

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Small Scale Plan Amendment 26S.04 (26SS00003)
Township 24, Range 35, Section 25*

Property Information

Owner / Applicant: **Cocoa Town Center, LLC/ David Bassford**

Adopted Future Land Use Map Designation: Community Commercial (CC)

Requested Future Land Use Map Designation: Residential 15 (RES 15)

Acreage: 13.57

Tax Account # 2407572 & 2407578

Site Location: 495 Cox Rd Cocoa, FL 32926 & 3900 Lake Dr. Cocoa FL 32926

Commission District: 2

Current Zoning: BU-1 (General Retail Commercial)

Requested Zoning: RU-2-15 (26Z00010)

Background & Purpose

The applicant requests a Small-Scale Comprehensive Plan Amendment (SSCPA) to change the Future Land Use Map (FLUM) from Community Commercial (CC) to Residential 15 (RES 15) on 13.57-acres to allow for consistency with the proposed zoning classification. The subject property is comprised of 0.19 and 13.38 acres combined under one deed recorded on February 13, 2026, in OR Book 10553, Page 177. The applicant intends to construct 144 multifamily apartment units.

The applicant has a companion rezoning application, **26Z000010**, requesting a zoning classification change from BU-1 to RU-2-15. The requested RU-2-15 zoning classification may be considered consistent with the proposed RES 15 FLU designation.

The existing CC FLU designation was established with Small-Scale Comprehensive Plan Amendment **23SS00001** on April 6, 2023, changing the FLU from RES 15, NC, and CC to all CC. The development activities within the CC FLU are intended to serve several neighborhoods, sub-regional and regional areas, and provide an array of retail, personal, and professional uses. The RES 15 designation permits the second-highest density residential development classification allowed for under the Comprehensive

Plan, with a maximum of up to fifteen (15) units per acre, except as otherwise may be provided for within the FLU element. The requested Future Land Use designation is already established within the nearby area.

The existing zoning designation of BU-1 was established with zoning action **23Z00003**, changing the zoning from GU (General Use) and IU-1 (Heavy Industrial) to BU-1 on April 6, 2023. The subject property was originally zoned GU and was rezoned to BU-2 on September 8, 1960 as zoning action Z-396. The property was rezoned from BU-2 to TR-3 on November 8, 1962, as zoning action Z-858 and then reverted back to GU in July 8, 1963, as referenced in zoning file Z-858. A 12- acre portion of the subject property was rezoned from GU to IU-1 on June 5, 1975, as zoning action Z-3892.

The applicant has supplied a concept plan (attached) showing a portion of the property proposed for multifamily apartment development. The non-binding concept plan is intended for illustrative purposes and has not undergone review for land development regulation compliance.

The subject property is located along two county-maintained rights-of-way, Lake Dr. to the south and 50' along Cox Rd. to the west. The subject property lies within the City of Cocoa service area for centralized potable water and sanitary sewer.

A portion of the subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils indicating that wetlands may be present on the property. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions and multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Sec. 65 3694(c)(6). 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.

There are currently no open Code Enforcement cases or violations noted on the property.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence	AGR	RES 15
South	Roadway/ Retail Store	BU-1	CC

East	Trucking and Distribution Terminal	GML	PUB
West	Gas Station/ Warehouse/ Retail Store/ Single Family Residence	BU-2/ BU-1/ BU-1-A/ GU	CC/ RES 15

The property to the north of the subject property is an 8.68-acre lot zoned AGR (Agricultural) with a RES 15 FLU, improved with a single-family home and agricultural accessory structures.

South across the county right-of-way is an 8.27-acre parcel zoned BU-1 and CC FLU and developed with a retail fireworks store.

East of the subject property is a 20-acre County-owned property developed as a trucking and distribution terminal zoned GML (Government Managed Lands) with a CC FLU. The facility dates back as far as 1967.

Seven parcels abut the subject property to the west, ranging in size from 0.38 to 1.46 acres. The northernmost parcel is developed with a single-family residence and is designated RES 15 Future Land Use with GU zoning. Immediately south is a parcel designated RES 15 Future Land Use with BU-1-A (Restricted Neighborhood Retail Commercial) zoning, developed with a hair salon. The remaining five parcels are designated CC (Community Commercial) Future Land Use with a mix of BU-1 and BU-2 zoning classifications and are all developed with commercial uses.

The Residential 15 (RES 15) land use designation permits the second highest residential density allowance, with a maximum density of up to 15 units per acre, except as otherwise may be provided for within the FLU Comprehensive Plan.

Community Commercial (CC) development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses.

The Public Facilities (PUB) land use designation provides for adequate lands to meet the existing and future needs for public facilities and services, consistent with the Capital Improvements Program and the policies and criteria of the FLU Comprehensive Plan.

Future Land Use

The subject property’s current BU-1 zoning classification can be considered consistent with the 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 proposed RU-2-15 zoning classification can be considered consistent with the CC FLUM designation when consistent with Policy 2.10. The requested RU-2-15 zoning classification may be considered consistent with the proposed RES 15 FLU designation.

Comprehensive Plan Policies/Comprehensive Plan Analysis

Comprehensive Plan Policies are shown in plain text; Staff Findings of Fact are shown in **bold**.

Public Facilities and Services Requirements

Policy 1.2

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

Criteria:

- C. In the Residential 30 Directive, Residential 15, Residential 10, Residential 6, and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.

The subject property lies within the City of Cocoa service area for centralized potable water and sanitary sewer. Service analysis will be conducted at the site plan review stage.

- D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.

The subject property will be required connect to a centralized sewer system.

Residential 15 (maximum of 15 dwelling units per acre)- Policy 1.4

The Residential 15 land use designation permits affords the second highest density allowance, permitting a maximum density of up to fifteen (15) units per acre, except as otherwise may be provided for within this element. The Residential 15 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- A. Areas located east of Interstate-95, except in instances where they are adjacent to existing or designated residential densities of an equal or higher density allowance; and

The subject property is located to the east of Interstate-95. It is adjacent to existing or designated residential densities of an equal density allowance.

- B. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 15 area;

The subject property is not adjacent to any incorporated areas. The properties adjacent to the subject property are located in the unincorporated County jurisdiction.

- C. Areas adjacent to existing Residential 15 land use designation; and

The subject property is adjacent to existing Residential 15 land use designations.

- D. Areas which have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

The subject property has access to Cox Rd. and Lake Dr. which are classified as collector roadways.

- E. Up to a 25% density bonus to permit up to 18.75 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent area and to maximize the integration of open space within the development and promote inter-connectivity with the surrounding uses. The density bonus shall not be utilized for properties within the CHHA.

The subject property has not requested PUD classification. The subject property is not in the CHHA.

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;

Future development would need to meet Brevard County's 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 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;

The predominant FLU designation in the area is CC, with existing commercial uses along Cox Rd., Lake Dr., and W. King St. (S.R. 520)

Within the past three years, there have been no FLUM changes within a half-mile radius.

There are seventeen (17) different zoning classifications in the area, including GU, AU, AGR, RR-1, SR, EU-2, TR-1, RU-1-9 , RU-1-7, RU-2-10, RU-2-15, RU-2-30, BU-1-A, BU1, BU-2, TU-2, IU, and GML. There is no predominant zoning classification in the area. The residential lots range in size from 3,484 sq. ft. to 11.87 acres.

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

There have been three new developments over the preceding three years within a half-mile radius of the subject property. The development includes a warehouse addition to a developed lot is located on a parcel abutting the west property line of the subject property, a self-storage facility on the south side of Lake Dr. approximately 500 feet east of the subject property, and a single-family residence approximately 1,500 feet northeast of the subject property.

3. Development approved within three years but not yet constructed.

Within a half-mile radius there has been one development approved but not yet constructed. 22SP00041 was approved on May 13, 2025 for the development of a mini-warehouse facility.

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

The proposed land use would not result in any material violations of relevant policies in the Comprehensive Plan.

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 subject property is not located within the boundaries of an established residential neighborhood, but rather within a mixed-use area containing commercial, government managed lands, and residential development. A preliminary concurrency analysis does not indicate that the proposed request would materially or adversely impact the surrounding area.

- 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 within an existing residential neighborhood but rather in a residential area.

- 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.

- 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 can be considered transitional, as multiple non-residential uses have been applied for and approved during the previous five (5) 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.

A portion of the subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils indicating that wetlands may be present on the property. A state-approved

wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.

Federally and/or state protected species may be present on the property. If applicable, the applicant shall obtain any required permits, surveys, or clearance letters from the U.S. Fish and Wildlife Service and other applicable regulatory agencies prior to development approval.

Please refer to the complete report provided by the Natural Resource Management Department on the following page.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Lake Dr. from Cox Rd. to Range Rd., which has a Maximum Acceptable Volume (MAV) of 21,700 trips per day, a Level of Service (LOS) of E, and currently operates at 15.16% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 5.74 %. The corridor is anticipated to operate at 20.9% 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 lies within the City of Cocoa service area for centralized potable water and sanitary sewer.

The Brevard County School Board concurrency impact analysis indicates that Saturn Elementary and Cocoa Jr/Sr. Senior High School are projected to have enough capacity for the total of projected and potential students from the Hidden Lakes Apartments development.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Protected and Specimen Trees
- Protected Species

Please refer to the complete report provided by the Natural Resource Management Department on the following page.

For Board Consideration

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

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary
Item No. 26SS00003

Applicant: David Bassford (Owner: Cocoa Town Center LLC)

Land Use Request: CC to RES 15

Note: for construction of 144 MFR Apartments

LPA Hearing: 07/13/2026; **BCC Hearing:** 08/06/2026

Tax ID No.(s): 2407578 & 2407572

- 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:

- Wetlands and Hydric Soils
- Protected and Specimen Trees
- Protected Species

Land Use Comments:

Wetlands and Hydric Soils

The subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Anclote sand, frequently ponded, 0 to 1 percent slopes; and EauGallie sand); indicators 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.**

Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. **For subdivisions and multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Sec. 65 3694(c)(6).** 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. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Protected and Specimen Trees

Protected and Specimen trees likely 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. 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.