



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

26Z00010

Cocoa Town Center, LLC

BU-1 (General Retail Commercial) to RU-2-15 (Medium-Density Multifamily Residential)

Tax Account Number: 2407572 & 2407578
 Parcel I.D.s: 24-35-25-00-512 & 24-35-25-00-519
 Location: 495 Cox Rd Cocoa, FL 32926 & 3900 Lake Dr. Cocoa FL 32926 (District 2)
 Acreage: 13.57 acres

Planning & Zoning Board: 07/13/2026
 Board of County Commissioners: 08/06/2025

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	BU-1	RU-2-15
Potential*	FAR 1.00 or 400 Multifamily Units***	200 Multifamily Units
Can be Considered under the Future Land Use Map	YES CC	YES RES 15**

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. Application of these regulations may reduce development potential.

Approval pending approval of companion request **26SS00003 which proposes to amend the Future Land Use Map (FLUM) designation from CC (Community Commercial) to RES 15 (Residential 15).

***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 BU-1 (General Retail Commercial) to RU-2-15 (Medium-Density Multifamily Residential) on 13.57-acres. The overall subject property is vacant and 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 has a companion Small Scale Comprehensive Plan Amendment application, **26SS00003**, requesting a FLUM change from Community Commercial (CC) to Residential 15 (RES 15).

A maximum potential density of up to 200 multifamily units is permitted under the current proposal. The applicant has supplied a non-binding concept plan to develop a 144-unit apartment complex that has not been reviewed for land development regulation compliance.

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 proposed RU-2-15 zoning is a medium-density multiple-family residential zoning classification encompassing lands devoted to multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings.

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 are rental units that, for a period of at least 30 years, are affordable as defined in Florida Statute 420.0004. In unincorporated Brevard County, the Live Local Act effectively allows for the development of up to 30 dwelling units per acre. Under the current BU-1 zoning classification, the 13.57-acre subject property could be developed with commercial uses at a maximum Floor Area Ratio (FAR) of 1.0. Alternatively, the property may be eligible for residential development of up to 407 multifamily units as stipulated by the Live Local Act.

The subject property is located on the north side of Lake Drive and a portion of the west property line is abutting Cox Road right-of-way. 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 Area

	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 a 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 Lake Drive right-of-way is an 8.27-acre parcel zoned BU-1 with a 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.

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.

AGR classification encompasses lands devoted primarily to productive agricultural pursuits and rural residential development. This zoning classification also implements the county's future land use policies which require low intensity uses and low-density development in the rural area to prevent urban sprawl. AGR permits single-family or mobile home residences on 5 acre lots, with a minimum width of 200 feet and depth of 300 feet. The minimum house size in AGR is 750 square feet.

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.

BU-1-A classification permits restricted neighborhood retail and personal service uses to serve the needs of nearby low-density residential neighborhoods. Minimum lot size of 7,500 square feet is required with minimum width and depth of 75 feet.

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

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.

GML government managed lands zoning classification is to recognize the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations (NGOs) providing economic, environmental and/or quality of life benefits to the county, electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission, and related entities. Activities encompassed within this classification include but are not limited to aviation, education and public services.

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.

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.

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.

No material violation of relevant policies of the Comprehensive Plan has been identified.

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

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

Criteria:

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

The 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 subject parcel is not requesting to be rezoned for commercial, industrial, or other non-residential uses.

Administrative Policy 7- Environmental Constraints

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 Concurrence

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
Zoning Review & Summary
Item No. 26Z00010

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

Zoning Request: BU-1 to RU-2-15

Note: for construction of 144 MFR Apartments

Zoning 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.