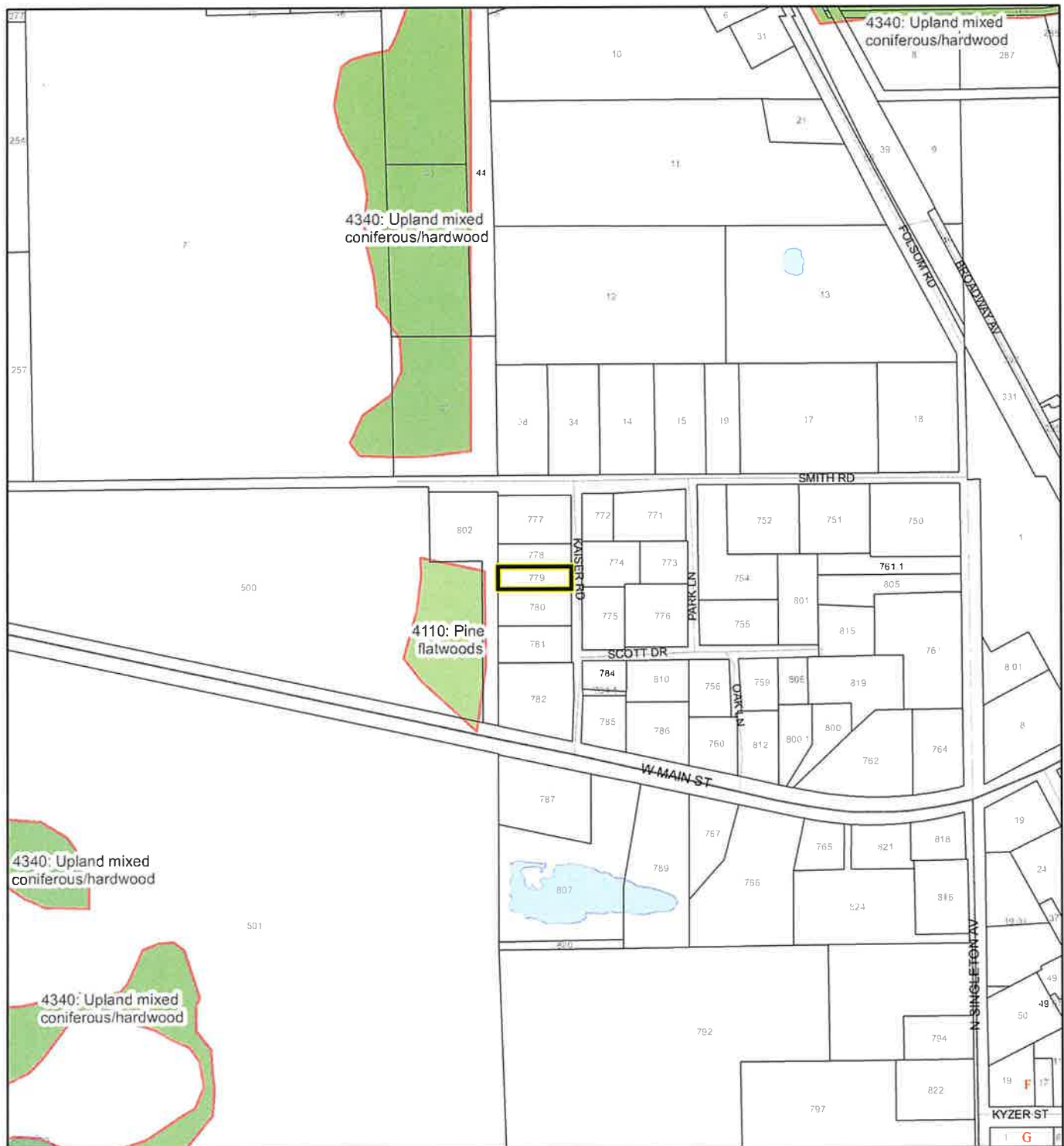
 Parcels

 Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/5/2023

## SJRWMD FLUCCS Upland Forests

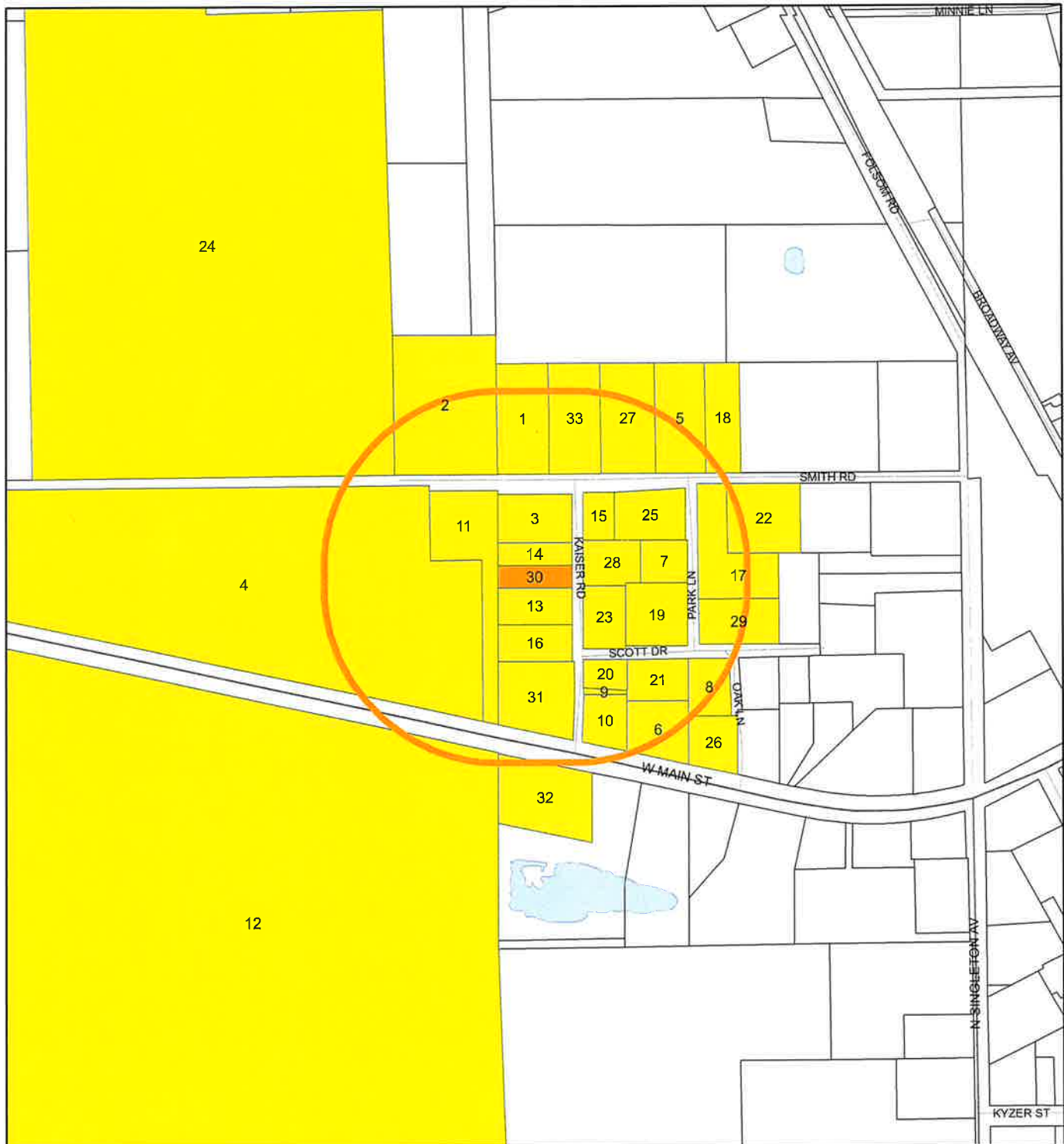
- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property

Parcels

# RADIUS MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC  
23Z00086



1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

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Produced by BoCC - GIS Date: 12/5/2023

- Buffer
- Subject Property
- Notify Property
- Parcels

## **PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, April 15, 2024**, 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: Henry Minneboo (D1); Ron Bartcher (D1); Robert Sullivan (D2); Mark Wadsworth, Chair (D4); Debbie Thomas (D4); Logan Luse (D4 Alt); Bruce Moia (D5); Robert Brothers (D5); and John Hopengarten (BPS).

Staff members present were: Tad Calkins, Planning and Development Director; Jeffrey Ball, Planning and Zoning Manager; Alex Esseesse, Deputy County Attorney; Paul Body, Senior Planner; Sandra Collins, Planner I, and Kristen Champion, Special Projects Coordinator.

### **Excerpt of Complete Agenda**

**Christopher D. Strozier** requests a change of zoning classification from RU-1-9 (Single-Family Residential) to RU-1-11 (Single-Family Residential). The property is 0.31 acres, located on the west side of Kaiser Rd., approx. 203 ft. south of Smith Rd. (2465 Kaiser Rd., Mims) (23Z00086) (Tax Account 2104016) (District 1)

Paul Body read the application into the record and informed the Board that this is a readvertised application.

Mr. Strozier stated he is looking to rezone the property to make it conforming to build a new single-family home.

No Board comment.

No public comment.

Motion to approve rezoning from RU-1-9 to RU-1-11 by Ron Bartcher, seconded by Henry Minneboo. The vote was unanimous.

John Hopengarten asked staff what this means for neighboring properties, would they have to changes zonings too?

Jeffrey Ball responded with not necessarily. It will depend on if they have structures on the property, then it could have different parameters as to whether or not it could be viewed as a nonconforming lot of record.

John Hopengarten asked if any neighbors wanted to do a renovation to their home, would we require it?

Jeffrey Ball responded with no, not for a renovation.