



# City of Cocoa

65 Stone Street  
Cocoa, FL 32922

## Meeting Agenda

### Planning and Zoning / Local Planning Agency

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Wednesday, June 2, 2021

6:00 PM

Cocoa City Council Chambers

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#### I. CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

#### II. APPROVAL OF AGENDA AND MINUTES:

##### AGENDA:

21-396 Planning & Zoning meeting agenda for June 2, 2021

Attachments: [PZ Short Agenda 6-2-21.pdf](#)

##### MINUTES:

21-395 Minutes of the Planning & Zoning Board meeting on April 17, 2021.

Attachments: [PZ Minutes for 03-17-2021 DRAFT.pdf](#)

#### III: OLD BUSINESS: None

##### IV: NEW BUSINESS:

21-378 Consideration of a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXII, to change the Zoning Map designation of one parcel (0.6 acres) from Brevard County IU (Light Industrial) to City of Cocoa M-1 (Light Industrial and Warehouse) as depicted on Exhibit A.

Attachments: [Ordinance 09-2021 Rezoning Gem Industries Brevard IU to M1.pdf](#)  
[Location Map - Rezone.pdf](#)  
[Legal Ad Proof - Rezone - Gem Industries.pdf](#)

#### V. UPDATES AND STAFF REPORTS:

Tree Board Update: None

21-398

Development Project Update

Attachments:

June 2021 Development Projects Update.pdf

Open Discussion by Board members

**VI. NEXT MEETING DATE:**

Wednesday, July 7, 2021

**VII. ADJOURNMENT**

**General Notice Information:**

**This is a public meeting. Interested parties are hereby advised that they may appear at said meeting and be heard. The facility wherein this public meeting will be held is accessible to the physically handicapped. In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Carie Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at [cshealy@cocoafl.org](mailto:cshealy@cocoafl.org).**

**Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the BOA, P&Z Board/LPA or City Council with respect to any matter considered at its meeting or hearing, that person will need a record of the proceedings and for such purpose, affected persons may need to assure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals otherwise not allowed by law.**

**The BOA or PZ Board/LPA meeting may include the attendance of one (1) or more members of the Cocoa City Council who may or may not participate in the Board discussions held at this public hearing. The BOA, PZ Board/LPA and City Council reserve the right to continue or postpone hearings to a date certain without re-advertising.**

**Public Participation Information:**

**Members of the public may view the meeting agenda, ordinances, project applications, supporting documents, and staff reports on the City's website at the following link prior to attending or commenting:**

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**Viewing In Real Time. Interested persons are encouraged to view and listen to the hearings live by accessing the meetings at the following internet address:**

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**Special Information for Quasi-Judicial Hearings:**

Any person that (1) can demonstrate that they may suffer special damages different in kind and degree from that of the general public at large; and (2) wishes to present factual or expert witnesses and/or evidence at the quasi-judicial hearing is highly encouraged to immediately contact Dodie Selig, Planning and Zoning Manager, at (321) 433-8510 or [dselig@cocoafl.org](mailto:dselig@cocoafl.org), to make proper arrangements for presentation of witnesses and/or evidence. All witnesses should be identified and all evidentiary documents and exhibits that are intended to be distributed to the BOA, P&Z/LPA and City Council should be submitted to Ms. Selig via email or mail at least three (3) days prior to the hearing.



CITY OF COCOA  
Planning & Zoning Board /  
Local Planning Agency  
City Council Chambers

Cocoa City Hall  
65 Stone Street  
Cocoa, FL 32922

**AGENDA**  
Regular Meeting  
June 2, 2021  
6:00 p.m.

**I. OPENING MATTERS:**

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE

**II. APPROVAL OF AGENDA AND MINUTES:**

1. AGENDA: Meeting of June 2, 2021
2. MINUTES: Meeting of March 17, 2021

**III. OLD BUSINESS: None**

**IV. NEW BUSINESS:**

**A. PZ-21-016 – Zoning Map Amendment (Gem Industries)**

Ordinance No. 09-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF AN APPROXIMATELY 0.60 ACRE PARCEL OF REAL PROPERTY, LOCATED NORTHWEST OF THE INTERSECTION OF STATE ROAD 520 AND COX ROAD, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY IU (LIGHT INDUSTRIAL) TO CITY OF COCOA M-1 (LIGHT INDUSTRIAL AND WAREHOUSE DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

**V. OTHER BUSINESS:**

1. Tree Board Update: (none)
2. Recent Development Update
3. Open Discussion by Board members

**VI. NEXT MEETING DATE:**

Wednesday, July 7, 2021

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## Legislation Details (With Text)

**File #:** 21-378      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Agenda Ready  
**File created:** 5/11/2021      **In control:** Planning and Zoning / Local Planning Agency  
**On agenda:** 6/2/2021      **Final action:**  
**Title:** Consideration of a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXII, to change the Zoning Map designation of one parcel (0.6 acres) from Brevard County IU (Light Industrial) to City of Cocoa M-1 (Light Industrial and Warehouse) as depicted on Exhibit A.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance 09-2021 Rezoning Gem Industries Brevard IU to M1.pdf, 2. Location Map - Rezone.pdf, 3. Legal Ad Proof - Rezone - Gem Industries.pdf

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

## PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

**Memo Date:** May 11, 2021  
**Agenda Date:** June 2, 2021  
**Prepared By:** Dodie Selig, Planning & Zoning Manager  
**Through:** Nancy A. Bunt, Community Services Director  
**Requested Action:**

Consideration of a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXII, to change the Zoning Map designation of one parcel (0.6 acres) from Brevard County IU (Light Industrial) to City of Cocoa M-1 (Light Industrial and Warehouse) as depicted on Exhibit A.

### **BACKGROUND:**

The applicant is requesting to amend the Zoning Map designation of a single parcel, addressed as 4050 W. King Street. The property was recently annexed into the City on October 14, 2020 and a City of Cocoa Industrial Future Land Use designation of Industrial was approved on March 9, 2021.

The provisions of the current Brevard County IU zoning district were established to provide areas in which the principal use of land is for manufacturing, assembling and fabrication, and for warehousing. These uses do not depend primarily on frequent personal visits of customers or clients, but usually require good accessibility to major rail, air or street transportation routes.

The provisions of the City's M-1 district are intended to apply to an area located in close proximity to transportation facilities and which can serve the industrial and related functions of the city and region. Restrictions therein are intended to minimize adverse influences of the industrial activities on nearby nonindustrial areas and to eliminate unnecessary industrial traffic through nonindustrial areas.

The two zoning districts are very similar in their intent and are reflective of the previous use of the property as a fencing contractor as well as the applicant's intended use as office space for their existing industrial business on the adjacent parcel to the north of the subject property.

**Future Land Use Designation:** Industrial

**Zoning District:** Current: Brevard County IU (Light Industrial)  
Proposed: M-1 (Light Industrial and Warehousing)

**Existing Land Use:** Commercial building

**Council District:** District 3 - Councilmember Rip Dyal

**Overview of Surrounding Area:**

|              | Future Land Use Designations  | Zoning Districts | Land Uses                         |
|--------------|-------------------------------|------------------|-----------------------------------|
| <b>North</b> | Industrial                    | (County) PIP     | Gem Industries (industrial use)   |
| <b>South</b> | (County) Community Commercial | (County) BU-1    | SR520 and Vacant Land             |
| <b>East</b>  | (County) Community Commercial | (County) IU      | Warehouse use and stormwater pond |
| <b>West</b>  | (County) Community Commercial | (County) TU-2    | Vacant Land                       |

**I. Rezoning Analysis**

The Planning & Zoning Division staff have addressed the criteria contained in Appendix A of the City of Cocoa, Article XXII, Section 1(G) as follows:

- a. The proposed change is contrary to the established land use pattern.*

**Staff Finding:** The proposed rezoning for the subject parcel is nearly identical to the existing Brevard County zoning classification and is not contrary to the established land use pattern in the area. The land use pattern along the northern side of W. King Street, in the general vicinity of the subject parcel, consists of commercial, retail, and light industrial-type uses. Parts of this section of the north side of W. King Street are located in Brevard County. Lands located to the west and south of the subject parcel, on the south side of W. King Street, are vacant parcels. The parcels to the north and east of the subject parcel consist of industrial and warehouse uses as well as a stormwater pond at the intersection of W. King Street and Cox Rd.

- b. The proposed change would create an isolated district unrelated to adjacent and nearby districts.*

**Staff Finding:** The proposed change would continue the existing land use pattern as described in (a) above and, therefore, would not create an isolated district unrelated to the adjacent and nearby districts.

- c. *The proposed change would materially alter the population density pattern and thereby increase or overtax the load on public facilities such as schools, utilities, streets, access, etc.*

Staff Finding: The proposed zoning district does not include residential use, therefore the proposed change will not alter the population density pattern.

- d. *Existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.*

Staff Finding: The boundaries are logically drawn in relation to the existing uses in the area.

- e. *The proposed change would be contrary to the Future Land Use Map and would have an adverse effect on the Comprehensive Plan.*

Staff Finding: The FLUM designation for the subject parcel is Industrial which is consistent with the following Future Land Use Element of the Comprehensive Plan:

Policy 1.1.2.10: Industrial (IND). Industrial areas shall be regarded as appropriate for activities associated with industrial development, which can include materials processing, materials assembly, product manufacturing, and storage of finished products. Uses can include manufacturing facilities, warehouse distribution centers and truck terminals. The following criteria shall be used for determining appropriate locations for industrial land use designations on the future land use map.

- A. Industrial areas shall also serve as an area to locate businesses with principal uses and activities which could have adverse secondary effects (i.e., increase crime; neighborhood deterioration and blight; property devaluation; economic deterioration; and health risks) on residential areas, religious establishments, schools, parks, or day care centers located within the City; including, but not limited to adult entertainment establishments.
- B. Commercial and office uses that are complementary to and support industrial development and operations may be permitted within industrial designated areas.
- C. Future industrial areas should be planned with extensive landscaping, and coordinated parking. Industrial areas shall have immediate access to a two-lane collector and/or two-lane arterial.
- D. Industrial development shall be designed to minimize the negative impacts on lower intensity land uses through such means as, for example, landscaping and appropriate transitional uses including low scale professional offices or medium density residential development.

- f. *Changed or changing conditions make the passage of the proposed amendment necessary.*

Staff Finding: The subject property is seeking to apply a City zoning district designation as a result of the recent annexation of the parcel into the City of Cocoa.

- g. The proposed change will adversely influence living conditions in the neighborhood.*

Staff Finding: The subject parcel is located on SR520 in an area of primarily commercial and light industrial uses. Nearby residential areas are located off of SR520. The proposed rezoning would not adversely influence living conditions in the immediate area.

- h. The proposed change will create or excessively increase traffic congestion or otherwise affect public safety.*

Staff Finding: It is not anticipated that the proposed rezoning would create or excessively increase traffic congestion or otherwise affect public safety. As stated above, very similar uses with similar traffic-generating characteristics are already permitted in the existing Brevard County IU, Light Industrial, zoning district.

- i. The proposed change will create a drainage problem.*

Staff Finding: No drainage problems are anticipated as a result of the rezoning. Any new construction would be required to comply with all applicable regulations and permitting requirements.

- j. The proposed change will seriously reduce light and air to adjacent areas.*

Staff Finding: Any new construction on the subject property will be required to meet the requirements of the City Code to ensure light and air to adjacent areas are not reduced. The City Code does have reduced setbacks in comparison to the County generally as follows: Front yard setback- 40 feet/20 feet; Side yard setback - 15 feet/0 feet; Rear Setback - 25 feet/20 feet. However, given the fact that the applicant owns the property to the north and only one other developed parcel borders the property (currently also used for warehousing and distribution), the reduced setbacks are not expected to seriously reduce light and air to adjacent areas. A stormwater pond and vacant property also border the subject property on the east and west.

- k. The proposed change will adversely affect property values in the adjacent areas.*

Staff Finding: It is not anticipated that property values would be affected by the proposed rezoning. The proposed zoning will not alter existing conditions.

- l. The proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.*

Staff Finding: It is not anticipated that the proposed rezoning would be a deterrent to the improvement or development of adjacent property. Development of the adjacent property would be very similar to development of the subject property owing to the similar characteristics of the Brevard County IU and City of Cocoa M-1 zoning district regulations.

- m. The proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.*

Staff Finding: The proposed change will not constitute a grant of special privilege to the property owner of the subject property as contrasted with the public welfare.

- n. There are substantial reasons why the property cannot be used in accord with existing zoning.*

Staff Finding: The property has been annexed into the City of Cocoa and must have a City of Cocoa zoning district designation in order for any development of the property to occur.

- o. Whether the change suggested is out of scale with the needs of the neighborhood of the city.*

Staff Finding: The proposed rezoning is not out of scale with the needs of the area.

- p. It is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.*

Staff Finding: The property owner is not seeking to apply a new use to the property but rather to provide a City zoning to the property.

#### **Consistency with Comprehensive Plan Policies and Objectives**

The proposed M-1 zoning designation is consistent with the allowable uses under the "Industrial" Future Land Use per the City of Cocoa Comprehensive Plan as further discussed in criteria "e" above.

#### **BUDGETARY IMPACT:**

N/A

#### **PREVIOUS ACTION:**

N/A

#### **RECOMMENDED MOTION:**

Staff recommends that the Planning & Zoning Board recommend APPROVAL to City Council of the Zoning Map Amendment consistent with Appendix A, Zoning, Article XXII, to change the Zoning Map designation of one parcel (0.6 acres) from Brevard County IU (Light Industrial) to City of Cocoa M-1 (Light Industrial and Warehouse) as depicted on Exhibit A.

**ORDINANCE NO. 09-2021**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF AN APPROXIMATELY 0.60 ACRE PARCEL OF REAL PROPERTY, LOCATED NORTHWEST OF THE INTERSECTION OF STATE ROAD 520 AND COX ROAD, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY IU (LIGHT INDUSTRIAL) TO CITY OF COCOA M-1 (LIGHT INDUSTRIAL AND WAREHOUSE DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City is granted the authority, under Section 2(b), Art. VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, the Planning and Zoning Board and City Staff of the City of Cocoa have recommended approval of this Ordinance; and

**WHEREAS**, the City Council of the City of Cocoa held two duly noticed public hearings on the proposed zoning change set forth hereunder and considered findings and advice of staff, the Planning and Zoning Board, citizens, and all interested parties submitting comments and supporting data and analysis, and after complete deliberation, hereby finds the requested change consistent with the City of Cocoa Comprehensive Plan and that sufficient, competent, and substantial evidence supports the zoning change set forth hereunder; and

**WHEREAS**, the City Council of the City of Cocoa, Florida, hereby finds this ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Cocoa.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COCOA HEREBY ORDAINS, AS FOLLOWS:**

**Section 1. Recitals.** The foregoing recitals are hereby fully incorporated herein by reference as legislative findings of the City Council of Council.

**Section 2. Zoning Map Amendment.** That the Official Zoning Map of the City of Cocoa, as described in City of Cocoa Code, Article VIII, Section 1, is hereby amended to include a change of classification from Brevard County IU (Light Industrial) to M-1 (Light Industrial and

Warehouse District) for the real property depicted and legally described on **Exhibit A**, attached and incorporated herein by this reference. City Staff is hereby directed to promptly amend the Official Zoning Map upon the effective date of this Ordinance.

**Section 3. Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**Section 4. Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 5. Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

**ADOPTED** by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
**MICHAEL C. BLAKE, Mayor**

**ATTEST:**

\_\_\_\_\_  
**CARIE SHEALY, MMC**  
**City Clerk**

First Reading: \_\_\_\_\_  
Legal Ad Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

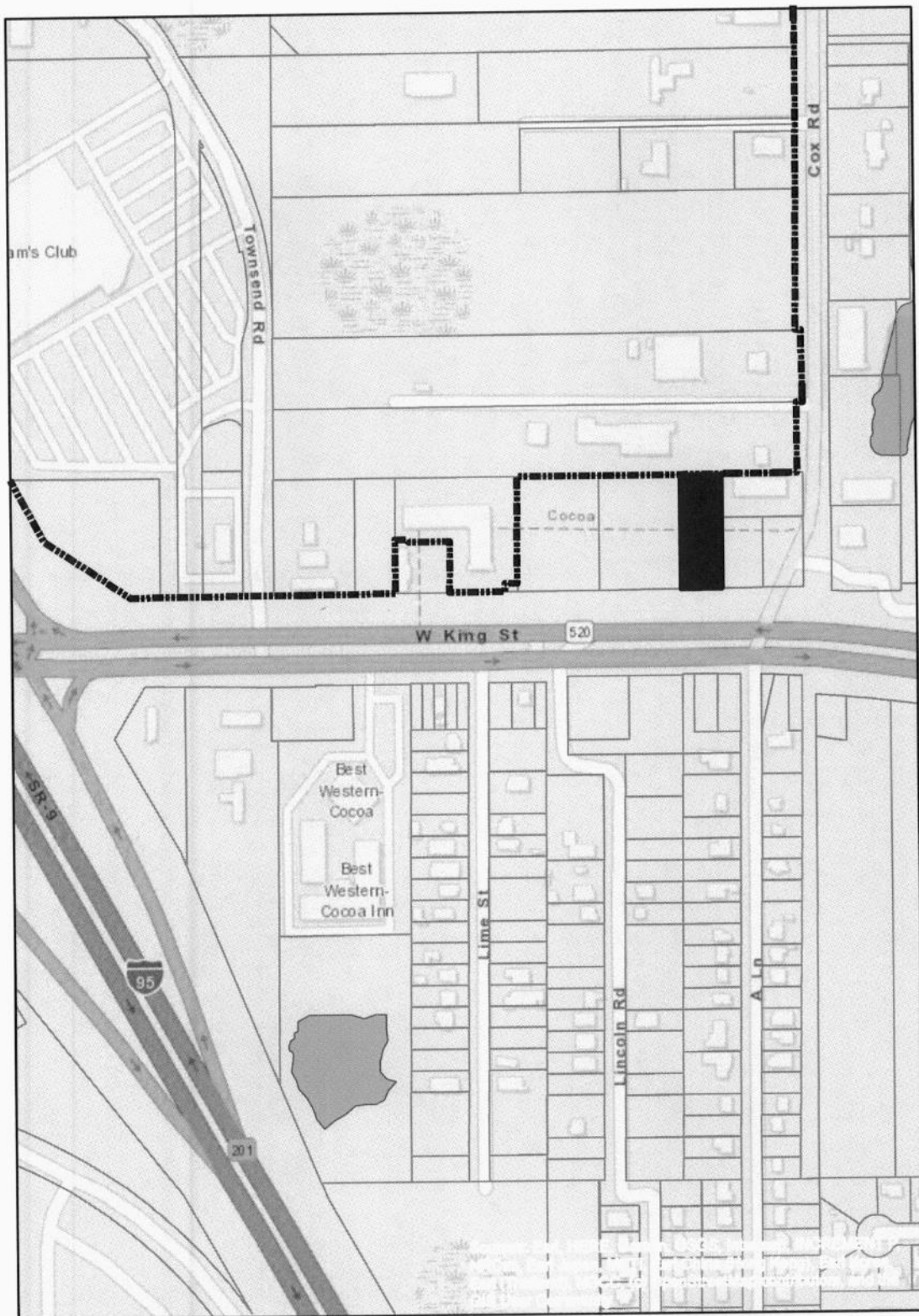
## EXHIBIT A

### Legal Description of Real Property

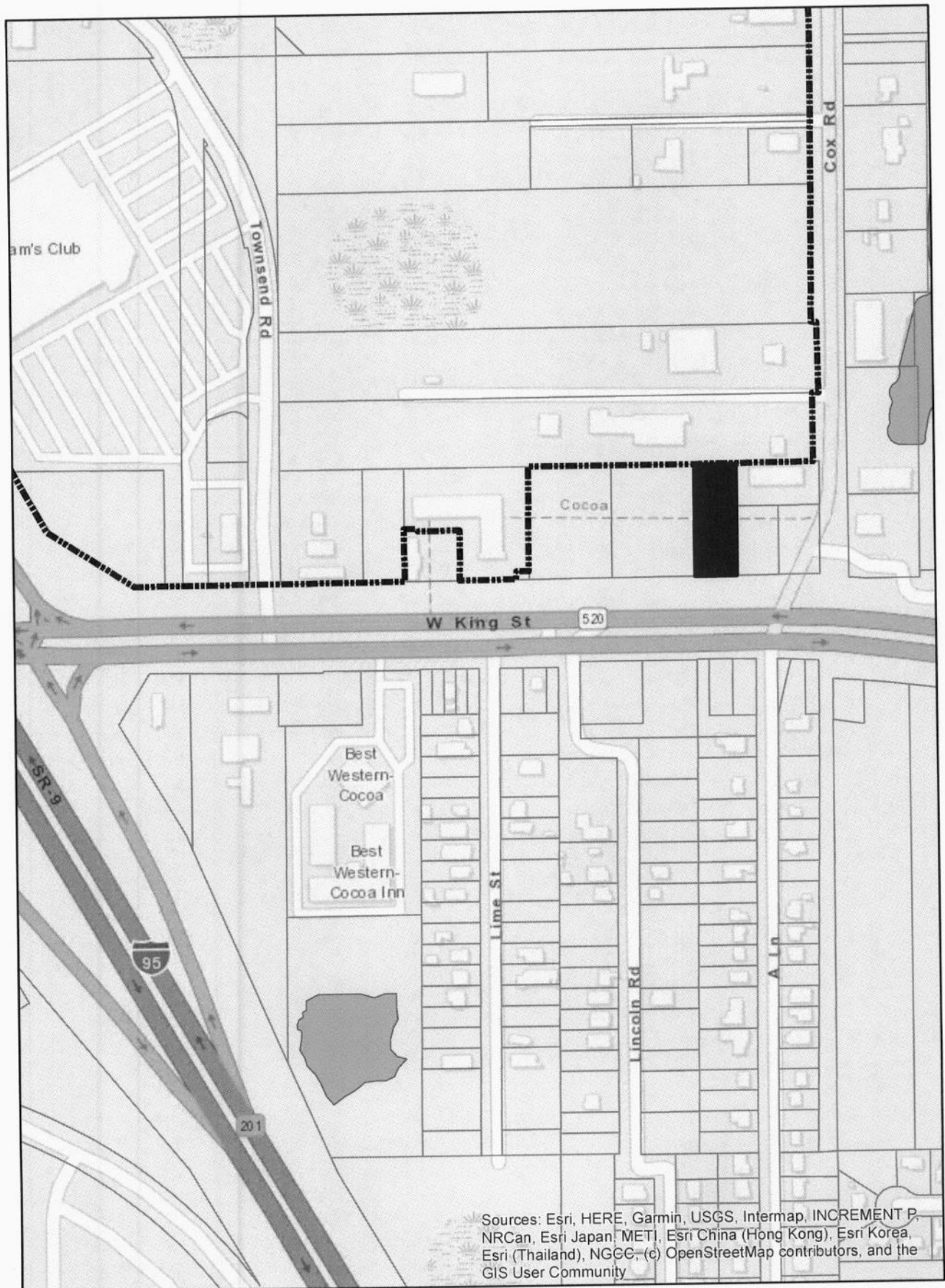
A parcel of land lying in the South  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 26, Township 24 South, Range 35 East, Brevard County, Florida, said parcel is bonded on the North by the lands described in Official Records **Book** 7971 at Page 1279, bounded on the South by KING STREET (STATE ROAD 520), bounded on the West by Official Records Book 3162 at Page 4879, bounded on the East by Official Records Book 6114 at Page 2685 and bounded on the East (also) by Official Records Book 5904 at Page 2647, all of the Public Records of Brevard County, the same being more particularly as follows:

TO WIT

Begin at the Northwest corner of the lands described in the aforesaid Official Records Book 6114 at Page 2685, the same point lies on the South line of the lands described in Official Records Book 7971 at Page 1279; thence run S 89°27'49" W along the South line thereof for 99.96 feet to the Northeast corner of the lands described in Official Records Book 3162 at Page 4879; thence run S 00°00'02"W along the East line thereof for 267.70 feet to a point on the North right of way line of KING STREET (STATE ROAD 520); thence run S 89°55'02" E along the North line thereof for 100.03 feet to the Southwest corner of the lands described in Official Records Book 5904 at Page 2647; thence run N 00°01'51" W along the West line thereof for 165.78 feet to the Southwest corner of the lands described in Official Records Book 6114 at Page 2686; thence run N 00°01'51" W along the West line thereof for 103.00 feet to the Point of Beginning



## 4050 W. King Street (SR520)



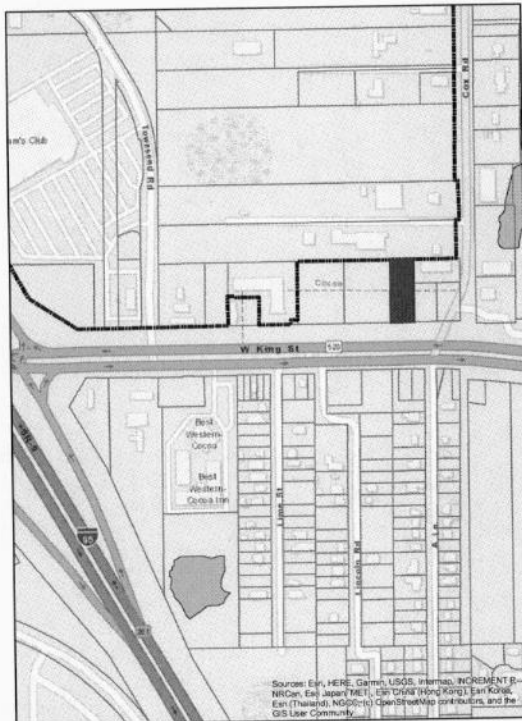
# CITY OF COCOA NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT  
THE PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY  
AND THE COCOA CITY COUNCIL  
PROPOSE TO CONSIDER THE FOLLOWING REZONING ORDINANCE,  
INITIATED BY APPLICANT GEM INDUSTRIES, INC.:

## Ordinance No. 09-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF AN APPROXIMATELY 0.60 ACRE PARCEL OF REAL PROPERTY, LOCATED NORTHWEST OF THE INTERSECTION OF STATE ROAD 520 AND COX ROAD, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY IJ (LIGHT INDUSTRIAL) TO CITY OF COCOA M-1 (LIGHT INDUSTRIAL AND WAREHOUSE DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

4050 W. King Street (SR520)



PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY  
WILL HEAR THESE ITEMS ON:

JUNE 2, 2021

CITY COUNCIL WILL CONSIDER THESE ITEMS ON:

JUNE 8, 2021 AND JUNE 22, 2021

ALL HEARINGS WILL BE AT 6:00 P.M. OR SOON THEREAFTER IN THE  
COCOA CITY HALL COUNCIL CHAMBERS LOCATED AT  
65 STONE STREET, COCOA, FL

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