



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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

STAFF COMMENTS

25Z00013

CTX Equities, Inc.

**GU (General Use) and BU-2 (Retail, warehousing and wholesale commercial) to all
BU-2**

Tax Account Number: 2409571
Parcel I.D.: 24-35-36-00-33
Location: 3005 Lake Dr. Cocoa, FL 32926 (District 1)
Acreage: 4.22 +/- acre

Planning & Zoning Board: 6/16/2025
Board of County Commissioners: 7/17/2025

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	GU, BU-2	BU-2***
Potential*	75 units***	FAR 1 or 126 Multi-family Units***
Can be Considered under the Future Land Use Map	NO/ YES NC, CC	YES** CC

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

Approval is pending approval of companion request **25SS00003 which proposes to amend the Future Land Use designation from Neighborhood Commercial (NC) to Community Commercial (CC).

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

Background and Purpose of Request

The applicant is requesting a change of zoning classification from General Use (GU) and Retail, warehousing, and wholesale commercial (BU-2) to BU-2 to develop a commercial metal building for the use of a minor commercial trailer repair endeavor. The applicant indicates that the property owner plans to perform minor repairs on the interiors of semi-trailers. The property is currently developed with a single-family mobile home and another building. Before the proposed use is established, the current buildings on the subject property will be removed.

The applicant has a companion Small Scale Comprehensive Plan Amendment application, **25SS00003**, requesting a FLUM change from Neighborhood Commercial (NC) to Community Commercial (CC).

The GU zoning classification encompasses rural single-family residential development which requires a minimum 5 acre lot size. Generally, these areas are undeveloped lands, and/or lacking a development trend. GU zoning is seen as a holding pattern for property. On the other hand, BU-2 zoning classification has a definitive land use for the property. This zoning classification encompasses lands devoted to general retail and wholesale business, contracting and heavy repair services, and warehousing activities. BU-2 zoning classification is considered the most intense commercial zoning.

The subject property includes two parcels, which have been combined into the current configuration of 4.22 acres on March 14, 2025. The first was recorded in the Brevard County Official Records on September 18, 1984, in ORB 2543, PG 2411, and contained 2.5 acres. The second parcel was recorded on April 3, 1987, in ORB 2789, PG 1992, and contained 1.72 acres.

On June 4, 1964, an approved rezoning occurred under zoning action **Z-1404**, changing the zoning classification from GU to BU-2 on the first parcel of 2.5 acres. Parcel two of 1.72 acres has remained GU as this is the original zoning classification.

On March 25, 1991, the subject property had an approved zoning action under **Z-8762**, which was for a Conditional Use Permit for a Temporary Security Trailer.

The subject property is located on the south side of Lake Drive, a county maintained road, approximately 900 feet west of Range Rd.

Approval of the BU-2 zoning classification and CC FLU designation would also allow the applicant or their successors to develop affordable housing residential units, up to 30 units per acre, under **BCC Policy-100 (Live Local Act)**.

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 in a proposed multifamily rental development. In unincorporated Brevard County, the Live Local Act effectively allows for the development of up to 30 dwelling units per acre. The subject property, encompassing 4.22 acres with 2.5 acres zoned BU-2, allows for development options that include either commercial use with a Floor Area Ratio (FAR) of 1.00 or 75 multi-family units as stipulated by the Live Local Act. With the approval of the rezoning of 4.22 acres, this would allow a commercial use with FAR of 1.00 or 126 multi-family units as stipulated by the Live Local Act.

At this time, there are no active code enforcement issues associated with the subject property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Residential Related Amenities/Vacant	RU-2-8, AU	NC
South	Vacant with lake, single-family residence	GU, RR-1	NC
East	Office building, trucking terminal, storage yard	BU-2	CC
West	Storage yard, Vacant with lake	BU-2, GU	CC

North is two (2) properties: One (1) property is 17.92 acres, undeveloped with RU-2-8 zoning classification with NC FLU. It is owned by Brevard County. The second (2) property is 10.48 acres, developed with residential related amenities with AU zoning classification and NC FLU. It is owned by a church.

South is one (1) property, 2.96 acres, developed with a single-family residence that has RR-1 zoning classification with NC FLU. To note, this property abuts a trucking business that the property owners of the home also own.

East are three (3) properties: The first property is 1.09 acres, developed with a professional office that has BU-2 zoning classification with CC FLU. The second property is 2.2 acres, developed as a trucking terminal and BU-2 zoning classification with CC FLU. The third property is 6.01 acres, developed as a storage yard, and has BU-2 zoning with CC FLU.

West is one (1) property of 4.68 acres, developed as a storage yard that has BU-2 zoning classification with CC FLU.

There is one (1) additional property that is located both south and west of the subject property, which is 9.64 acres, and is undeveloped with a lake. It has a GU zoning classification with NC FLU.

There is a mixture of zoning classifications in the surrounding area, and the following provides a brief description:

RU-2-8 classification low-density multiple-family residential zoning classifications encompass lands devoted to low-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-8 is an eight unit per acre multiple-family residential zoning classification. It permits multiple-family residential development or single-family residences at a density of up to eight units per acre on 7,500 square foot lots.

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

GU classification is a holding category, that encompasses rural single-family residential development or unimproved lands for which there is no definite current proposal for development or land in areas lacking specific development trends on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

RR-1 classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on a minimum one-acre lot, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet. Keeping of horses and agricultural uses are accessory to a principal residence within the RR-1 zoning district.

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.

Future Land Use

The subject property's GU zoning classification can be considered consistent with the NC Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. The subject property's BU-2 zoning classification can be considered consistent with the CC Future Land Use designation. The proposed BU-2 zoning classification is not consistent with the NC FLUM designation. Companion application to amend the FLUM designation from NC to CC is pending approval.

Applicable Land Use Policies

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;

BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. Possible buffering requirements may be requested with the RR-1 single-family residential zoning to the south due to the intensive nature of commercial activities permitted by the BU-2 classification and possible noise, light, traffic and other nuisance factors potentially associated with BU-2 activities (auto-repair facilities, paint and body shops, and contractor storage yards).

B. Existing commercial zoning trends in the area;

Within the County limits, this area south of Lake Drive and along the S.R. 520 corridor is primarily commercial. However, north of Lake Drive along the N. Range Rd. and N. Burnett Rd. corridors are primarily residential.

There are a multitude of properties with BU-2 commercial zoning within the area. The closest properties about the subject property to the east and west.

Staff analysis has determined that within a half mile of the subject property, the current trend is BU-2 commercial development. Recent development includes a storage warehouse facility and two car dealerships. From the south side of Lake Dr. to the south side of W. King. St. can be considered a heavily developed commercial area as most of the properties are of commercially zoned with a couple of residential and multi-family zonings sprinkled in.

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

The applicant's request can be considered compatible with the area, as there are already multiple properties with BU-2 zoning in the area.

The BU-2 uses in the area include but are not limited to three (3) outside storage yards, a mini storage warehouse, professional office, Waste Management garbage truck terminal and repair facility, two (2) car

dealerships, Fed Ex shipping facility, a fire work retail store, and a Dollar General retail store within the limits of unincorporated Brevard County.

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

The subject property is serviced by the City of Cocoa for potable water. The property would need to provide septic service for sewer.

Roadway LOS for the proposed will increase the percentage of MAV utilization by 0.10%. Specific concurrency issues will be addressed at the time of site plan review. This is only a preliminary review and is subject to change.

- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and

The subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Valkaria sand), indicating 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). Lake Drive 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.

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

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

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;

Staff analysis indicates the request is not located within an existing neighborhood, but rather a commercially developed area with BU-2 zoning.

The Board should consider the array of intense uses permitted under the BU-2 zoning classification and the potential impacts on the abutting residential lot to the south.

Any proposed commercial use shall be subject to compliance with all performance standards within Sec. 62-2251 through Sec. 62-2272.

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

Only a certified MAI (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;

Historically, this area is mostly commercially developed with a couple of single-family residential and agricultural residential zoned properties. Most development in the area is on larger lots of 2.5 acres or more along the Lake Dr. and W. King St. corridor. The predominant zoning classification within a half-mile radius of the subject property is BU-2, which is on the south side of Lake Dr. The north side of Lake Dr. is predominantly residential zoning that includes but is not limited to single-family and multi-family residential zoning classifications.

There are two (2) FLU designations within 500 feet of the subject site: CC, and NC. Within a half-mile of the subject property, CC is the predominant FLUM designation on the south side of Lake Dr. and on the north side of Lake Dr. is predominantly Residential 15 (RES 15).

There have been no FLUM amendments within one-half mile of the subject property in the past three years.

Please note, this analysis only includes unincorporated areas of Brevard County.

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

Staff analysis has determined there have been two developments in the preceding three years: a storage warehouse facility and a car dealership.

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

It appears no changes in actual development have occurred in the immediate area within the last three years. However, there has been one zoning action:

- **22Z00068: Approved rezoning from AU to RU-1-9 on 04/7/2023 to subdivide and sell a portion of the lot, 0.33 acres, containing the single-family residence.**

- 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.

Staff analysis indicates the request is not located within an existing neighborhood. BU-2 exists in the area. Commercial and government-zoned properties are located along this segment of Lake Dr, predominantly on the south side. The north side of this segment are a mix of single-family, multi-family and commercially zoned properties.

A preliminary concurrency evaluation did not indicate that the proposal has the potential to cause a deficiency in the transportation adopted level of service.

- 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.

Staff analysis indicates the subject property is not located in an established residential neighborhood.

- 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 segment of Lake Dr. corridor from N. Burnett Rd to N. Range Rd has an existing FLU designation of commercial. This request does not encroach into the existing residential area.

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

Within the previous five years, there have been two new commercial businesses developed as a car dealership and a storage facility within the County's jurisdiction.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Lake Drive, between Cox Road and Range Road which has a Maximum Acceptable Volume (MAV) of 17,700 trips per day, a Level of Service (LOS) of D, and currently operates at 17.89% of capacity daily. The proposed rezoning increases the percentage of MAV utilization by 0.10%. The corridor is anticipated to operate at 17.99% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

The concurrency analysis was only for a trailer maintenance facility as proposed. No other commercial development was proposed but if changed in the future, it would be reviewed as part of a separate site plan application.

No school concurrency information has been provided as the development proposal is for commercial and not residential use.

Centralized potable water service is available to this property. The property would need to provide septic service for sewer.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and 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 can consider if the request is consistent and compatible with the surrounding area recognizing existing development trends. The Board may also consider if the proposed development will require a BDP in order to mitigate potential impacts to the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 25Z00013

Applicant: Jamie Graham (Owner: CTX Equities, Inc.)

Zoning Request: GU & BU-2 to all BU-2

Note: need BU-2 for commercial trailer repair

Zoning Hearing: 06/16/2025; **BCC Hearing:** 07/03/2025

Tax ID No.: 2409571

- 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
- Aquifer Recharge 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 (Valkaria 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.**

Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). Lake Drive 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 accordance with Section 62-3696.

Aquifer Recharge Soils

This property contains Valkaria sand, which may also function as highly permeable soils. Additionally, the mapped topographic elevations show that the property falls within a Type 3 Aquifer Recharge area, which is subject to impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) 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. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.