

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

Small Scale Plan Amendment 25S.09 (25SS00003)
Township 24, Range 35, Section 36

Property Information

Owner / Applicant: **CTX Equities, Inc./ Custom Built Contracting**

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

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

Acreage: 4.22 acres

Tax Account # 2409571

Site Location: 3005 Lake Dr, Cocoa, FL 32926

Commission District: 1

Current Zoning: GU (General Use) and Retail, Warehousing and Wholesale
Commercial (BU-2)

Requested Zoning: BU-2 (25Z00013)

Background & Purpose

The applicant requests a Small-Scale Comprehensive Plan Amendment (SSCPA) to change the Future Land Use Map (FLUM) from Neighborhood Commercial (NC) and Community Commercial (CC) to all Community Commercial (CC) on the 4.22 acre subject property 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 rezoning application, **25Z00013**, requesting a change from General Use (GU) and Retail, Warehousing and Wholesale Commercial (BU-2) to all BU-2.

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.

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

The subject property retains two original FLU designations established in 1988 by the Brevard County Comprehensive Plan: CC and NC.

The NC FLU embodies activities that are intended to be low-impact in nature and serve the needs of the immediate residential area.

The requested CC FLU designation embodies activities that are intended to serve several neighborhoods, sub-regional, and regional areas, providing an array of retail, personal and professional uses.

There are no current code enforcement complaints on the property.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Undeveloped	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, undeveloped with AU zoning classification and NC FLU. It is owned by 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 GU zoning classification with NC FLU.

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.

Neighborhood Commercial (NC) development activities are intended to be low impact in nature and serve the needs of the immediate residential area. Intrusion of these land uses into surrounding residential areas shall be limited.

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.

Comprehensive Plan Policies/Comprehensive Plan Analysis

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

Notice: The Comprehensive Plan establishes the broadest framework for reviewing development applications and provides the initial level of review in a three layer screening process. The second level of review entails assessment of the development application's consistency with Brevard County's zoning regulations. The third layer of review assesses whether the development application conforms to site planning/land development standards of the Brevard County Land Development Code. While each of these layers individually affords its own evaluative value, all three layers must be cumulatively considered when assessing the appropriateness of a specific development proposal.

Role of the Comprehensive Plan in the Designation of Commercial Lands

FLUE Policy 2.1

The Comprehensive Plan takes into consideration broad criteria for evaluating requests for commercial land use designations within Brevard County. At a minimum, these criteria address the following:

Criteria:

- A. Overall accessibility to the site;

The subject parcel has a driveway located directly off the south side of Lake Dr.

- B. Compatibility and inter-connectivity with adjacent adopted Future Land Use designations and land uses;

The request can be considered compatible with the adjacent land use designations. However, there is no interconnectivity as this is a separate development with access to Lake Dr.

- C. Existing commercial development trend in the area;

The south side of Lake Dr. can be characterized as a commercial corridor with CC and NC FLU designation abutting to the east and west of the subject property. Existing commercial BU-2 uses within the County jurisdiction of the area surrounding the subject property. The abutting east property is developed as an office building and a storage yard. The abutting west property is a boat storage yard. In the immediate area of the subject property is two additional properties developed as storage yards and another developed as a car dealership.

Additional commercial zoning of BU-2 and BU-1 uses are located within a half mile radius of the subject property within the County's jurisdiction such as a Dollar General, two additional car dealerships, retail firework store, mini storage facility, trucking terminal, and Fed Ex as a few of the examples.

The newest commercial developments include two car dealerships developed in 2019 and 2021, and a storage facility developed in 2024 which were all located along the W. King. St. corridor.

- D. Fundamental changes in the character of an area prompted by infrastructure improvements undertaken by the County;

No fundamental changes in the character of the area prompted by infrastructure improvements undertaken by the County have been identified.

- E. Availability of required infrastructure at/above adopted levels of service;

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

The subject property is connected to centralized potable water provided by City of Cocoa, but has no availability to connect to centralized sewer. The property would need to provide septic service for sewer. Concurrency will be reviewed during the site plan process.

- F. Spacing from other commercial activities:

Community Commercial activities are located abutting the subject parcel to the east and west with frontage along the south side of Lake Dr. Additional commercial activities can be found east and west of the subject property extending from the intersection of Lake Dr. to N. Range Rd. Community Commercial clusters up to 10 acres in size should be spaced at least 2 miles apart, located at the intersection of arterial roads.

- G. Size of proposed commercial designation compared with current need for commercial lands;

A market study was not provided nor required.

- H. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems:

The applicants will work with Natural Resources to ensure conformance with the Conservation Element.

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

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.**

- I. Integration of open space; and

The provisions of this Criterion will be addressed at the site plan stage.

- J. Impacts upon strip commercial development.

FLUE Policy 2.12 discourages strip commercial development. This request is not an extension of strip commercial development.

Locational and Development Criteria for Community Commercial Uses FLUE Policy 2.8

Locational and development criteria for community commercial land uses are as follows:

Criteria:

- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.

The proposed CC encompasses approximately 4.22 acres. Lake Dr. is classified as a major collector road. Range Rd., located approximately 900 feet to the east, is classified as a major collector roadway. The CC FLU designation locational criteria states "Community Commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited."

Within County limits, 2.5 acres of the subject property are included in the community commercial node of approximately 18.21 acres to the south and east along Lake dr. and along Range Rd.

Both Lake Dr. and Range Rd. are both major collector roads that serve multiple residential areas to the east and west of the subject property.

The proposed amendment does meet the locational and development criteria set forth by FLUE Policy 2.8.

- B. Community commercial complexes should not exceed 40 acres at an intersection.

The subject site is not located at an intersection and will not exceed 40 acres.

- C. Community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.

Within County limits, 2.5 acres of the subject property are included in the community commercial node of approximately 18.21 acres to the south and east along Lake dr. and along Range Rd.

The request of the applicant can be considered an extension of the community commercial node because the subject property currently has split FLUM designations of CC and NC, and the applicant is requesting CC FLUM designation on the entire property.

- D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size unless within a Planned Unit Development (PUD) zoning classification. The square footage may be increased if it is located within a PUD zoning classification.

The subject property is less than 10 acres, therefore the gross floor area shall not exceed 150,000 square feet.

- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites unless accompanied with a PUD zoning classification wherein the FAR may be increased up to 1.75.

This application does not accompany a PUD zoning request therefore the FAR will be limited to 1.00.

- F. Recreational vehicle parks shall be located in areas which serve the needs of tourists and seasonal visitors to Brevard County. The location of recreational vehicle parks shall have access to interstate interchanges via arterial and principal collector transportation corridors or the property shall be located on a major multi-county transportation corridor.

The applicant has not proposed a recreational vehicle park on the subject property.

FLUE 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;

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 appraisal can determine if material reduction has or will occur due to the proposed use.

- 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 in order 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 (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.

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.

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.

Natural Resources has noted that 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.

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 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 its own 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 should consider if the request is consistent and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 25SS00003

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.