



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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**STAFF COMMENTS
 26Z00002**

JEJ Ventures, LLC (John Platt, Jr.)

IU (Light Industrial) to BU-2 (Retail, Warehousing and Wholesale Commercial)

Tax Account Numbers: 2317469 and 2317470
 Parcel I.D.: 23-36-30-50-*-4 and 23-36-30-50-*-5
 Location: South of Williams Point Boulevard at the intersection with US Highway 1 (District 1)
 Acreage: 3.68 acres

Planning and Zoning Board: 04/13/2026
 Board of County Commissioners: 05/07/2026

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)

	CURRENT	PROPOSED
Zoning	IU	BU-2
Potential*	110 multi-family units**	FAR of 1.00 or 110 multi-family units**
Can be Considered under the Future Land Use Map	No Community Commercial (CC)	Yes Community Commercial (CC)

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

** Development potential at 30 units per acre F.S. 125.01055 (Live Local Act).

Background and Purpose of Request

The applicant is requesting a change of zoning classification from IU (Light Industrial) to BU-2 (Retail, Warehousing, and Wholesale Commercial) to provide consistency with the Future Land Use Designation for two undeveloped lots totaling 3.68 acres. The applicant also owns

the adjacent, undeveloped 2.09-acre lot to the west, which is zoned IU with IND FLU. The proposed rezoning will allow for the development of a hardware store and RV/boat storage facility across the three properties.

The subject properties are Lots 4 and 5 of Williams Point Complex recorded in PB 19, PG 0121 of the Brevard County Official Records on March 17, 1965. The lots have access to Williams Point Boulevard, a county-maintained roadway, and the eastern parcel also has access to North US Highway 1. Both parcels meet the minimum lot size, width, and depth for BU-2-zoned lots.

IU was the established zoning classification for the subject properties upon adoption of the Brevard County Zoning Regulations on May 22, 1958.

Community Commercial (CC) was the original established Future Land Use designation for the subject properties as established by the Brevard County Comprehensive Plan on September 8, 1988.

In 2023, the Live Local Act was enacted and was revised in 2024. The Act is intended to address the state's growing housing affordability crisis through significant land use, zoning, and tax benefits. Pursuant to Florida Statute 125.01055, a county must authorize multifamily and mixed-use as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units are in a proposed multifamily rental development are rental units that, for a period of at least 30 years, are affordable as defined in s. [420.0004](#). In unincorporated Brevard County, the Live Local Act effectively allows for development of up to 30 dwelling units per acre. The applicant has not expressed an interest in developing multi-family residential units.

The subject property is within the septic moratorium area. Please be aware that the North Indian River Lagoon Basin Management Action Plan Injunction prohibits septic tanks in this area. In the context of onsite sewage treatment and disposal systems, "Available" is defined in F.S. 381.0065 (2)(a) and the requirements to connect to an existing onsite sewage treatment and disposal system to central sewerage system are defined in F.S. 381.00655 (1)(a). Brevard County has the exclusive right to furnish the sewer service per Section 110-181, Brevard County Code of Ordinances, because this is within the Brevard County Utility Services Department Service Area.

There are no current code enforcement complaints on the property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Mini-Warehousing and Automotive Repair	Road ROW, BU-1, and BU-2	CC
South	Warehousing	BU-2	CC

East	Single-Family Residences	Road ROW, RU-1-13, RU-2-10, and BU-1	RES12_DIR and CC
West	Undeveloped	IU	IND

North of the subject property and the right-of-way of Williams Point Boulevard are two parcels zoned BU-1 and BU-2 with CC FLU. The BU-1 parcel is 0.56 acres, developed with a contractor's office building. The BU-2 parcel is 0.73 acres, developed as an automotive repair service.

South of the subject property is a 7.02-acre parcel, zoned BU-2 with CC FLU, developed with a storage facility.

East of the subject property across North Highway 1 are three parcels developed with single-family residences. There is a 1.9-acre parcel zoned RU-1-13 with RES12_DIR FLU, a 1.22-acre parcel zoned RU-2-10 with RES12_DIR FLU, and a 1.35-acre parcel zoned BU-1 and RU-1-13 with RES12_DIR and CC FLUs.

West of the subject property is an undeveloped 2.09-acre parcel, zoned IU with IND FLU.

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

BU-2 zoning permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

RU-1-13 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-2-10 is a multiple-family residential zoning classification that encompasses lands devoted to medium-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-10 permits multiple-family residential development or single-family residences at a density of up to 10 units per acre on minimum lot sizes of 7,500 square feet.

IU zoning classification permits light industrial land uses within enclosed structures. The minimum lot size is 20,000 square feet, with a minimum width of 100 feet and a minimum depth of 200 feet.

Future Land Use

The subject property is currently designated as Community Commercial (CC) Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County’s Comprehensive Plan.

The current IU zoning is not consistent with the CC FLUM designation. The applicants' request for BU-2 zoning classification can be considered consistent under the CC Future Land Use.

Applicable Land Use Policies

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

FLUM Policy 2.2 Role of Zoning Regulations in the Designation of Commercial Lands

The zoning process regulates the types and intensities of uses for a parcel of land. Criteria which aid in assessing zoning compatibility, shall include consideration of the following standards:

Criteria:

A. Permitted/prohibited uses;

The BU-2 classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square-foot lots. BU-2 zoning is the county’s most intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

B. Existing commercial zoning trends in the area;

The zoning trends in the area neighboring the subject property can be considered mixed, with residential zoning throughout the area and BU-1 and BU-2 zoning predominately located along North US Highway 1. Immediately surrounding the subject property is an industrial and commercial area, developed with mini-warehousing and office uses. Watermark Subdivision then surrounds the industrial and commercial area to the north, south, and west. At one time, the Watermark Subdivision property was a mining pit with BU-1, BU-2, GU, IU, and IU-1 zoning. With greater demand for residential than industrial development in the area, the site was rezoned to PUD in 2018.

- C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;

The subject property is a pocket of industrial and commercial uses surrounded by predominately residential development. The development of Watermark Subdivision is leading to an increase in residential development in the area.

The proposed rezoning to BU-2 is compatible with the area and will provide an opportunity for development that will benefit the residents. There are two restaurants, a convenience store and gas station, a volunteer fire department, self-storage facility, and a church located within a mile of the subject property. The proposed RV/boat storage and a hardware store will benefit the residents in the area by bringing additional goods and services into the community.

- D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;

The preliminary concurrency analysis did not indicate that the proposed development has the potential to cause a deficiency in the transportation adopted level of service.

Specific concurrency issues will be addressed at the time of site plan review.

The subject property has access to City of Cocoa for potable water and is in the service area of Port Saint John Sanitary Sewer.

- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and the following land use issues were identified:

Natural Resources Management (NRM) has identified mapped hydric soils, an indicator that wetlands may be present, on the subject properties. A wetland delineation will be required before any land clearing activities, site plan design, or building permit submittal. Protected and specimen trees exist on the properties and protected species may be present as well.

Please see NRM comments at the end of this report.

- F. Other issues which may emerge specific to a particular property which may be addressed through performance-based zoning criteria.

This property will need to comply with Brevard County Performance Standards noted within Section 62-1483 and 62-2251 – 62-2272 of Brevard County Code.

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 request is not anticipated to significantly diminish the enjoyment of, safety, or quality of life in existing residential areas. The proposed rezoning will need to comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272.

Traffic from the proposed development will impact the surrounding area, however, the corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The maximum development potential from the proposed FLUM amendment increases the percentage of MAV utilization by 2.31%. The corridor is anticipated to operate at 82.18% of capacity daily. Specific concurrency issues will be addressed at the time of site plan review.

- 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 (Member Appraisal 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;

Within the 0.5-mile radius of the subject property, there are nine (9) FLU designations: RES 1, RES 2, RES 4, RES 8_DIR, RES 12_DIR, RES 15, CC, NC, and IND. RES 4 is the predominant FLU in the area.

The existing pattern of development in the surrounding area is predominately single-family residential with pockets of commercial and light industrial development along North US Highway 1. The proposed rezoning is surrounded by commercial development to the north and south, with light industrial development to the west.

There have been no FLUM amendments within the 0.5-miles of the subject property in the past three years.

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

Within the last three years, development of the Watermark Subdivision has been ongoing within 0.5 miles of the subject property. Watermark Subdivision does not abut the subject properties, but is located to the north, south, and west of Williams Point Complex where the properties are located.

There have been no other new developments within 0.5 miles of the subject property in the past three years.

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

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

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

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, parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

Preliminary traffic concurrency indicates the proposed use will not materially and adversely impact the established residential areas and commercial development by introducing types or intensity of traffic, parking, or trip generation. This is not an introduction of commercial activity within the identified boundaries of a 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 area is established with commercial and industrial development and residential neighborhoods. There are clearly established boundaries such as roads and open spaces.

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 involves community commercial use in an existing commercial and industrial development.

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

This area is presumed to be predominantly residential. However, commercial and light industrial uses have existed within the area of the subject property for more than the previous five years.

FLUE 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 parcels contain mapped Basinger sand, which can indicate either aquifer recharge or hydric soils. Hydric soil is an indicator that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.

The properties are not located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), nor within a FEMA Special Flood Hazard Area (SFHA).

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 North US Highway 1, between Camp Road and Broadway Boulevard, which has a Maximum Acceptable Volume (MAV) of 38,430 trips per day, a Level of Service (LOS) of D, and currently operates at 81.76% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 2.31%. The corridor is anticipated to operate at 82.18% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be addressed at the time of site plan review. This is only a preliminary review and is subject to change.

The subject property has access to City of Cocoa for potable water and is in the service area of Port Saint John Sewer.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Aquifer Recharge Soils
- Protected and Specimen Trees
- 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. 26Z00002

Applicant: John Platt, Jr. (Owner: JEJ Ventures LLC)

Zoning Request: IU to BU-2

Note: to develop hardware store and RV/Boat storage

Zoning Hearing: 04/13/2026; **BCC Hearing:** 05/07/2026

Tax ID No.(s): 2317469 & 2317470

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

Land Use Comments:

Hydric Soils

Approximately three quarters of the subject parcel contains mapped Basinger sand, which can indicate either aquifer recharge or hydric soils. Hydric soils are an indicator that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). U.S. Highway 1 is a MQR at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require no net loss mitigation in Brevard County in accordance with Section 62-3696.

Section 62-3694(c)(3)b also provides that for a project encompassing multiple properties assembled under one site plan development order, wetland impacts for those properties without direct frontage on the mitigation qualified roadway may be permitted only if the properties are combined so that any proposed wetland impact is contained within a property with direct frontage on the mitigation qualified roadway. The assemblage shall be deed-restricted for commercial or industrial use.

Aquifer Recharge Soils

The rest of the property contains Paola fine sand, 0 to 8 percent slopes, classified as an aquifer recharge soil. Basinger sand may also function as a highly permeable soil. 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.

Protected and Specimen Trees

Protected and Specimen trees exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. 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 and buffer requirements. **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. If applicable, the applicant should

obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (GTpermits@myfwc.com) and/or U.S. Fish and Wildlife Service (FW4FLESRegs@fws.gov) prior to any plan, permit submittal, or development activity, including land clearing.