



City of Cocoa

65 Stone Street
Cocoa, FL 32922

Meeting Agenda

Planning and Zoning / Local Planning Agency

Wednesday, May 4, 2022

6:00 PM

Cocoa City Council Chambers

I. CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA AND MINUTES:

[22-249](#) Planning and Zoning Agenda May 4, 2022

Attachments: [PZ Short Agenda - to City Clerk Revised 4-29-22.pdf](#)

[22-251](#) Approval of the April 6, 2022 meeting minutes.

Attachments: [04-06-2022 FINAL DRAFT.pdf](#)

III: OLD BUSINESS: None

IV: NEW BUSINESS:

[22-217](#) Consideration of a Comprehensive Plan Minor Map Amendment to change the Future Land Use Map designation of Mixed Use to Commercial on 1.38 acres at the southwest corner of SR520 and US1.

Attachments: [Exhibit A Modwash FLU.pdf](#)
[Exhibit B FLU Chart - Current 4 7 22.pdf](#)
[Exhibit C ModWash Small Scale FLU Application.pdf](#)
[Exhibit D Relevant Excerpt Comp Plan Data and Analysis 2010.pdf](#)
[Exhibit E cocoa signs.pdf](#)
[Exhibit F Relevant Excerpt Cocoa Redevelopment Agency Minutes 5-2002.pdf](#)
[Exhibit G COMM MU Chart.pdf](#)
[Modwash Abutter Package.pdf](#)
[Exhibit H COMM FLU Residential Ord 17-2020.pdf](#)

22-239

Consideration of a Zoning Map Amendment consistent with Appendix A, Zoning Article XI, to change the Zoning Map designation from CP (Commercial Parkway to CG (General Commercial) District on 1.38 acres at the southwest corner of SR520 and US1.

Attachments:

[Exhibit A Modwash Current and Proposed Zoning.pdf](#)

[Exhibit B Modwash Site Plan Elevations.pdf](#)

[Exhibit C Modwash Rezoning Application Justification Statements.pdf](#)

[Exhibit D CP - CG Use Comparison Table.pdf](#)

[Exhibit E Current FLU and Zoning.pdf](#)

[Modwash Abutter Package.pdf](#)

V. OTHER BUSINESS:

1. Tree Board Update: (none)

2. Recent Development Update

3. Open Discussion by Board Members

VI. NEXT MEETING DATE:

The next regularly scheduled meeting of the Planning and Zoning Agency is July 6, 2022.

VII. ADJOURNMENT

NOTICE TO THE PUBLIC:

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.

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:

- City of Cocoa meeting calendar at <https://cocoa.legistar.com/Calendar.aspx>

Documents pertaining to the above may also be inspected at the Community Services Department, between 8:00 a.m. and 5:00 p.m., Monday through Friday, or by phoning (321) 433-8535.

Interested persons may submit their written comments or questions prior to the meeting through Email at meetings@cocoafl.org, or via E-comments through the online agenda at the link above. Any electronic comments submitted will be made part of the meeting record.

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:

- City of Cocoa meeting calendar at <https://cocoa.legistar.com/Calendar.aspx>

However, the City is not responsible for technical difficulties that may occur while attempting to view or listen to the meeting on the internet.

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 Cynthia Thurman, Planning and Zoning Manager, at (321) 433-8510 or Cthurman@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 Mrs. Thurman via email or mail at least three (3) days prior to the hearing.



Legislation Details (With Text)

File #: 22-249 **Version:** 1 **Name:**
Type: Agenda **Status:** Agenda Ready
File created: 4/26/2022 **In control:** Planning and Zoning / Local Planning Agency
On agenda: 5/4/2022 **Final action:**
Title: Planning and Zoning Agenda May 4, 2022
Sponsors:
Indexes:
Code sections:
Attachments: [PZ Short Agenda - to City Clerk Revised 4-29-22.pdf](#)

Date	Ver.	Action By	Action	Result
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PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: April 29, 2022
Agenda Date: May 4, 2022
Prepared By: Angela Essing
Through: Department Director
Requested Action:
Approve the agenda for the May 4, 2022 Planning and Zoning Board Meeting

BACKGROUND:

N/A

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Approve the agenda for the May 4, 2022 Planning and Zoning Board Meeting



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Legislation Details (With Text)

File #: 22-251 **Version:** 1 **Name:**
Type: Minutes **Status:** Agenda Ready
File created: 4/26/2022 **In control:** Planning and Zoning / Local Planning Agency
On agenda: 5/4/2022 **Final action:**
Title: Approval of the April 6, 2022 meeting minutes.
Sponsors:
Indexes:
Code sections:
Attachments: [04-06-2022 FINAL DRAFT.pdf](#)

Date	Ver.	Action By	Action	Result
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PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: April 26, 2022
Agenda Date: May 4, 2022
Prepared By: Angela Essing, Growth and Economic Development Director
Through: Angela Essing, Growth and Economic Development Director
Requested Action:
Approval of the April 6, 2022 meeting minutes.

BACKGROUND:

N/A

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Approval of the April 6, 2022 meeting minutes.

**MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
April 6, 2022**

A Regular meeting of the Planning & Zoning Board Local Planning Agency was held on April 6, 2022 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noted.

I. CALL TO ORDER:

Chairperson Dobrin called the meeting to order at 6:00 PM.

ROLL CALL:

Michael Dobrin	Chairperson
Al Washington	Vice Chairperson
Todd Anderson	Board Member
Jeri Blanco	Board Member
Veronica Lopez	Board Member
Marilyn Green	Board Member
Susan Mock	Board Member
Russell Sengel	Board Member
Justin Simpson	Board Member
Aleck Greenwood	Alternate Member
Merrybeth Burgess	Alternate Member
Debbie Joyce	School Board Representative

PRESENT:

Michael Dobrin	Chairperson
Al Washington	Vice Chairperson
Todd Anderson	Board Member
Jeri Blanco	Board Member
Marilyn Green	Board Member
Susan Mock	Board Member
Russell Sengel	Board Member
Justin Simpson	Board Member
Aleck Greenwood	Alternate Member
Merrybeth Burgess	Alternate Member

ABSENT:

Veronica Lopez	Board Member
Debbie Joyce	School Board Representative

STAFF PRESENT:

Angela Essing, Growth and Economic Development Director; Kristin Eick, Board Attorney; Cindy Thurman, Planning and Zoning Manager; Sandra Leone, Planner; Paul Body, Senior Planner; Lavander Hearn, Board Liaison; Michael Blake, Mayor; Alex Goins, Councilmember; Stockton Whitten, City Manager; and Monica Arsenault, Recording Secretary.

Chairperson Dobrin led the assembly in the Pledge of Allegiance.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of April 6, 2022

- * **MOTION BY BOARD MEMBER BLANCO; SECONDED BY BOARD MEMBER SENDEL TO APPROVE THE AGENDA FOR THE APRIL 6, 2022 REGULAR PLANNING AND ZONING MEETING.**

AYES: DOBRIN, WASHINGTON, ANDERSON, BLANCO, GREEN, GREENWOOD, MOCK, SENDEL, SIMPSON

MOTION PASSED UNANIMOUSLY (9-0)

2. MINUTES: Meeting of December 1, 2021
Meeting of March 2, 2022

- * **MOTION BY BOARD MEMBER BLANCO; SECONDED BY BOARD MEMBER SENDEL TO APPROVE THE MINUTES FOR THE DECEMBER 1, 2021 REGULAR PLANNING AND ZONING BOARD MEETING AS WRITTEN.**

AYES: DOBRIN, WASHINGTON, ANDERSON, BLANCO, GREEN, GREENWOOD, MOCK, SENDEL, SIMPSON

MOTION PASSED UNANIMOUSLY (9-0)

- * **MOTION BY BOARD MEMBER SIMPSON; SECONDED BY BOARD MEMBER BLANCO TO APPROVE THE MINUTES FOR THE MARCH 2, 2022 REGULAR PLANNING AND ZONING BOARD MEETING AS WRITTEN.**

AYES: DOBRIN, WASHINGTON, ANDERSON, BLANCO, GREEN, GREENWOOD, MOCK, SENDEL, SIMPSON

MOTION PASSED UNANIMOUSLY (9-0)

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

A. Election of Chairman and Vice Chairman of the Board

- * **MOTION BY ALTERNATE MEMBER GREENWOOD TO REAPPOINT MICHAEL DOBRIN AS CHAIRPERSON AND AL WASHINGTON AS VICE CHAIRPERSON.**

In response to Alternate member Greenwood's motion, Mr. Dobrin respectfully declined to be considered for reappointment.

Board Attorney Eick pointed out the proper procedure for nominations.

- * **MOTION BY BOARD MEMBER BLANCO; SECONDED BY BOARD MEMBER GREEN TO APPOINT RUSTY SENDEL AS CHAIRPERSON.**

AYES: DOBRIN, WASHINGTON, ANDERSON, BLANCO, GREEN, GREENWOOD, MOCK, SENDEL, SIMPSON

MOTION PASSED UNANIMOUSLY (9-0)

As a point of clarification, Board member Sendel pointed out that his term would end in November of this year so at that time a new Chair would need to be elected.

Alternate member Greenwood nominated Mr. Washington as Vice Chairperson, however Mr. Washington also declined to be considered for reappointment as Vice Chairperson.

- * **MOTION BY BOARD MEMBER BLANCO; SECONDED BY BOARD MEMBER ANDERSON TO APPOINT MARILYN GREEN AS VICE CHAIRPERSON.**

AYES: SENDEL, GREEN, ANDERSON, BLANCO, DOBRIN, MOCK, SIMPSON, WASHINGTON

NAYES: GREENWOOD

MOTION PASSED (8-1)

B. PZ-22-02100001 (ModWash, LLC) **TABLED**

Ms. Thurman explained that the applicant has requested that their items be tabled to the next regular meeting. They had originally planned for a public workshop to be held, which was postponed, however they would still like to have the public meeting prior to appearing before the Planning and Zoning Board.

Chairperson Sengel opened the hearing to the public.

Ms. Kristin Lortie read an email¹ into the record that she had submitted to the Board.

Eva Marlow, Village Cycle Shoppe, Cocoa Village, asked to clarify that the project location was on SR520 and US1. In response, the Board confirmed Ms. Marlow was correct.

There being no further questions or comments, the public portion of the hearing was closed.

* **MOTION BY ALTERNATE MEMBER GREENWOOD; SECONDED BY BOARD MEMBER ANDERSON TO TABLE ITEMS B & C RELATING TO MODWASH, LLC TO THE REGULAR PLANNING AND ZONING MEETING SCHEDULED FOR MAY 4, 2022.**

AYES: SENDEL, GREEN, ANDERSON, BLANCO, DOBRIN, GREENWOOD, MOCK, SIMPSON, WASHINGTON

MOTION PASSED UNANIMOUSLY (9-0)

C. PZ-22-02100001 (ModWash, LLC) **TABLED**

D. PZ-21-02100022 (603 Brevard Ave.)

Ms. Thurman provided a staff report, explaining that the applicant proposes to develop a new seven story hotel building with an 8th floor roof top bar and architecturally integrated multi-level parking garage in central Cocoa Village on 1.25 acres. The hotel will have 107 hotel rooms and amenities with an overall square footage of 202,846. The hotel will have its main entrance and lobby on Brevard Avenue. The first level will consist of hotel lobby, garage accesses, open air café, retail, office and meeting spaces.

The hotel rooms are primarily on three levels, the fifth, sixth and seventh floors. There will be a swimming pool on the 5th level. Factory street will be partially vacated but will remain a two-way street. The architectural plans show an overall proposed building height of 85’.

¹ Email from Kristin Lortie

The site is formerly known as the old Cocoa City Hall site. The subject property consists of the three parcels that are currently marginally improved. The area is sparse of landscaping and is impervious and primarily used for parking.

Ms. Thurman further discussed the timeline and the details for the Development Agreements between the Cocoa CRA Amended and Restated Redevelopment Agreement and the developer, the City of Cocoa's Development Agreement and the developer; the site plan sufficiency in compliance with the development agreements, project enhancements in the development agreements and the site plans substantial conformance with those project enhancements and a description of the variances and waivers contained in the development agreement and the site plan's compliance with the variances.

Bruce Moia, MBV Engineering President and applicant of the project, spoke regarding the hotel. He pointed out that Hotel Melby in downtown Melbourne has been very successful and believes that this hotel will do the same for Cocoa Village. He added that off-street parking will be provided and the pavers will match what is already there as well as pedestrian connections.

Alternate member Greenwood announced that at this time he needed to recuse himself due to his involvement with the project.

Vice Chairperson Green asked Mr. Moia where the hundred public parking spaces are located on the first two floor plans and how they will control the use. In response, Mr. Moia explained that he is not sure how the security inside the garage will work, however Hotel Melby keeps theirs open to the public so that is probably what will happen here.

Mr. Moia also pointed out that although thirteen spots will be initially lost, fifteen will be gained back as they will have fourteen on John Garren Lane and one on Brevard Avenue. The hotel project is required to have one hundred and two parking spaces; however, they will be providing two hundred and ninety-seven parking spaces.

Vice Chairperson Green also asked how parking will be controlled when the hotel hosts various events such as conferences. In response, Mr. Moia explained that in most cases when people attend a conference, they choose to stay at the hotel in which the conference is being held. This can be a positive thing as guests will more than likely explore Cocoa Village and what it has to offer.

Mr. Jack Brown, CEO of Lodging Decisions Inc. and the developer, explained that the plan is to have valet service which will be capable of parking the cars. There will be one hundred seven rooms in the hotel and there will be a parking space allotted to each room and the balance will be available for the public to use.

Mike Kelley, Principal Architect at DFI, explained the parking layout in furtherance and noted where the elevators will be located in the hotel to provide access to the parking garage.

Board member Simpson asked if there was a way to differentiate public parking from hotel guest parking. He further asked what kind of security will be in place so that the public cannot access the various floors of the hotel. In response, Mr. Kelley explained that there will be three elevators inside of the hotel which will not stop on the first or second floor of the parking garage. Additionally, there will be signs posted on the inside of the parking garage to keep the public from accessing the upper floors of the hotel. There is also a possibility that a gate will be installed.

Board member Simpson asked for clarification on where the pool will be dechlorinated. In response, Mr. Moia explained that it will not be emptied into the City's storm drain system and will be drained into their underground system in the parking lot.

Chairperson Sengel opened the discussion to the public.

Ms. Lortie stated that she is not weighing in for or against the project itself, however she wished to comment on the process and referred to her email that she sent to the Board members. She has concerns due to the inadequate time for public review of the information put forward. She pointed out that information was not uploaded to the website until the last minute and she would appreciate it if alerts could be sent out to citizens so they could be made aware of when information has been pushed out.

Board member Blanco agreed with Ms. Lortie; however, the documents were uploaded within a 24-hour window of the meeting and she feels that many people may not be interested in reading an eighty-eight-page traffic report study.

Donna Kettner, owner of Green Apples in Cocoa Village, 111 Harrison St., has had her business in the Village for many years and cares deeply about the downtown. She is afraid that this is going to be a skyscraper in Cocoa Village. She's also afraid that it will attract the wrong sort of tourism. She is concerned about whether or not there will be security and if there will be an issue with garbage and dumpsters in the future. She does not want the Village to turn into a "Wal-Mart". This is a charming, quaint village and she hopes for growth but the developers are not going to be living in the Village like she does. She only wants good development and feels that a four-story building could be put there instead. She feels that there are other options that would be better for that site.

Aleck Greenwood, 630 Brevard Ave., explained that staff has done a tremendous amount of research on each part of this project and he believes that this project will

make Cocoa better. He pointed out that he does not know why people think that this project will be a skyscraper and that City Hall and the Cocoa Village Playhouse are taller than the hotel. The hotel will also be tapered like a wedding cake and will not just be a large concrete block.

Additionally, there will be landscaping which will provide more trees. Furthermore, he provided a history of tax payer dollars and when the CRA came to be.

He pointed out that the code has been followed and complied with, staff has looked at this project upside down and sideways and the City needs to continue with the momentum it has and move forward with the project.

Ann Temple, a resident of Coventry, attended a meeting on March 10th regarding the old bank building on 430 Brevard Avenue. She recently moved here but has been visiting family here for years. She was drawn to the Village due to its historic feel and charm. She shared that she is from Cape Cod where they have very strict zoning restrictions and height limitations. She is afraid that when historical villages start to incorporate modern projects that it can begin to set a precedent. In saying that, she is not necessarily opposed to this project as she feels it is far enough outside of the main part of the Village. She is mostly just concerned that somewhere down the line more and more projects such as this will make their way into the Village and it will lose its historic charm.

Mr. Brown addressed some of the concerns by saying first, that this is not a high-rise project. If anything, it could be considered a mid-rise. Also, he considers this project to be located just outside of Cocoa Village. He also cares about the Village and thinks it is beautiful. They are saving the trees and re-doing the roads among other enhancements. The last thing he wished to point out was how many people this hotel will attract to the shops located in the Village.

Ed Green, 104 Riverside Dr., spoke to Ms. Lortie's comments and stated that "adequate time" is in the eye of the beholder. He had plenty of time to review all of the documents. Additionally, as Ms. Lortie noted, we are not here to discuss what has been done or decided on in the past and he urged the Board to focus on the task at hand and to ignore the distractions.

Eva Marlow, owner of Village Cycle Shoppe in Cocoa Village, hopes that the developers are considerate of the needs of the local business owners.

Chris Hyskell, 638 Brevard Ave., stated that he is for the project and feels it will revitalize the south end of the village.

There being no further questions or comments, the public portion of the hearing was closed.

Ms. Thurman reviewed the zoning classifications and requirements of the project to provide further clarification. Additionally, she discussed the details regarding the square footage of the retail and meeting spaces that will be fronting Brevard Avenue and she can assure everyone that she is certainly not anticipating any big corporate businesses as the retail spaces are appropriately sized for Cocoa Village.

Ms. Thurman pointed out that staff recommends approval of a Large-Scale Site Plan consistent with Appendix A, Zoning, Article XIII, Section 1, to construct a 107-room mixed use hotel totaling approximately 202,044 square feet on 1.25 acres with the following conditions:

- The Applicant shall be required to obtain all other applicable state and federal permits necessary for the development prior to commencement of the development, which shall include, but not be limited to, a Brevard County Right-of-Way Permit, the St. John's River Water Management District permit. Issuance of a development permit by the City does not create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
- The site plan shall be subject to and conditioned upon the City Council's approval of the vacation of approximately 4,200 square feet of Factory Street as outlined in the plans and providing the public easements required in the Development Agreement.

The vacation shall not become effective until the commencement of construction pursuant to the Development Agreement with the City and in accordance with the schedule contained in the Amended and Restatement Redevelopment Agreement.

- All utilities comments shall be satisfied prior to final site plan approval.
- The spot in front of the FDC & Hydrant shall be marked as "No Parking – Fire Lane."
- Provide a de-chlorinator for the swimming pool and proposed discharge connection to the stormwater system.

* **MOTION BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER WASHINGTON TO RECOMMEND APPROVAL TO CITY COUNCIL OF A LARGE-SCALE SITE PLAN CONSISTENT WITH APPENDIX A, ZONING, ARTICLE XIII, SECTION 1, TO CONSTRUCT A 107-ROOM MIXED USE HOTEL TOTALING APPROXIMATELY 202,044 SQUARE FEET ON 1.25 ACRES WITH THE CONDITIONS RECOMMENDED BY STAFF.**

**AYES: SENDEL, GREEN, ANDERSON, BLANCO, DOBRIN, MOCK,
SIMPSON, WASHINGTON**

MOTION PASSED UNANIMOUSLY (8-0)

VII. NEXT MEETING DATE:

The next scheduled meeting for the Planning and Zoning Board will be held on Wednesday, May 4, 2022 at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VIII. ADJOURNMENT:

*** MOTION BY BOARD MEMBER BLANCO; SECONDED BY BOARD
MEMBER WASHINGTON TO ADJOURN THE REGULAR MEETING OF
APRIL 6, 2022.**

**AYES: SENDEL, GREEN, ANDERSON, BLANCO, DOBRIN,
GREENWOOD, MOCK, SIMPSON, WASHINGTON**

MOTION PASSED UNANIMOUSLY (9-0)

MEETING WAS ADJOURNED AT 7:30 PM.

Russell Sengel, Chairperson

Respectfully Submitted By:

Monica Arsenault, Recording Secretary



Legislation Details (With Text)

File #:	22-217	Version:	1	Name:	
Type:	Ordinance	Status:		Agenda Ready	
File created:	4/12/2022	In control:		Planning and Zoning / Local Planning Agency	
On agenda:	5/4/2022	Final action:			
Title:	Consideration of a Comprehensive Plan Minor Map Amendment to change the Future Land Use Map designation of Mixed Use to Commercial on 1.38 acres at the southwest corner of SR520 and US1.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Exhibit A Modwash FLU.pdf Exhibit B FLU Chart - Current 4 7 22.pdf Exhibit C ModWash Small Scale FLU Application.pdf Exhibit D Relevant Excerpt Comp Plan Data and Analysis 2010.pdf Exhibit E cocoa signs.pdf Exhibit F Relevant Excerpt Cocoa Redevelopment Agency Minutes 5-2002.pdf Exhibit G COMM MU Chart.pdf Modwash Abutter Package.pdf Exhibit H COMM FLU Residential Ord 17-2020.pdf				

Date	Ver.	Action By	Action	Result
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PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: April 12, 2022

Agenda Date: May 4, 2022

Prepared By: P & Z Staff

Primary Staff Contact: Angela Essing

Through: Growth and Economic Development Department

Requested Action:

Consideration of a Comprehensive Plan Minor Map Amendment to change the Future Land Use Map designation of Mixed Use to Commercial on 1.38 acres at the southwest corner of SR520 and US1.

BACKGROUND:

Project Name:	Modwash Carwash
Project Number:	PZ-22-00500001 Comprehensive Plan Amendment
Applicant:	ModWash, LLC
Property Owners:	Biscaya Cocoa Holdings Inc.
Project Location:	At the Southwest Corner of SR 520 (W. King Street) and Highway US-1 (S. Cocoa Blvd.).

Property Identification: 24-36-33-31-A-5, 24-36-33-31-C-1, 24-36-33-31-C-2, 24-36-33-31-R.1, 24-36-33-31-R.2, 24-36-33-31-R.3, 24-36-33-31-R.4, 24-36-33-31-R.5, 24-36-33-31-D-11, 24-36-33-31-D-12, & 24-36-33-31-D-13)

Council District: District 1 - Councilmember Alex Goins

I. Project Information

The applicant is requesting a Comprehensive Plan Map amendment on 1.38 acres from the Mixed Use (MU) Future Land Use (FLU) designation to the Commercial (COMM) Future Land Use designation as depicted on Exhibit A. The requested change is to allow the redevelopment of the site into a carwash, though the intended use of a carwash would not be binding if the requested amendment was adopted.

The existing MU future land use designation was established under ordinance 11-2010 in October of 2010. The Future Land Use Element of the City's Comprehensive Plan states that the Mixed-Use land use category is intended to provide a mixture of residential, commercial, office, recreational and institutional uses along the major transportation corridors (such as SR 520 and US 1). Mixed-uses can be developed as single uses on separate parcels or as a mixture of uses within a single development.

The applicant is proposing to change the FLU to COMM. The COMM land use category is intended for areas that serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses.

The current future land use and zoning designation of Commercial Parkway (CP) does not allow for automobile laundry or quick wash use and therefore the applicants are requesting a FLU amendment and a rezoning of the site. Thus, a companion application (22-02100001) to amend the zoning map to rezone the subject property from the CP Zoning District to the General Commercial (CG) Zoning District is also being presented to the Planning and Zoning Board for consideration. The CG Zoning District is not consistent with the Mixed-Use FLU. However, the CG Zoning District would be consistent with the proposed Commercial future land use designation if the future land use amendment were approved.

Future Land Use Designation: *Current:* Mixed Use

Proposed: Commercial

Zoning District: *Current:* CP (Commercial Parkway)

Proposed: CG (General Commercial)

Existing Use: Cleared/Vacant land

Future Land Use Element: See Exhibit B

OVERVIEW OF SURROUNDING AREA

	Future Land Use Designations	Land Uses
North	MU	Automotive Vehicle Sales (Mike Erdman's Truck Exchange)
South	COMM	Automotive Repair (Auto Pro's Service Center)

East	MU	Automotive Vehicle Sales (CARite)
West	The Railroad is COMM, west of the railroad is MU	Florida East Coast Railroad, west of railroad is vacant

II. Consistency with Comprehensive Plan Policies and Objectives

Pursuant to the City's Land Development Regulations Chapter 15, Article II, Sec. 15-11(c) - Comprehensive Plan Amendment Standards, the following shall be considered by Planning & Zoning Board and City Council:

a. Whether the proposal favorably or unfavorably impacts the city's budget, or the economy of the region;

Applicant Response: See Exhibit C

Staff Response: The subject property is currently vacant and is ripe for infill redevelopment, which can be achieved under either the existing Mixed-Use future land use or the Commercial future land use. This is a prominent intersection for the City of Cocoa. It is located at an arterial intersection with FDOT Right of Way to the North and FECRR ROW to the west. Redevelopment of this intersection will have a favorable impact on the City's tax revenues. However, in contrast to the proposed Commercial future land use, a mixed-use development would have the potential to increase the tax base beyond a single user.

Moreover, as explained in the Data and Analysis accompanying and supporting the 2010 Comprehensive Plan amendments that created the Mixed-Use future land use category, a Vision Plan for the City was developed as early as 1996. This Vision Plan identified strengthening the "economic function" of the City by redeveloping the downtown and core areas of Cocoa as a "mixed-use center" that would attract and serve the people of the region. Creating compact, dense, mixed-use developments in and near Cocoa's downtown would facilitate this goal and support the Cocoa economy and, in particular, the Cocoa Village's economic growth by providing a nearby residential population to support Cocoa Village and downtown businesses should a proposed residential project meet all of the requirement's of the code including any additional conditions required by a special exception for residential use. It has been the City's goal, as expressed in the Comprehensive Plan and supporting analysis and visioning plans, to facilitate greater expansion of mixed-use centers with supporting residential populations, where appropriate, in this SR 520 corridor and avoid strip commercial development patterns that would be prevalent in a Commercial future land use category. (See Exhibit D).

b. Whether the proposal will diminish the service level of public facilities;

Applicant Response: See Exhibit C

Staff Response: The site is located at a major arterial intersection where public facilities are available. The proposed amendment will not diminish the level of service level of public facilities.

c. Whether the proposal favorably or unfavorably impacts the environment, or the natural or historical resources of the city or the region;

Applicant Response: Exhibit C

Staff Response: There are no natural existing buffers or historical resources to protect on the site. However, there is one structure of significance north of this site in the Florida Department of Transportation (FDOT) right-of-way (ROW). The structure is one of the four "Cocoa" signs as

depicted in Exhibit E. The four corners of the major arterial intersection are the western historical entrance to Cocoa Village and the Cocoa Community Redevelopment Agency (CRA). The work to make the intersection prominent began in May of 2002 when the Cocoa Redevelopment Agency voted to start the process to vacate Stone Street and to acquire the needed properties for the sign. See Exhibit F.

Cocoa Redevelopment Agency minutes show the desire to redevelop the land at this intersection since 2002. It is important that this prominent corner, announcing the entrance to downtown Cocoa, be developed consistently with the City's expressed long-term land use goals and vision for the corridor, which is a mixed-use center.

In addition, the Data and Analysis Study completed in October of 2010 for the City of Cocoa Comprehensive Plan, prepared by Land Design Innovations, discusses the need for redevelopment in the Cocoa CRA and discusses weaknesses like too many distressed commercial corridors, the need for continued and stricter aesthetics, a lack of professional offices and a variety of restaurants. The data also discusses the City's goal of creating a physical planning framework to improve the quality of life and to ensure that new development shapes the City into a unique community that residents can identify with. Lastly, it identifies SR 520 and US 1 as major corridors that should be developed as mix-use corridors. Exhibit D

Finally, the Data and Analysis further establishes that the Mixed-Use future land use category was a tool developed to encourage the reduction of green house gasses and encourage energy conservation. The Data and Analysis explains that the City's land use pattern plays a significant role in reducing vehicle miles travelled and thus in reducing energy consumption. Promoting strategies such as compact development and high density development arranged to encourage pedestrians and bicycle and transit use are central to achieving the stated Comprehensive Plan goals of reducing green house gasses and encouraging energy conservation. Higher density and compact development are essential characteristics of mixed-use development centers and corridors. Further, the 2010 Comprehensive Plan Amendments also included the addition of the Energy Conservation Areas Map M-I-10 in the Future Plan Use Element, which identifies the Mixed-Use future land use as energy conservation areas due to the characteristics of the category.

d. Whether the proposal is consistent with goals, policies, and objectives of the state comprehensive plan set forth in Chapter 187, Florida Statutes, and the East Central Florida Comprehensive Regional Policy Plan, adopted by Chapter 29F-19.001, Florida Administrative Code;

Applicant Response: See Exhibit C

Staff Response: The current future land use of MU was created with Ord 11-2010 in October of 2010 in response to the State requirement of an Evaluation and Appraisal Report (EAR). The EAR report is required once every seven years and was conducted in 2010. The evaluation and appraisal report is the principal process for updating local comprehensive plans to reflect changes in local conditions and state policy on planning and growth management. The report evaluates how successful a community has been in addressing major community land use planning issues through implementation of its comprehensive plan. Based on this evaluation, the report suggests how the comprehensive plan should be revised to better address community objectives, changing conditions and trends affecting the community and changes in state requirements.

In 2010, the creation of the MU land use category was intended to provide a mixture of residential, commercial, office, recreational and institutional uses along the major transportation

corridors in the City. It also specifically noted the location of SR520 and US1 a mixed-use corridor. In PZ-10-006 EAR Based Comprehensive Plan Amendments, staff noted that the Future Land Use Element of the Comprehensive Plan was being amended to: 1) "Create a new land use category; Mixed-Use (MU). The MU is intended to provide a mixture of residential, commercial, office, recreational, and institutional uses along the major transportation corridors in the City/ specifically SR520 and US 1." 2) "New goal, objectives and policies were created to place a stronger emphasis on quality integrated development such as incorporating "smart growth" principals that will lead to compact development standards as opposed to conventional development standards to reduce urban sprawl." and 3) "New goal, objectives and policies were created to further strengthen the City's commitment and priority to the retention and creation of a wide range of business opportunities." The specific goal that was created was, "1.1.6 The City shall promote mixed-use developments." In addition, the report noted the following under that Conservation Element, "A new objective and policies were added to address energy reduction and conservation in response to HB 697. New policies included the promotion of infill development along existing commercial corridors, promoting mixed-use development patterns, encouragement of expanded transit service, the development of a bicycle/pedestrian master plan to provide interconnectivity of residential and commercial areas to promote bicycle and pedestrian travel as an alternative to the automobile and promotion of LEED design in new construction."

Retention of the Mixed-Use future land use designation promotes the goals of the State Comprehensive Plan, found in s. 187.201, Florida Statutes, as follows, because the existing future land use encourages support of the downtown economy and directs growth to areas with existing facilities and services and away from those areas that will have an adverse impact on the environment:

(15) LAND USE.-

(a) *Goal*.-In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.

(b) *Policies*.-

1. Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce.
2. Develop a system of incentives and disincentives which encourages a separation of urban and rural land uses while protecting water supplies, resource development, and fish and wildlife habitats.
3. Enhance the livability and character of urban areas through the encouragement of an attractive and functional mix of living, working, shopping, and recreational activities.
4. Develop a system of intergovernmental negotiation for siting locally unpopular public and private land uses which considers the area of population served, the impact on land development patterns or important natural resources, and the cost-effectiveness of service delivery.
5. Encourage and assist local governments in establishing comprehensive impact-review procedures to evaluate the effects of significant development activities in their jurisdictions.
6. Consider, in land use planning and regulation, the impact of land use on water quality and quantity; the availability of land, water, and other natural resources to meet demands; and the potential for flooding.
7. Provide educational programs and research to meet state, regional, and local planning and growth-management needs.
8. Provide for the siting of low-carbon-emitting electric power plants, including nuclear power plants, to meet the state's determined need for electric power generation.

(16) URBAN AND DOWNTOWN REVITALIZATION.-

(a) *Goal.*-In recognition of the importance of Florida's vital urban centers and of the need to develop and redevelop downtowns to the state's ability to use existing infrastructure and to accommodate growth in an orderly, efficient, and environmentally acceptable manner, Florida shall encourage the centralization of commercial, governmental, retail, residential, and cultural activities within downtown areas.

(b) *Policies.*-

1. Provide incentives to encourage private sector investment in the preservation and enhancement of downtown areas.
2. Assist local governments in the planning, financing, and implementation of development efforts aimed at revitalizing distressed downtown areas.
3. Promote state programs and investments which encourage redevelopment of downtown areas.
4. Promote and encourage communities to engage in a redesign step to include public participation of members of the community in envisioning redevelopment goals and design of the community core before redevelopment.
5. Ensure that local governments have adequate flexibility to determine and address their urban priorities within the state urban policy.
6. Enhance the linkages between land use, water use, and transportation planning in state, regional, and local plans for current and future designated urban areas.
7. Develop concurrency requirements that do not compromise public health and safety for urban areas that promote redevelopment efforts.
8. Promote processes for the state, general purpose local governments, school boards, and local community colleges to coordinate and cooperate regarding educational facilities in urban areas, including planning functions, the development of joint facilities, and the reuse of existing buildings.
9. Encourage the development of mass transit systems for urban centers, including multimodal transportation feeder systems, as a priority of local, metropolitan, regional, and state transportation planning.
10. Locate appropriate public facilities within urban centers to demonstrate public commitment to the centers and to encourage private sector development.
11. Integrate state programs that have been developed to promote economic development and neighborhood revitalization through incentives to promote the development of designated urban infill areas.
12. Promote infill development and redevelopment as an important mechanism to revitalize and sustain urban centers.

e. Whether the proposal will favorably or unfavorably affect the city's ability to provide adequate public facilities, and whether the proposal will reduce the level of service for affected public facilities below the level of service set in the comprehensive plan;

Applicant Response: See Exhibit C

Staff Response: This proposed amendment will not negatively impact the City's ability to provide public facilities. The subject property was previously used for commercial and retail purposes.

f. Whether the proposal is incompatible with surrounding neighborhoods and land uses;

Applicant Response: See Exhibit C

Staff Response: The MU FLU was intentionally established in 2010 to run along 520 and throughout the Cocoa Village in an effort to promote mixed-use developments. At the time of

the change, the 520 and US 1 corridor were specifically mentioned. Thus making the intersection of 520 and US 1 the center of the desired area for MU. For this reason, the proposed FLU amendment can be seen as incompatible with surrounding neighborhoods and land uses due to the creation of an inconsistent land pattern at the four corners of 520 and US 1. In addition, a change of the FLU to COMM will remove industrial uses and hotels, along with the ability to zone the property CBD, CBD-CVO, C-N, CR, RN, and UMD. The change to a COMM FLU will allow for the site to be zoned C-G (see the applicants zoning request), C-W and C-P, all uses not allowed in the MU FLU. See Exhibit G for a comparison chart.

The proposal for COMM future land use is compatible with the existing land use to the south. However, the introduction of the COMM FLU at the southwest corner of the intersection will not be consistent with the other three corners as noted in Exhibit A.

MU is the most recent expression of long-range planning goals by the Council when they voted to update the EAR in 2010. The fact that the existing CP zoning district is not an allowable zoning district in the Mixed-Use future land use does not necessitate a required change of the FLU, as that inconsistency may be corrected without altering the long-range planning goals of the City. The City staff recommends handling the inconsistency in the future without altering the Mixed-Use FLU.

g. Whether the proposal will have a favorable or adverse effect on the ability of people to find adequate housing reasonably accessible to their places of employment;

Applicant Response: See exhibit C

Staff Response: Both the MU and COMM future land uses allow for residential use on this property. The future land use of MU and COMM both allow for a 100% residential development or a mix of residential and other permitted uses like office and retail. See exhibit H. Ordinance 17-2020 recently amended the Future Land Use Element of the City's Comprehensive Plan to allow for limited residential development in the commercial future land use category where allowed by the underlying zoning district. Residential development is not encouraged in the Commercial future land use category in the same manner as the Mixed-Use future land use category, and Ordinance 17-2020 was primarily intended to allow for some residential development within a commercial PUD. It should be noted that, to the extent the Commercial FLU and companion application to rezone the property to General Commercial were approved, residential uses are not permitted at all in the General Commercial zoning district.

In contrast, mixed-use residential development is highly encouraged in the Mixed-Use future land use category to "create a compact and walkable environment to reduce vehicle miles of travel and encourage use of public transit." In addition, Policy 1.1.2.6 of the Comprehensive Plan provides that the City estimates the MU area will result in a 50 percent residential and 50 percent non-residential mix of uses. To achieve this goal, mixed use buildings within a single development area are highly encouraged in the Mixed-Use future land use category, with a density bonus of up to 5 units per acre being provided for residential housing units developed as part of a vertical mixed use project. Accordingly, greater residential density can be achieved in the Mixed-Use category. The ability of people to find adequate housing reasonably accessible to their places of employment could be impacted if the Commercial future land use were adopted, particularly if the companion rezoning application to CG were approved.

h. If the amendment being requested is consistent with all the elements of the comprehensive plan.

Applicant Response: See exhibit C

Staff Response: The amendment is not consistent with all the elements of the comprehensive plan, which provide that mixed use along the corridors is preferred and that compact development to support the economy and the reduction of energy consumption is preferred.

Policy 1.1.2.9.D of the Comprehensive Plan provides certain factors to be considered when designating new commercial areas or expanding existing commercial areas:

D. The following factors shall be considered when designating new commercial areas or expanding existing commercial areas.

1. Land Use Compatibility Study. The applicant shall analyze and consider the potential impact of a proposed Commercial area or Commercial area expansion on the character of the surrounding uses, neighborhoods and natural environment.

2. Transportation Study. The applicant shall prepare and submit a study demonstrating that the transportation systems affected by the proposed Commercial areas have sufficient current and projected capacity to handle the travel demand generated by the increased intensity. Additionally, transportation studies shall address the requirements and level of service standards of the Transportation Element.

3. Market Study. The applicant shall prepare and submit a market study to demonstrate market demand and economic potential for a proposed Commercial area. The market study should include data and analysis concerning the existing, planned and approved supply of commercial property within the market area, occupancy patterns and trends, the demand for commercial uses allowed under the Commercial designation and the demand for the commercial uses specifically proposed.

4. The City may also consider the following qualitative factors when reviewing proposed Commercial areas:

(a) Whether existing vacant Commercial land in the market area can accommodate the size, shape, location, visibility, and access requirements of the proposed uses.

(b) Whether the proposed use is dependent upon proximity to another specific use.

(c) Whether opportunities are available to redevelop existing Commercial land within the market area.

(d) Whether opportunities are available to assemble multiple parcels of existing Commercial land under separate ownership.

(e) Whether the proposed designation will encourage reinvestment in deteriorating or underutilized area, protect property values, discourage the proliferation of low intensity strip commercial uses and promote infill development.

The above-referenced Policy is applicable to a proposed designation or expansion of the Commercial future land use. The Planning and Zoning Administrator has the discretion to waive the requirement for transportation and market studies for small scale future land use map amendments such as the present request. No formal Land Use Compatibility Study has been prepared by the applicant analyzing the impact of expanding the Commercial future land use on the character of the surrounding uses, neighborhoods, and natural environment, particularly in the context of a proposed interruption of the Mixed-Use corridor envisioned in the Comprehensive Plan. As explained in the Applicant's "Justification Statement," Exhibit C, it is the Applicant's position that the Land Use Compatibility Study is not required because the property has previously been used for commercial purposes and the Mixed

-Use future land use allows for commercial uses. However, this requirement applies in any circumstance in which a property is being proposed for a Commercial future land use designation

Moreover, the Applicant has provided no information regarding the availability of existing, vacant land already designated with a Commercial future land use and nor has the Applicant provided any analysis of other redevelopment opportunities with an existing Commercial future land use to determine whether the Comprehensive Plan amendment is necessary to accommodate their proposed use. The Applicant has further not explained how the proposed designation of the property with a Commercial future land use would discourage the proliferation of low intensity strip commercial uses or encourage reinvestment in a deteriorating area other than to suggest that the Applicant's intended use would promote infill development. This does not explain why a Comprehensive Plan amendment is necessary when commercial uses are still permitted within the Mixed-Use future land use category and infill development could be equally achieved under the existing future land use designation of MU.

III. Summary

The applicant is requesting a Comprehensive Plan Map Amendment to change the future land use designation of the southwest corner of SR 520 and US 1 from Mixed Use (MU) to Commercial (COMM). The requested change is to allow the site to be developed as a carwash.

The existing MU future land use designation was established under Ordinance 11-2010 in October of 2010. The MU FLU was intentionally established in 2010 to run along 520 and throughout the Cocoa Village in an effort to promote mixed-use developments. The SR 520 and US 1 intersection was specifically identified in the ordinance. Thus, making the intersection of SR 520 and US 1 the center of the desired area for MU is an important existing future land use policy and supported by the City Comprehensive Plan "to support commercial development in a mixed use setting with supporting residential uses. The intent of the category is to encourage the development of compact mixed-use centers and avoid a strip commercial development pattern. This category is not intended to require a mix of uses for each site, but rather to achieve an area-wide mix of uses. The Mixed-Use land use is applicable to areas generally along SR 520 (King Street) and US 1."

The request for the Commercial (COMM) future land use designation is not compatible with the land use pattern of the four corners of the 520 and US 1 intersection. The City believes the acknowledgement of the land use pattern of the intersection is more important than the extension of the commercial corridor from the south. This is based on historical data from the 2010-2020 Comprehensive Plan and supporting studies like the Data and Analysis study from October of 2010.

BUDGETARY IMPACT:

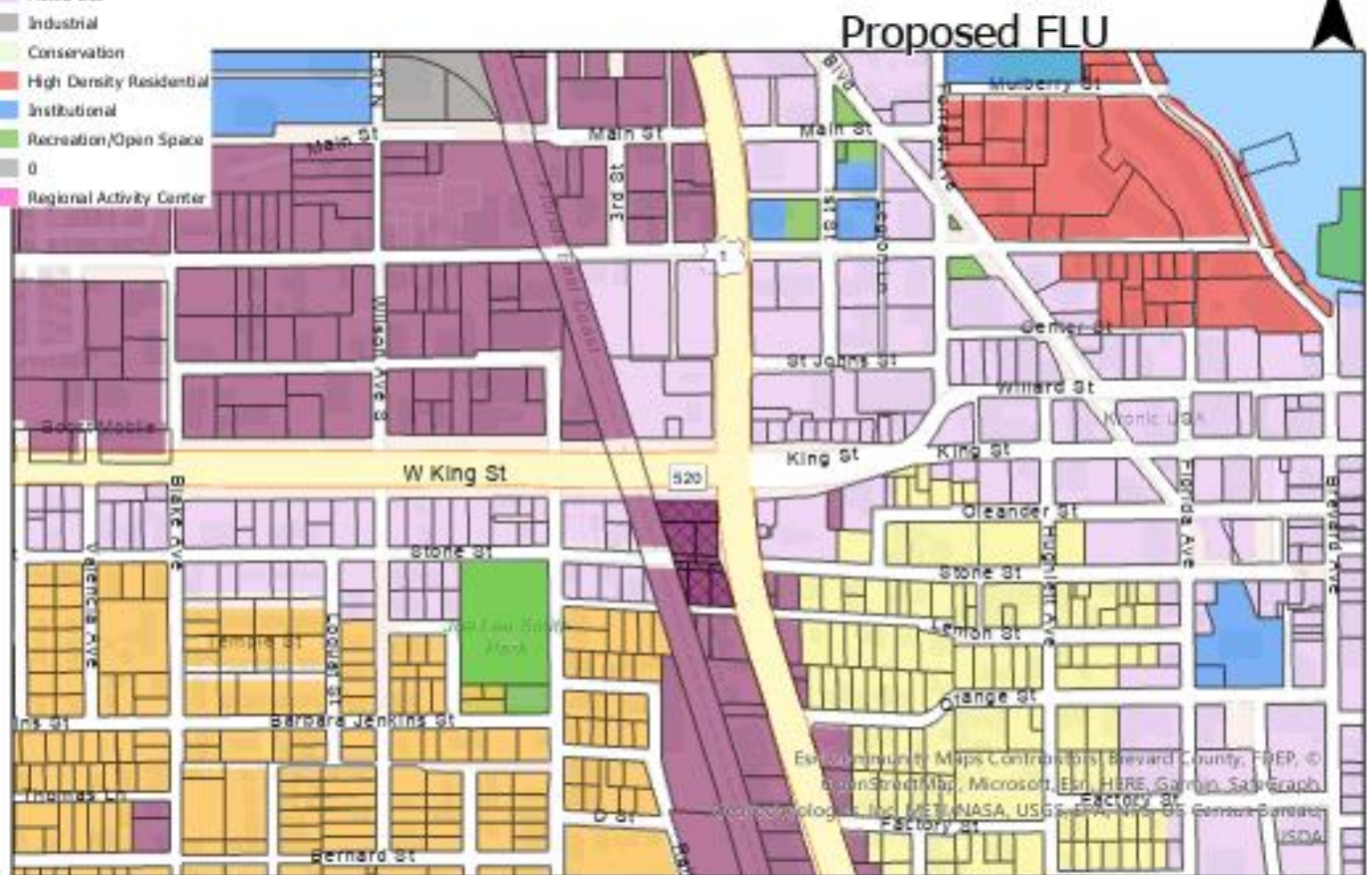
N/A

PREVIOUS ACTION:

This item has been tabled at the March 2, 2022 and the April 6, 2022 meetings.

RECOMMENDED MOTION:

Staff recommends DENIAL of the Comprehensive Plan Minor Map Amendment to change the Future Land Use Map designation of Mixed Use (MU) to Commercial (COMM) on 1.38 acres at the southwest corner of SR 520 and US 1 due to the reasons described above.



FUTURE LAND USE ELEMENT

* * * FIGURE FLU-1 STANDARD FOR FUTURE LAND USE CATEGORIES* * *

Commercial, Industrial, Open Space/Recreational, Institutional and Mixed-Use Future Land Use Categories:

	Commercial	Neighborhood Commercial	Regional Activity Center	Industrial	Open Space Residential	Institutional	Mixed Use
Maximum Intensity/Density	1.0 FAR	0.75 FAR	0.50 FAR, 25 du/acre, and 45 hotel rooms/acre	1.50 FAR	0.25 FAR	1.0 FAR 25 du/acre	25 du/acre ^{2&3} 1.0 FAR ³
Allowable Uses	Commercial, Office, Institutional, Residential ⁷ , and Open Space / Recreational	Commercial, Residential, Office, Institutional, and Open Space / Recreational	Commercial, Industrial, Hotel, Office, Residential, Institutional, and Open Space / Recreational	Industrial and Commercial ⁶	Not Applicable	Institutional	Commercial, Industrial, Hotel, Office, Residential, Institutional, and Open Space / Recreational
Minimum Transportation Access	4 lane collector 2 lane arterial	2 lane collector	2 lane arterial That intersections SR 528 or I-95	2 lane collector 2 lane arterial	Not Applicable	Not Applicable	Not Applicable
Applicable Zoning Districts	C-G, C-W, C-P, C-C, P-S, and PUD	C-N, C-R, R-P, P-S, and PUD	UMD	M-1 and M-2	All Districts	All Districts	CBD, CBD- CVO, C-C, C-N, CR , PS, PUD, RP, UMD
Maximum Impervious Surface Ratio	.90	.80	.95	.75	.25	.65	.95 1.0 in CBD

1. Maximum density may be increased up to 12 du/acre as part of a planned residential development or planned redevelopment activities (Policy 1.2.3.C).
2. An additional 5 units per acre may be achieved if residential units are developed as part of a vertical mixed use project.
3. Maximum FAR in the Cocoa RDA is 2.0 and a bonus may permit up to an additional 2.5 FAR in the Central Business District outside the Cocoa Village Overlay sub-district. An additional 25 units per acre may be achieved in certain areas within the Cocoa RDA.
4. Four (4) acre maximum land area for new Neighborhood Commercial and one (1) acre maximum site land area.
5. Minimum land area of 50 acres and minimum cumulative gross floor area of 500,000 sq. ft. for all structures.
6. Commercial uses that are complementary to and support industrial development and operations.
7. Residential uses shall be permitted only where allowed in the underlying zoning district.

Small-Scale Comprehensive Plan Map Amendment

Application # PZ-22-00500001



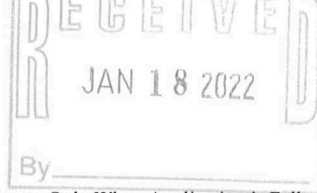
ZONING MAP AMENDMENT **APPLICATION (MAP ONLY)**

Community Services Department
Planning and Zoning Division
65 Stone Street
Cocoa, Florida 32922

Phone: (321) 433-8535
Fax: (321) 433-8543
Web: <http://www.cocoafl.org>

This form is divided into steps, which will help you prepare your application, provide supplemental items, and prepare for the Planning & Zoning Board and City Council hearings. A pre-application meeting with Staff is **required**.

For Office Use Only - Date Received



Stamp Only When Application is Fully Complete

Please TYPE or PRINT this application neatly.

1. Existing Zoning Category: Commercial Parkway (C-P)

2. Proposed Zoning Category: General Commercial (C-G)

3. Existing Future Land Use Category: Mixed Use

4. Proposed Future Land Use Category (if applicable): Commercial

5. Applicant Information: * NOTE: Applicant is the main contact, who must attend the meeting!

Company (if applicable): ModWash, LLC.

Name: ModWash, LLC.

Mailing Address: 736 Cherry Street

City: Chattanooga State: TN Zip Code: 37402

Phone #: (954) 314-8480 Fax #: _____

Mobile #: (954) 314-8480 E-mail: bowman_ftl@bowman.com

6. Property Owner Information: * Check here if same as Applicant → ☐
* If more than one owner, attach additional sheet with names and addresses.

Company (if applicable): Biscaya Cocoa Holdings, LLC.

Name: Biscaya Cocoa Holdings, LLC.

Mailing Address: 325 S Biscayne Blvd., Apt. 3423

City: Miami State: FL Zip Code: 33131

Phone #: _____ Fax #: _____

Mobile #: _____ E-mail: _____

7. Property Information:

Street Address and Location: SWC of W King Street & S Cocoa Blvd.

Parcel ID:

** If more than two Parcel IDs, attach additional sheet with Parcel IDs.*

□□-□□-□□-□□-□□□□□□.□□-□□□□□□.□□

Please see attached sheet with Parcel IDs

□□-□□-□□-□□-□□□□□□.□□-□□□□□□.□□

Tax Account Numbers:

** If more than two Tax Account #s, attach additional sheet with Tax Account #s.*

□□□□□□□□

□□□□□□□□

Land Area: 60,112.8 square feet or 1.38 acres

Existing Use(s) on Property: 1222- Commercial Related Amenities/ 1000- Vacant Land

Proposed Use(s) on Property: _____

8. Please submit the following items in order complete the application:

- a. ☒ **Notarized application.**
- b. ☒ **List of owners within 500 feet.** A "radius map package" from Brevard County containing a certified mailing list with mailing labels and a map of all property owners of record who reside within a 500-foot radius of the subject property is required for public notice. It is the applicant's responsibility to obtain these materials from the following for a nominal fee:
Brevard County Planning and Zoning, Attn: Graphics.
Brevard County Government Center, Building A
2725 Judge Fran Jamieson Way
Viera, FL 32940
Phone: (321) 633-2060 Fax: (321) 633-2152
- c. ☒ **Application fee.** Please make checks payable to the 'City of Cocoa' and submit payment **ONLY** to the Community Services Department. Public mail notice and legal advertising fees must also be paid a few weeks after application submittal. See Schedule of Fees, Charges and Expenses for applicable fees.
- d. ☒ **Proof of ownership.** A copy of the most recent recorded warranty deed is required.
- e. ☒ **Letter of authorization.** If the applicant is not the property owner, a notarized letter of authorization or agent affidavit is required, unless the applicant is the Attorney of the owner. Each property owner must complete a separate authorization form or other suitable documentation to allow the agent to act upon his/her behalf. A sample "Letter of Authorization" form is available from the City.
- f. ☒ **Corporate documents.** If the applicant/owner is representing a company, articles of incorporation which show the applicant/owner is authorized to represent the company is required. A data record printout from the Florida Department of State, Division of Corporations website may also be provided (<http://www.sunbiz.org/corpweb/inquiry/search.html>).
- g. ☒ **Certified boundary survey.** Submit a certified survey showing all existing structures and all proposed structures.
- h. ☒ **Legal description.** Submit a typed copy of the legal description. It may be submitted on a computer disk or by e-mail.
- i. ☒ **Additional information (optional).** Submit any information that may be helpful in understanding the request. This may include a site plan drawing, photos, sketches, elevations, or letters from adjoining property owners.

9. **Application filing deadline.** The application filing deadline is on the first day of each month at 5:00 pm for public hearings that are held in the following month. For Zoning Map Amendment applications that are submitted concurrently with other applications, the earlier filing deadline shall apply.
10. **Application filing procedure.** This application, together with all required exhibits and attachments, shall be completed and filed with the Planning and Zoning Division.

Public hearings process information – please read this!

11. **Dates and locations of public hearings.** All zoning map amendments require one hearing in front of the Planning & Zoning Board and two hearings in front of the City of Cocoa Council.
12. **Board types.** The Planning & Zoning Board is an advisory board to the City Council and therefore is only authorized to make recommendations. City Council is an authoritative body and is able to make binding decisions.
13. **Presence required at the public hearings.** The applicant or his/her representative must be present to answer any questions concerning the application. If there are extenuating circumstances why the applicant or his/her representative cannot attend, he or she must notify the City in writing prior to the public hearing.
14. **Preparing for the public hearings.** It is the applicant's responsibility to research and know all laws that may be applicable and may affect the outcome of any decision on the application request. The City assumes no responsibility or liability relating to the applicant's failure to research and know all applicable laws including, but not limited to state, federal, and city laws, codes, land development regulations, and the comprehensive plan.
15. **Exhibits at public hearings.** If photographs, documents, maps or other materials are provided to the Board/Council as evidence at the public hearing, the applicant must leave those instruments with the Recording Secretary. By law those instruments automatically become part of the public records and cannot be returned to the applicant.
16. **Witnesses at public hearings.** For the purposes of making a decision on the application, the Board/Council shall only consider testimony of qualified witnesses. A witness is determined by the Board/Council and is generally based on:
- a. The witness has personal knowledge of the fact in which the witness will testify; and/or
 - b. In the case of testimony consisting of opinions or inferences, the testimony is qualified as the following:
 1. *Layman witness:* Testimony of a witness other than an expert witness is qualified only if:
 - The witness can readily, and with equal accuracy and adequacy, communicate what he or she perceived to the Board without testifying in the form of opinions or inferences.
 - The opinions and inferences do not require any special knowledge, skill experience or training.
 2. *Expert witness.* Testimony of an expert witness is qualified only if:
 - The subject matter is proper for expert testimony because scientific, technical, or other specialized skill will help the Board understand the evidence being presented, or helps establish a fact in issue.
 - The witness is adequately qualified to express an opinion on the matter.
17. **Planning & Zoning Board vs. City Council actions.** If the Planning & Zoning Board finds that the facts presented in the matter justify approval, it may recommend to approve the request, or a portion thereof, and it may specify any conditions deemed necessary to preserve the intent of the City of Cocoa Code. If the Board finds that the facts presented do not justify approval, it may recommend to deny the request and will specify the reasons for denial. A decision is usually made at the same meeting that the hearing is held. Regardless of the outcome, the application will be forwarded to the City Council for consideration where a final decision can be made.

18. In order to approve a zoning map amendment, the Planning & Zoning Board and City Council must consider and study the criteria listed below (as described in Appendix A, Article XXII, Section 1 (G)(1) of the City of Cocoa Code). Please provide your consideration of the following criteria and any pertinent data and evidence that may be useful to the Planning & Zoning Board and City Council. Use extra sheets if necessary.

a. Whether or not the proposed change is contrary to the established land use pattern.

Please see Justification Statement.

b. Whether or not the proposed change would create an isolated district unrelated to adjacent and nearby districts.

Please see Justification Statement.

c. Whether or not 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.

Please see Justification Statement.

- d. Whether or not existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Please see Justification Statement.

- e. Whether or not the proposed change would be contrary to the land use plan and would have an adverse effect on the comprehensive plan.**

Please see Justification Statement.

- f. Whether or not changed or changing conditions make the passage of the proposed amendment necessary.**

Please see Justification Statement.

g. Whether or not the proposed change will adversely influence living conditions in the neighborhood.

Please see Justification Statement.

h. Whether or not the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

Please see Justification Statement.

i. Whether or not the proposed change will create a drainage problem.

Please see Justification Statement.

j. Whether or not the proposed change will seriously reduce light and air to adjacent areas.

Please see Justification Statement.

k. Whether or not the proposed change will adversely affect property values in the adjacent areas.

Please see Justification Statement.

l. Whether or not the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

Please see Justification Statement.

m. Whether or not the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

Please see Justification Statement.

n. Whether or not there are substantial reasons why the property cannot be used in accord with existing zoning.

Please see Justification Statement.

o. Whether or not the change suggested is out of scale with the needs of the neighborhood.

Please see Justification Statement.

p. Whether or not it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

Please see Justification Statement.

19. Signatures and Notarization.

STATE OF Florida COUNTY OF Broward, I, Damian Brink
being first duly sworn, depose and say that:

- ☒ I am the applicant, or if corporation, I am the officer of the corporation authorized to act on this request.
- ☐ I am the legal representative of the applicant of this application and a notarized Letter of Authorization form or agent affidavit accompanies this application giving written, unless the applicant is the Attorney representing the owner.

I hereby certify that I have read, completed and understand this application and applicable petition, and understand that if my application and all associated attachments are not complete and accurate in all respects, the application will not be scheduled for a public hearing. I further understand that this application must be complete and accurate prior to the advertising of a public hearing.

D. Brink

(APPLICANT SIGNATURE)

Personally Known ☒ OR Produced Identification ☐

Type of I.D. Produced _____



Renee A. Lujo
Comm. #GG940195
Expires: Dec. 16, 2023

(Print, Type, or Stamp Commissioned Name of Notary Public)

Renee A. Lujo
(NOTARY PUBLIC SIGNATURE)

STATE OF FLORIDA, COUNTY OF BREVARD

Sworn and subscribed to before me this 17th day of January, 20 22

FOR OFFICE USE ONLY

Fee of \$ _____ in cash ☐ or check ☐ (No. _____) payable to the "City of Cocoa".

Receipt Number: _____

Date: _____

Signature from Planning & Zoning Division:

Bowman

Parcel IDs:

- 24-36-33-31-A-5
- 24-36-33-31-C-1
- 24-36-33-31-C-2
- 24-36-33-31-R.1
- 24-36-33-31-R.2
- 24-36-33-31-R.3
- 24-36-33-31-R.4
- 24-36-33-31-R.5
- 24-36-33-31-D-11
- 24-36-33-31-D-12
- 24-36-33-31-D-13

JUSTIFICATION STATEMENT

**ModWash – SWC of W. King St. & S. Cocoa Blvd. (US 1)
City of Cocoa Small-Scale Comprehensive Plan (Minor) Map Amendment &
Official Zoning Map Amendment Applications
Original Submittal: January 14, 2022**

Introduction

On behalf of the Property Owner, BISCAYA COCOA HOLDINGS, LLC ("Owner"), and the Applicant and Contract Purchaser, MODWASH, LLC ("Applicant"), Bowman Consulting Group, Ltd. ("Agent") respectfully requests your approval of this 2-part application for a Small-Scale Comprehensive Plan (Minor) Map Amendment, and an Official Zoning Map Amendment ("Rezoning") for a property located in the City of Cocoa, Florida ("City"). The ±1.384-acre (±60,301 SF) subject property (Parcel IDs: 24-36-33-31-A-5, 24-36-33-31-C-1, 24-36-33-31-C-2, 24-36-33-31-R.1, 24-36-33-31-R.2, 24-36-33-31-R.3, 24-36-33-31-R.4, 24-36-33-31-R.5, 24-36-33-31-D-11, 24-36-33-31-D-12, & 24-36-33-31-D-13) is located at the southwest corner W. King Street and S. Cocoa Blvd. (US 1) ("subject property"). This application is being submitted in conjunction with a Small-Scale Site Plan and Easement Abandonment Applications, but the site plan will not be voluntarily presented at either the Planning and Zoning Board or the City Council in compliance with Article XIII, Section 1A, as to not bind on the subject property. That being said, it is the intent of the Applicant to redevelopment the subject property as a car wash.

Currently, the subject property supports a future land use designation of Mixed-Use (MU) and is within the Commercial Parkway (C-P) zoning district. The subject property is currently vacant but has had several previous commercial uses including automotive vehicle sales, bail bonds and various retail sales in a strip center commercial building. The buildings that were previously on the northern portion of the property were recently demolished. It should be noted that a significant area of the northern portion of the property is now right-of-way for W. King St. So, reuse of the existing building was not feasible or appropriate. Below is a summary of surrounding properties:

Adjacent Lands	Uses (Current Occupancy)	Future Land Use	Zoning District
Subject Property	Vacant	MU	C-P
North	W. King St. FDOT ROW & Automotive Vehicle Sales (Mike Erdman's Truck Exchange)	MU	C-P
South	Lemon St. ROW & Automotive Repair (Auto Pro's Service Center)	COMM	C-P
East	S. Cocoa Blvd. (US 1) FDOT ROW & Automotive Vehicle Sales (CARite)	MU	C-P
West	Florida East Coast Railway ROW & Vacant / Stone St. ROW / FDOT Land	MU	C-G (part) & C-W (part)

Request

The Applicant is requesting approval of this 2-part application for:

- A Small-Scale Comprehensive Plan (Minor) Map Amendment to change the property's future land use designation from Mixed-Use (MU) to Commercial (COMM); and
- An Official Zoning Map Amendment to amend the property's zoning district from Commercial Parkway (C-P) to General Commercial (C-G).

The purpose of these applications is to redevelopment the site into an express car wash facility under the ModWash name and branding. As stated previously, the site plan application for the physical development of the property has been submitted to the City of Cocoa but is not part of these amendments in order to not bind the rezoning approval to a specific site plan of record. This decision is merely for flexibility in the instance that minor changes to the site plan are needed in the future, and not burden the City staff to bring every change back to City Council for approval.

Small-Scale Comprehensive Plan (Minor) Map Amendment

According to the City of Cocoa's Comprehensive Plan – Future Land Use Element, Objective 1.1.2: Location Criteria for Land Uses and Figure FLU-1 – Standards for Future Land Use Categories, the subject property's Mixed-Use (MU) future land use category is not consistent with the subject property's Commercial Parkway (C-P) zoning district. Therefore, an amendment to either or both the future land use and the zoning district is necessary to comply with the City's Comprehensive Plan. Upon direction from the City's Planning & Zoning staff in a meeting on December 21, 2021, it was recommended that in order to comply with the City's Comprehensive Plan, the appropriate future land use and zoning for the subject property should be Commercial (COMM) and General Commercial (C-G) respectively. As a result of that recommendation, the Property Owner and Applicant are requesting a Small-Scale Comprehensive Plan (Minor) Map Amendment to change the property's future land use designation from Mixed-Use (MU) to Commercial (COMM). In order to comply with the City's Comprehensive Plan and aforementioned Objective 1.1.2, the Property Owner and Applicant are also requesting to amend the subject property's zoning district to General Commercial (C-G), which will be discussed further below.

Per the City's Land Development Regulations ("LDR"), Chapter 15, Article II, Sec. 15-11(c) – Comprehensive Plan Amendment Standards, the following shall be considered by Planning & Zoning Board and City Council:

a. Whether the proposal favorably or unfavorably impacts the city's budget, or the economy of the region;

The subject property as it stands today, vacant, is having the least fiscal impact on the City's budget other than the current tax revenue. The proposed amendment and potential redevelopment of the property however will have a positive influence on the City's budget due to application and permit fees, as well as the increase in ad valorem tax value of the subject property. If the redevelopment of the subject property triggers other commercial properties in the area to redevelopment, that too could have a favorable impact on the City's tax revenues, as well as to the overall economy of the region for the same reasons stated above.

b. Whether the proposal will diminish the service level of public facilities;

The proposed amendment will not diminish the level of service or have negative impacts to public facilities as the proposed future land use designation (COMM) will continue to allow similar commercial

uses as the existing future land use designation of MU. Further, the previous commercial uses on the subject property were already serviced by all the necessary public facilities and capacity for those services is readily available including but not limited to: roadways, water, sewer, stormwater, solid waste, electric, phone/cable/internet, fire, police, and public transit.

c. Whether the proposal favorably or unfavorably impacts the environment, or the natural or historical resources of the city or the region;

The proposed amendment will have no effect on natural or historical resources of the City, as none are located on the subject property that the Applicant is aware. The subject property has historically been operating as an automotive vehicle dealership and commercial strip center for decades. Due to the urban nature of the existing development, there is no evidence or reasonable expectation that any listed species are present on the site. Significant habitats are not supported on this site and the proposed redevelopment of the subject property as a car wash will not alter or impact any critical environmental resources. Existing protected vegetation removed by proposed development shall be mitigated in accordance with the City's LDR standards. Therefore, there will be no impacts to the natural environment if this site is redeveloped as intended. In fact, with the current landscaping requirements in place under the LDR, it is reasonable to assume that the site will be enhanced with vegetation, especially along buffers and in open space areas.

d. Whether the proposal is consistent with goals, policies, and objectives of the state comprehensive plan set forth in Chapter 187, Florida Statutes, and the East Central Florida Comprehensive Regional Policy Plan, adopted by Chapter 29F-19.001, Florida Administrative Code;

The proposed amendment is consistent with goals, policies, and objectives of the State's comprehensive plan set forth in Chapter 187, Florida Statutes, and the East Central Florida Comprehensive Regional Policy Plan, adopted by Chapter 29F-19.001, Florida Administrative Code. The data and analysis presented in this application and justification statement support the request for this Comprehensive Plan Map Amendment to change the subject property's future land use designation from Mixed-Use (MU) to Commercial (COMM) and demonstrate consistency with the Florida Statutes, specifically Chapter 163.

The following summary details the compliance of the requested amendment with Florida Statutes.

- *Florida Statutes, Section 163.3177.(6).(a).9.a. indicates that the primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:*
 - *Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.*
 - *Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.*
 - *Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.*
 - *Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.*

- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
- Fails to maximize use of existing public facilities and services.
- Fails to maximize use of future public facilities and services.
- Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government
- Fails to provide a clear separation between rural and urban uses.
- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
- Fails to encourage a functional mix of uses.
- Results in poor accessibility among linked or related land uses.
- Results in the loss of significant amounts of functional open space.

As detailed throughout this justification, the proposed amendment seeks to modify the City's Comprehensive Plan Future Land Use Map from MU to COMM, which both allow a very similar list of commercial uses. In fact, the COMM future land use allows less land uses than MU according to the City's Comprehensive Plan (Note: MU allows Industrial & Hotel uses, COMM does not). The current future land use is inconsistent with the current zoning of Commercial Parkway (C-P) and further does not allow the General Commercial (C-G) zoning district. The C-G zoning district is consistent along the adjacent commercial corridors of W. King St. The subject property is clearly within the Urban Service Boundary and located at a highly traveled commercial corridor and intersection in the City, which is contrary to the classification of urban sprawl per Florida Statutes. Approval of the requested amendment from MU to COMM will allow for the reuse of land in a way that maximizes use of existing services and public facilities and protects natural resources and agricultural areas by locating development within the existing suburban area where it is needed. As such, the requested amendment will help to discourage sprawl.

- *Florida Statutes, Section 163.3177.(6).(a).9.b: The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:*
 - *Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.*
 - *Promotes the efficient and cost-effective provision or extension of public infrastructure and services.*
 - *Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.*
 - *Promotes conservation of water and energy.*
 - *Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.*
 - *Preserves open space and natural lands and provides for public open space and recreation needs.*
 - *Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.*
 - *Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.*

The requested amendment is intended to allow an infill redevelopment project that furthers many of the elements listed above, including: direction of economic growth to a geographic area that does not have an adverse impact on the City's natural resources by locating development in a nearly built-out environment; promotion of the efficient provision of public facilities and services by locating development where there are existing facilities and services; and creation of a balance of uses by allowing contextually appropriate commercial uses within close proximity to the residents and passer-by traffic the uses are needed to serve.

e. Whether the proposal will favorably or unfavorably affect the city's ability to provide adequate public facilities, and whether the proposal will reduce the level of service for affected public facilities below the level of service set in the comprehensive plan;

The proposed amendment will not reduce the City's level of service or have negative impacts to the City's public facilities as the proposed future land use designation Commercial (COMM) will continue to allow similar commercial uses as the existing future land use designation of Mixed-Use (MU). Further, the previous commercial uses on the subject property were already serviced by all the City's public facilities and capacity for those services is readily available including but not limited to:

- **Water** – Serviced by the City of Cocoa Utilities Department (8" DIP water main along S. Cocoa Blvd. (US 1);
- **Reuse Water** – Serviced by the City of Cocoa Utilities Department (12" DIP line along S. Cocoa Blvd. (US 1);
- **Sewer** – Serviced by the City of Cocoa Utilities Department (6" gravity line along S. Cocoa Blvd. (US 1);
- **Fire** – Serviced by the City of Cocoa Fire Department – 2 fire hydrants are located adjacent to the subject property (1 at SWC of S. King St. and S. Cocoa Blvd. (US 1) & 1 at SWC of S. Cocoa Blvd. (US 1) and Stone St.) – The Closest Fire Station is #2 at 300 Brunson Blvd., Cocoa, FL 32922 – Approx. 0.4 miles from subject property;
- **Police** – Serviced by the City of Cocoa Police Department;
- **Solid Waste** – Serviced by Waste Management under contract with City.

f. Whether the proposal is incompatible with surrounding neighborhoods and land uses;

The proposed future land use map amendment from MU to COMM is compatible with surrounding neighborhoods and land uses. The corridors of W. King St. and S. Cocoa Blvd. (US 1) in this area of the City, and particularly at this intersection, are all commercial in nature. There is Commercial (COMM) future land use adjacent to south. Both the existing and proposed future land use designations are similar in nature and allow similar commercial uses, which are the predominate land uses along the adjacent corridors. Below are the existing future land use designations and current land uses for the surrounding properties, which are all compatible:

North: MU – Automotive Vehicle Sales (Mike Erdman's Truck Exchange)

South: COMM – Automotive Repair (Auto Pro's Service Center)

East: MU – Automotive Vehicle Sales (CARite)

West: MU – Vacant

g. Whether the proposal will have a favorable or adverse effect on the ability of people to find adequate housing reasonably accessible to their places of employment;

The proposed amendment will have neither a favorable nor adverse effect on the ability of people to

find adequate housing reasonably accessible to their place of employment. It should be noted that the MU and COMM future land uses both allow residential uses, but the subject property is not appropriate for residential due to its close proximity to the railroad to the west and incompatible commercial uses to north, south and east.

h. If the amendment being requested is consistent with all the elements of the comprehensive plan.

Considering the fact that the subject property already allows commercial uses with similar intensities, the proposed amendment is generally consistent with all the elements of the City's Comprehensive Plan. Below are the specific goals, policies and objectives of the City's Comprehensive Plan:

Future Land Use Element

GOAL 1.1: Create and maintain a broad range of land use activities that maximize the City's potential as a growth center while protecting the public health, safety, welfare, and appearance through the thoughtful planned use and development of the land and public facilities.

Objective 1.1.2: Location Criteria for Land Uses. Future land use categories and Land development regulations shall be consistent with the density and intensity standards in Policy 1.1.1.1 and be based upon the following locational and development standards and criteria: (Figure FLU-1)

Response: The subject property's current future land use category of Mixed-Use (MU) is not consistent with the subject property's current zoning district of Commercial Parkway (C-P). The existing MU future land use is also not consistent with the proposed General Commercial (C-G) zoning district. Therefore, an amendment to either or both the future land use and the zoning district is necessary to comply with the City's Comprehensive Plan, Future Land Use Element. As stated previously, the intent of the Applicant is to redevelop the property to a car wash. Therefore, the Commercial (COMM) future land use is the most appropriate future land use category for the subject property, the surrounding uses and the proposed redevelopment of the site.

Policy 1.1.2.9: Commercial (COMM). Commercial areas are intended to be areas that serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses. Residential uses may also be provided where allowed by the underlying zoning district regulations. The following criteria shall be used for determining appropriate locations for commercial land use designations on the future land use map.

A. Commercial areas shall have direct access from a four-lane collector or two-lane arterial.

Response: The subject property is located adjacent to both W. King St. to the north, a four-lane arterial and S. Cocoa Blvd. (US 1) to the east, a four-lane arterial.

B. New commercial uses shall be discouraged from linear development and shall be encouraged to develop in clusters, with coordinated parking facilities, and with frontage roads where practical.

Response: The proposed redevelopment of the subject property as a single-use car wash facility will be consistent with this policy. Cross-access is not appropriate to the west as the railroad is adjacent along the western property line. The subject property currently has five (5) access points/driveways along W. King St. and S. Cocoa Blvd. (US 1). The proposed redevelopment will be significantly reducing the existing access points/driveways, likely down to one (1) along S. Cocoa Blvd. (US 1).

C. Maximum Floor Area Ratio (FAR): 1.0. Within the Cocoa Redevelopment Area, the maximum FAR shall be 2.0. A density bonus of up to an additional 2.5 FAR shall be allowable within the Central Business District outside the Cocoa Village Overlay.

Response: The proposed redevelopment of the subject property into a car wash will comply with

this policy.

D. The following factors shall be considered when designating new commercial areas or expanding existing commercial areas.

Response: The elements of this portion of the policy do not apply to this amendment as this application is not for “a new commercial area” or an “expansion of an existing commercial area.” The MU future land use already allows commercial uses similar to the commercial uses proposed for the COMM future land use. Furthermore, the subject property has had a long history of containing commercial uses.

Official Zoning Map Amendment

As stated previously, an amendment to either or both the future land use and the zoning district is necessary to comply with the City's Comprehensive Plan. The Property Owner and Applicant are requesting an Official Zoning Map Amendment to change the property's zoning district from Commercial Parkway (C-P) to General Commercial (C-G). This rezoning in conjunction with the proposed Comprehensive Plan Map Amendment to Commercial (COMM) will result in compliance with the City's Comprehensive Plan and aforementioned Objective 1.1.2.

Per the City's Land Development Regulations (“LDR”), Appendix A – Zoning Article XXI, Sec. 1(G)(1) – Official Zoning Map Amendment standards, the following shall be considered by Planning & Zoning Board and City Council:

a. Whether or not the proposed change is contrary to the established land use pattern.

The established land use pattern for this area of the City along the W. King St. and S. Cocoa Blvd. (US 1) corridors is predominately commercial. The proposed rezoning will maintain and even enhance the commercial corridor and continue this land use pattern. The proposed Comprehensive Plan Map Amendment will change the future land designation from Mixed-Use (MU) to Commercial (COMM), making it consistent with the proposed C-G zoning district consistent with the development pattern of the aforementioned corridors and with other properties at this intersection.

b. Whether or not the proposed change would create an isolated district unrelated to adjacent and nearby districts.

The proposed rezoning would not create an isolated district unrelated to the adjacent and nearby districts. The corridors of W. King St. and S. Cocoa Blvd. (US 1) in this area of the City and particularly at this intersection are all commercial in nature. There is General Commercial (C-G) zoning directly to south. Further, the property's C-P zoning is similar in nature and allows similar uses as the C-G zoning district, but more importantly is consistent with the proposed Commercial (COMM) future land use.

c. Whether or not 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.

The proposed rezoning from C-P to C-G will not alter the population density pattern or have any impact on schools as it will remain commercial with this change. As it relates to utilities, streets, access and other public facilities, the proposed rezoning will not have any negative impacts as similar commercial uses are allowed under both the existing and proposed zoning districts. As it relates to access points, the property has five (5) driveways along both W. King St. and S Cocoa Blvd. (US 1). It is likely that the subject property will be required to reduce the number of access points based on the driveway separation standards as both W. King St. and S. Cocoa Blvd. (US 1) are FDOT roadways.

d. Whether or not existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

It doesn't appear that the district boundaries for both future land use and zoning are drawn illogically as they follow a consistent commercial development pattern along the two corridors of W. King St. and S. Cocoa Blvd. (US 1). The predominant justification for these amendments is based on the current inconsistency of the future land use Mixed-Use (MU) and zoning district of Commercial Parkway (C-P).

e. Whether or not the proposed change would be contrary to the land use plan and would have an adverse effect on the comprehensive plan.

The proposed change in zoning from C-P to C-G will not have an adverse effect on the Comprehensive Plan. Further, the change of future land use from MU to COMM is consistent with the goals established in the City of Cocoa's Comprehensive Plan and allows for the proposed C-G zoning to be consistent with the future land use designation. The proposed change creates consistency between zoning district and future land use designation, which was not previously established. Further, the C-G zoning district allows for more commercial uses, including automobile laundry, consistent with the adjacent corridors and intersection.

f. Whether or not changed or changing conditions make the passage of the proposed amendment necessary.

A potential changed condition affecting the subject property may be related to the City's Comprehensive Plan, Future Land Use Element, most recently amended in December of 2020. Objective 1.1.2 and Figure FLU-1 have made the subject property's zoning district inconsistent with the future land use. Therefore, a rezoning and/or comprehensive plan map amendment is necessary. The proposed development site is currently vacant but was recently occupied by a commercial strip center and automotive vehicle dealership. In order to redevelop the property, a zoning or small-scale land use amendment is necessary, as the current zoning district of Commercial Parkway (C-P) is inconsistent with the current future land use designation of Mixed Use (MU). As stated previously, the intent of the Applicant is to redevelop the site into a car wash, which is not currently allowed in the C-P zoning district. With the proposal of a car wash, it is necessary to rezone specifically to General Commercial (C-G), which allows automobile laundry (a car wash) as a permitted use, consistent with other commercial uses in the area.

g. Whether or not the proposed change will adversely influence living conditions in the neighborhood.

The proposed future land use and zoning map amendments, if approved, will not alter the existing commercial nature of the subject property. Additionally, there are no residential uses or residentially zoned properties adjacent to the subject property. Therefore, living conditions of any nearby residential neighborhoods will likely not be affected. That being said, the proposed amendments to the future land use and zoning maps, and potential redevelopment of the property, will have a positive influence on the other businesses in the area due to the increase in tax value of the subject property and the overall aesthetic improvements to the adjacent corridors and intersection.

h. Whether or not the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

The proposed zoning map amendment, if approved, will not alter the existing commercial nature of the subject property. The previous uses on the property were a commercial strip center and an automotive vehicle dealership. The proposed car wash will likely have little or no increase in traffic congestion or

effects on public safety due to these amendments as the allowable commercial uses under the existing and zoning district (C-P) are similar to that of the proposed zoning district (C-G).

i. Whether or not the proposed change will create a drainage problem.

Similar to the response to traffic and public safety above, the proposed zoning map amendment, if approved, will not alter the existing commercial nature of the subject property. Therefore, the impervious surface ratios and land development code standards will not change as a result of these amendments. The overall impervious surface of the historic development on the subject property as an automotive dealership and commercial strip center will be similar or likely less impervious than what will be proposed under this amendment, as landscaping area will be enhanced with a new development. It should also be noted that the proposed future land use change from MU to COMM will actually lower the allowable impervious surface area, as COMM only allows a .90 impervious surface ratio and MU allows up to a 1.0 impervious surface ratio.

j. Whether or not the proposed change will seriously reduce light and air to adjacent areas.

The proposed zoning map amendment, if approved, will not alter the existing commercial nature of the subject property, which is consistent up and down the adjacent corridors. Therefore, no reduction in light or air to adjacent properties will change as a result of this amendment. Furthermore, the proposed use of a car wash will likely only be open during daylight hours, and only security lighting will be on during the times the operation is closed.

k. Whether or not the proposed change will adversely affect property values in the adjacent areas.

This rezoning and potential redevelopment of the property will have a positive influence on the other businesses in the area due to the increase in tax value of the subject property and the overall aesthetic improvements to the adjacent corridors and intersection. Therefore, the proposed amendment to the zoning map will not adversely affect property values the adjacent areas.

l. Whether or not the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

These amendments and potential redevelopment of the property will likely encourage more redevelopment of the older commercial properties and businesses in the area. A new building with enhanced landscaping will make a significant improvement to this critical intersection in the City of Cocoa. Therefore, the proposed rezoning will not be a deterrent, and in fact may be an encouragement to the improvement or redevelopment of adjacent properties in accord with existing regulations.

m. Whether or not the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

The proposed rezoning, if approved, will not alter the existing commercial nature of the subject property. Therefore, the proposed amendments will not constitute a grant of special privilege to the Owner or Applicant as contrasted with the public welfare.

n. Whether or not there are substantial reasons why the property cannot be used in accord with existing zoning.

The existing zoning district of the subject property, Commercial Parkway (C-P), is inconsistent with the property's current future land use designation of Mixed Use (MU) according to the City's Comprehensive Plan, Future Land Use Element, Objective 1.1.2, Figure FLU-1. A rezoning or an

amendment to the future land use map is required in order for the property to be redeveloped and remain in compliance with the requirements of the City's Comprehensive Plan.

o. Whether or not the change suggested is out of scale with the needs of the neighborhood.

The proposed rezoning, if approved, will not alter the existing commercial nature of the subject property. Therefore, these amendments are not out of scale with the needs of the neighborhood and surrounding commercial corridors.

p. Whether or not it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

The zoning districts that allow the automobile laundry or quick wash use include General Commercial (C-G) by-right, Restricted Commercial (C-R) as a special exception, and Planned Unit Development (PUD) by-right. There are currently no parcels zoned as C-R within the City of Cocoa. PUDs are typically for larger properties with a mix of uses under unified control. The Applicant only desires to develop a car wash on the subject property. This amendment presents a unique opportunity for the City of Cocoa to allow the redevelopment of an infill property at a critical commercial intersection along to major corridors, W. King St. and S. Cocoa Blvd. (US 1).

In conclusion, the proposed Small-Scale Comprehensive Plan Future Land Use Map Amendment and Official Zoning Map Amendment are all consistent with the Goals, Objectives, and Policies of City of Cocoa Comprehensive Plan and the Land Development Regulations. The proposed map amendments are also compatible with the surrounding area due to the existing commercial nature of the adjacent corridors. On behalf of the Property Owner, BISCAYA COCOA HOLDINGS, LLC, and the Applicant and Contract Purchaser, MODWASH, LLC, Bowman Consulting Group, Ltd. respectfully requests your approval of these two (2) amendment applications.

January 03, 2022

LETTER OF AUTHORIZATION / AGENT DESIGNATION

RE: ModWash - Cocoa
SWC of W King St. & S Cocoa Blvd., Cocoa, FL 32955
Parcel ID # 24-36-33-31-A-5; 24-36-33-31-C-1; 24-36-33-31-C-2; 24-36-33-31-*R.1; 24-36-33-31-*R.2; 24-36-33-31-*R.3;
24-36-33-31-*R.4; 24-36-33-31-*R.5; 24-36-33-31-D-11; 24-36-33-31-D-12; 24-36-33-31-D-13

TO WHOM IT MAY CONCERN:

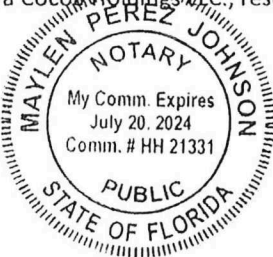
This letter is to designate the following Parties are to act as authorized agent/applicants on behalf of
Biscaya Cocoa Holdings LLC (hereinafter the "Owner"):

MODWASH LLC
736 Cherry St.
Chattanooga, TN 37402

This letter grants the above-mentioned Parties authorization to represent Biscaya Cocoa Holdings LLC as 'Agent of Record' during the Development Review Process, negotiate conditions in matters related to government regulations and permitting activities with the State of Florida, Brevard County, the City of Cocoa and any other government entities. This letter does not grant the above-mentioned parties authorization to sign applications for permitting purposes and entitlement processes in relation to the above-mentioned site located at the SWC of W King St. & S Cocoa Blvd., Cocoa, FL 32955 in Brevard County, Florida (associated with the following Parcel ID #'s: 24-36-33-31-A-5; 24-36-33-31-C-1; 24-36-33-31-C-2; 24-36-33-31-*R.1; 24-36-33-31-*R.2; 24-36-33-31-*R.3; 24-36-33-31-*R.4; 24-36-33-31-*R.5; 24-36-33-31-D-11; 24-36-33-31-D-12; 24-36-33-31-D-13). Applications for permitting purposes, and entitlement processes will be executed by Biscaya Cocoa Holdings LLC.

The Agent of Record is hereby vested with authority to make any representations and agreements necessary or desirable in conjunction with the review process.; the Agent of Record is also authorized to accept or reject any conditions imposed by any reviewing board or entity.

Biscaya Cocoa Holdings LLC, reserves the right to terminate this Letter of Authorization at its own discretion.



Oded M. Kaiser
Biscaya Cocoa Holdings LLC
Manager


Signature

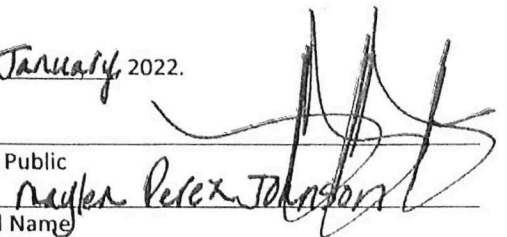
Biscaya Cocoa Holdings LLC
325 S Biscayne Blvd., Apt. 3423
Miami, FL 33131

STATE OF Florida
COUNTY OF Dade

Sworn to and subscribed before me, the undersigned Notary Public, this 5th day of January, 2022.

Notary Public

Printed Name



Notary Public Commission expires: July 20, 2024

January 03, 2022

LETTER OF AUTHORIZATION / AGENT DESIGNATION

RE: ModWash - Cocoa
SWC of W King St. & S Cocoa Blvd., Cocoa, FL 32955
Parcel ID # 24-36-33-31-A-5; 24-36-33-31-C-1; 24-36-33-31-C-2; 24-36-33-31-*-R.1; 24-36-33-31-*-R.2; 24-36-33-31-*-R.3; 24-36-33-31-*-R.4; 24-36-33-31-*-R.5; 24-36-33-31-D-11; 24-36-33-31-D-12; 24-36-33-31-D-13

TO WHOM IT MAY CONCERN:

This letter is to designate the following Parties are to act as authorized agent/applicants on behalf of MODWASH LLC (hereinafter the "Applicant"):

William Pfeffer, P.E., Sandra Zumpano, E.I., Damian Brink, Ryan King Ebrahimiian, PLA
Bowman Consulting Group, Ltd
13450 West Sunrise Boulevard, Suite 320, Sunrise, FL 33323

This letter grants the above-mentioned Parties authorization to represent MODWASH LLC as 'Agent of Record' during the Development Review Process, negotiate conditions in matters related to government regulations and permitting activities with the State of Florida, Brevard County, the City of Cocoa and any other government entities. This letter also grants the above-mentioned parties authorization to sign applications for permitting purposes and entitlement processes in relation to the above-mentioned site located at the SWC of W King St. & S Cocoa Blvd., Cocoa, FL 32955 in Brevard County, Florida (associated with the following Parcel ID #'s: 24-36-33-31-A-5; 24-36-33-31-C-1; 24-36-33-31-C-2; 24-36-33-31-*-R.1; 24-36-33-31-*-R.2; 24-36-33-31-*-R.3; 24-36-33-31-*-R.4; 24-36-33-31-*-R.5; 24-36-33-31-D-11; 24-36-33-31-D-12; 24-36-33-31-D-13).

The Agent of Record is hereby vested with authority to make any representations and agreements necessary or desirable in conjunction with the review process.; the Agent of Record is also authorized to accept or reject any conditions imposed by any reviewing board or entity.

Douglas J. Kyle

Print Name

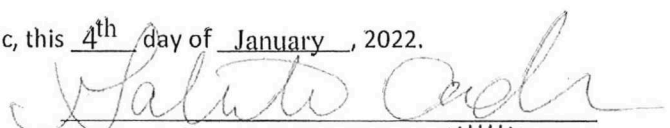


Signature

MODWASH LLC
736 Cherry St.
Chattanooga, TN 37402

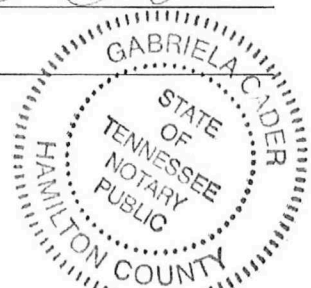
STATE OF Tennessee
COUNTY OF Hamilton

Sworn to and subscribed before me, the undersigned Notary Public, this 4th day of January, 2022.


Notary Public

Gabriela Cader
Printed Name

Notary Public Commission expires: 04.01.2024





[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company
BISCAYA COCOA HOLDINGS, LLC

Filing Information

Document Number L15000184312
FEI/EIN Number 81-1824590
Date Filed 10/29/2015
Effective Date 10/29/2015
State FL
Status ACTIVE

Principal Address

325 S Biscayne Blvd
Unit-3423
Miami, FL 33131

Changed: 03/15/2021

Mailing Address

325 S Biscayne Blvd
Unit-3423
Miami, FL 33131

Changed: 03/15/2021

Registered Agent Name & Address

CHARLES RATNER, P.A.
605 LINCOLN ROAD
SUITE 210
MIAMI BEACH, FL 33139

Address Changed: 04/10/2017

Authorized Person(s) Detail

Name & Address

Title MGR

KAISER, ODED M
325 S Biscayne Blvd
Unit-3423
Miami, FL 33131

Title MGR

CAMPOSANO, PABLO A

8525 SW 54 CT
MIAMI, FL 33143

Annual Reports

Report Year	Filed Date
2019	04/30/2019
2020	02/21/2020
2021	03/15/2021

Document Images

<u>03/15/2021 -- ANNUAL REPORT</u>	View image in PDF format
<u>02/21/2020 -- ANNUAL REPORT</u>	View image in PDF format
<u>04/30/2019 -- ANNUAL REPORT</u>	View image in PDF format
<u>04/03/2018 -- ANNUAL REPORT</u>	View image in PDF format
<u>04/10/2017 -- ANNUAL REPORT</u>	View image in PDF format
<u>03/30/2016 -- ANNUAL REPORT</u>	View image in PDF format
<u>10/29/2015 -- Florida Limited Liability</u>	View image in PDF format



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Foreign Limited Liability Company
MODWASH, LLC

Filing Information

Document Number	M21000000552
FEI/EIN Number	84-5192623
Date Filed	01/11/2021
State	DE
Status	ACTIVE
Last Event	LC AMENDMENT
Event Date Filed	08/09/2021
Event Effective Date	NONE

Principal Address

736 CHERRY ST
CHATTANOOGA, TN 37402

Mailing Address

736 CHERRY ST
CHATTANOOGA, TN 37402

Registered Agent Name & Address

CORPORATION SERVICE COMPANY
1201 HAYS ST
TALLAHASSEE, FL 32301

Authorized Person(s) Detail

Name & Address

Title AP

BREEDON, AARON
736 CHERRY ST
CHATTANOOGA, TN 37402

Title AP

DEERING, MICHAEL
736 CHERRY ST
CHATTANOOGA, TN 37402

Title AP

HARPER, BENJAMIN P
736 CHERRY ST
CHATTANOOGA, TN 37402

Title AP

KYLE, DOUGLAS J
736 CHERRY ST
CHATTANOOGA, TN 37402

Title COO

THORNTON, BRIAN
736 CHERRY ST
CHATTANOOGA, TN 37402

Annual Reports

No Annual Reports Filed

Document Images

08/09/2021 -- LC Amendment	View image in PDF format
01/11/2021 -- Foreign Limited	View image in PDF format

LEGAL DESCRIPTION

MODWASH – COCOA, FLORIDA

PARCEL 1:

LOT 1, BLOCK C, LESS ROAD RIGHT-OF-WAY, LAPHAM'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 6, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

PARCEL 2:

THAT PART OF LOTS 5, 6 AND 7, IN BLOCK A, LAPHAM'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 6, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, TOGETHER WITH THE AREA FORMERLY CONTAINED IN OLEANDER STREET, ALL AS DESCRIBED IN OFFICIAL RECORDS BOOK 441, PAGE 336 AND OFFICIAL RECORDS BOOK 460, PAGE 589, ALL OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

ALSO KNOWN AS:

THAT PORTION OF LOTS 5, 6 AND 7, BLOCK "A", LAPHAM'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 6, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING SOUTH OF THE ROAD RIGHT OF WAY OF STATE ROAD NO. 520 AND EAST OF THE RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY, TOGETHER WITH THE AREA FORMERLY CONTAINED IN OLEANDER STREET, ALL AS DESCRIBED IN OFFICIAL RECORDS BOOK 441, PAGE 336 AND OFFICIAL RECORDS BOOK 460, PAGE 589, ALL OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

PARCEL 3:

LOT 2, BLOCK C, LAPHAM'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 6, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; EXCEPTING, HOWEVER, ALL LAND ADJOINING SAID LOT ON THE NORTH AND EMBRACED WITHIN THE AREA OF THAT PORTION OF OLEANDER STREET WHICH HAS BEEN VACATED.

ALSO: BEGIN AT THE SOUTHEAST CORNER OF LOT 3, BLOCK C, LAPHAM'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 6, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN ALONG THE SOUTH LINE OF SAID LOT, WEST TO THE EAST SIDE OF THE RIGHT-OF-WAY OF THE FLORIDA EAST COAST RAILWAY, THENCE RUN THE EAST SIDE OF SAID RAILROAD RIGHT-OF-WAY, NORTHWESTERLY TO THE NORTH LINE OF SAID LOT 3, THENCE RUN THE NORTH LINE OF SAID LOT 3 EAST TO THE NORTHEAST CORNER THEREOF, THENCE RUN THE EAST LINE OF SAID LOT, SOUTH TO THE POINT OF BEGINNING, EXCEPTING, HOWEVER, ALL LAND ADJOINING SAID LOT ON THE NORTH AND EMBRACED WITHIN THE AREA OF THAT PORTION OF OLEANDER STREET WHICH HAS BEEN VACATED.

PARCEL 4:

A PORTION OF VACATED STONE STREET AS SHOWN IN CITY OF COCOA RESOLUTION NO. 2016-103, RECORDED IN OFFICIAL RECORD BOOK 7724, PAGE 150 IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH HALF OF THE FOLLOWING DESCRIBED PARCEL ABUTTING SAID PARCELS 1 AND 3:

THAT PORTION OF STONE STREET (SAID STREET BEING AN UN-NAMED 50 FOOT WIDE RIGHT-OF-WAY DEDICATED BY "LAPHAM'S SUBDIVISION", RECORDED IN PLAT BOOK 2, PAGE 6 AND RE-DEDICATED AS MAGNOLIA STREET BY "SUNNYSIDE ADDITION TO COCOA, FLORIDA", RECORDED IN PLAT BOOK 2, PAGE 34, BOTH OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA), WHICH LIES WEST OF THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 AND EAST OF THE EAST RIGHT-OF-WAY LINE OF THE FLORIDA

EAST COAST RAILWAY (A 100 FOOT WIDE RIGHT-OF-WAY), MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 1, BLOCK "C" OF "LAPHAM'S SUBDIVISION" RECORDED IN PLAT BOOK 2, PAGE 6 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, (SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 AS DEFINED BY FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS, SECTION 70020, W.P.I. 5110519, F.P. 237592-1, DATED 7/30/04), THENCE RUN WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF STONE STREET A DISTANCE OF 156 FEET, MORE OR LESS, TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY; THENCE SOUTHEASTERLY, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 53.5 FEET, MORE OR LESS, TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID STONE STREET; THENCE EAST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 160 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 (A VARIABLE WIDTH RIGHT-OF-WAY) AS DEFINED BY THE AFORESAID FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS; THENCE NORTHWESTERLY A DISTANCE OF 55 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

PARCEL 5:

LOT 11, BLOCK D, LAPHAM'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 6, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS ROAD RIGHT OF WAY.

PARCEL 6:

LOT 12, BLOCK D, LAPHAM'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 6, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

PARCEL 7:

LOT 13, IN BLOCK D, LAPHAM'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 6, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT RAILROAD RIGHT-OF-WAY.

PARCEL 8:

A PORTION OF VACATED STONE STREET AS SHOWN IN CITY OF COCOA RESOLUTION NO. 2016-103, RECORDED IN OFFICIAL RECORD BOOK 7724, PAGE 150 IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH HALF OF THE FOLLOWING DESCRIBED PARCEL ABUTTING SAID PARCELS 5, 6 AND 7:

THAT PORTION OF STONE STREET (SAID STREET BEING AN UN-NAMED 50 FOOT WIDE RIGHT-OF-WAY DEDICATED BY "LAPHAM'S SUBDIVISION", RECORDED IN PLAT BOOK 2, PAGE 6 AND RE-DEDICATED AS MAGNOLIA STREET BY "SUNNYSIDE ADDITION TO COCOA, FLORIDA", RECORDED IN PLAT BOOK 2, PAGE 34, BOTH OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA), WHICH LIES WEST OF THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 AND EAST OF THE EAST RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY (A 100 FOOT WIDE RIGHT-OF-WAY), MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 1, BLOCK "C" OF "LAPHAM'S SUBDIVISION" RECORDED IN PLAT BOOK 2, PAGE 6 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, (SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 AS DEFINED BY FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS, SECTION 70020, W.P.I. 5110519, F.P. 237592-1, DATED

7/30/04), THENCE RUN WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF STONE STREET, A DISTANCE OF 156 FEET, MORE OR LESS, TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY; THENCE SOUTHEASTERLY, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 53.5 FEET, MORE OR LESS, TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID STONE STREET; THENCE EAST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 160 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 (A VARIABLE WIDTH RIGHT-OF-WAY) AS DEFINED BY THE AFORESAID FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS; THENCE NORTHWESTERLY A DISTANCE OF 55 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

TOTAL: 1.384 ACRES (±60,301 SF)

This instrument prepared by
and after Recording return to:
Charles H. Ratner, Esq., President
Charles Ratner, P.A.,
605 Lincoln Road, Suite 210
Miami Beach, FL 33139

Folio No. 24-36-33-31-0000C.0-0002.00
Folio No. 24-36-33-31-0000C.0-0001.00
Folio No. 24-36-33-31-0000A.0-0005.00

(For Recorder's Use Only)

TRUSTEE'S WARRANTY DEED

(301 & 305 S. Cocoa Blvd., Cocoa, FL 32922)

THIS TRUSTEE'S WARRANTY DEED, dated as of March 10th, 2017, between EVA IRENE CRUMB, AN UNMARRIED WIDOW, INDIVIDUALLY AND AS TRUSTEE OF THE EVA IRENE CRUMB REVOCABLE TRUST DATED JULY 17, 2014 both with an address of PO Box 8489, Cocoa FL 34942 (collectively "Grantor"), and BISCAYA COCOA HOLDINGS, LLC, a Florida limited liability company, with an address of 444 Brickell Avenue, Suite 417, Miami, FL 33131 ("Grantee").

Grantor, for and in consideration of the sum of \$10.00 and other good and valuable consideration paid by Grantee, receipt of which is acknowledged, grants, bargains, sells and conveys to Grantee the real property situate, lying and being in Brevard County, Florida, located at 301 & 305 S. Cocoa Blvd., Cocoa, FL 32922 legally described as follows ("Property"):

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION

TOGETHER WITH (i) any and all structures and improvements on the Property; (ii) all right, title, and interest, if any, of Grantor in any land lying in the bed of any street or highway, opened or proposed, in front of or adjoining the Property; and (iii) all easements, rights of way, privileges, licenses, appurtenances, and other rights and benefits belonging to, running with the owner of, or in any way related to the Property; any or all of the foregoing, if applicable.

TO HAVE AND TO HOLD, the same in fee simple forever.

SUBJECT TO: real estate taxes for 2017 and subsequent years, comprehensive land use plans, zoning and other restrictions, regulations and prohibitions imposed by governmental authorities, and conditions, restrictions, limitations, reservations, declarations, easements, dedications and agreements of record (collectively "Permitted Exceptions"), all without intent to reimpose the same.

And the GRANTOR does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

[Signature Page to Follow]

SIGNATURE PAGE TO TRUSTEE'S WARRANTY DEED

(301 & 305 S. Cocoa Blvd., Cocoa, FL 32922)

Grantor has executed this Deed as of the date indicated above.

Signed, sealed and delivered
in the presence of:

Eva Irene Crumb
EVA IRENE CRUMB, INDIVIDUALLY AND
AS TRUSTEE OF THE EVA IRENE CRUMB
REVOCABLE TRUST DATED JULY 17,
2014

Sign Name: [Signature]
Witness #1

Print Name: TIMOTHY PICKLES

Sign Name: Janet M. Meadows
Witness #2

Print Name: JANET M. MEADOWS

STATE OF FLORIDA)
) SS:
COUNTY OF BREVARD)

The foregoing instrument was acknowledged before me this 9th day of March 2017
2017, by Eva Irene Crumb, individually and as Trustee of the Eva Irene Crumb Revocable Trust
dated July 17, 2014. She is personally known to me or has produced _____ as
identification (strike one).

My Commission Expires:
[NOTARIAL SEAL]

Sign Name: [Signature]

Print Name: _____

NOTARY PUBLIC

Serial No. (none, if blank): _____



EXHIBIT "A" LEGAL DESCRIPTION

The land referred to herein below is situated in the County of Brevard, State of Florida, and is described as follows:

PARCEL 1:

Lot 1, Block C, less road right-of-way, LAPHAM'S SUBDIVISION, according to the plat thereof as recorded in Plat Book 2, Page 6, Public Records of Brevard County, Florida.

PARCEL 2:

That part of Lots 5, 6 and 7, in Block A, LAPHAM'S SUBDIVISION, according to the plat thereof as recorded in Plat Book 2, Page 6, Public Records of Brevard County, Florida, together with the area formerly contained in Oleander Street, all as described in Official Records Book 441, Page 336 and Official Records Book 460, Page 589, all of the Public Records of Brevard County, Florida.

Also known as:

That portion of Lots 5, 6 and 7, Block "A", LAPHAM'S SUBDIVISION, according to the plat thereof as recorded in Plat Book 2, Page 6, Public Records of Brevard County, Florida, lying South of the road right of way of State Road No. 520 and East of the right of way line of the Florida East Coast Railway, together with the area formerly contained in Oleander Street, all as described in Official Records Book 441, Page 336 and Official Records Book 460, Page 589, all of the Public Records of Brevard County, Florida.

PARCEL 3:

Lot 2, Block C, LAPHAM'S SUBDIVISION, according to the plat thereof, recorded in Plat Book 2, Page 6, Public Records of Brevard County, Florida; excepting, however, all land adjoining said Lot on the North and embraced within the area of that portion of Oleander Street which has been vacated.

Also: Begin at the Southeast corner of Lot 3, Block C, LAPHAM'S SUBDIVISION, according to the plat thereof, recorded in Plat Book 2, Page 6, Public Records of Brevard County, Florida; thence run along the South line of said Lot West to the East side of the right-of-way of the Florida East Coast Railway, thence run the East side of said railroad right-of-way Northwesterly to the North line of said Lot 3, thence run the North line of said Lot 3 East to the Northeast corner thereof, thence run the East line of said Lot South to the point of beginning, excepting, however, all land adjoining said Lot on the North and embraced within the area of that portion of Oleander Street which has been vacated.

PARCEL 4:

A portion of vacated Stone Street as shown in City of Cocoa Resolution No. 2016-103, recorded in Official Record Book 7724, Page 150 in the Public Records of Brevard County, Florida, more particularly described as follows:

The North half of the following described parcel abutting said Parcels 1 and 3:

That portion of Stone Street (said street being an un-named 50 foot wide right-of-way dedicated by "LAPHAM'S SUBDIVISION", recorded in Plat Book 2, Page 6 and re-dedicated as Magnolia Street by "SUNNYSIDE ADDITION TO COCOA, FLORIDA", recorded in Plat Book 2, Page 34, both of the Public Records of Brevard County, Florida), which lies west of the west right-of-way line of U.S. Highway No. 1 and east of the east right-of-way line of the Florida East Coast Railway (a 100 foot wide right-of-way), more particularly described as follows: Begin at the Southeast corner of Lot 1, Block "C" of "LAPHAM'S SUBDIVISION" recorded in Plat Book 2, Page 6 of the Public Records of Brevard County, Florida, (said point being on the west right-of-way line of U.S. Highway No.1 as defined by Florida Department of Transportation Right of Way Maps, Section 70020, W.P.I. 5110519, F.P. 237592-1, dated 7/30/04), thence run west, along the north right-of-way line of Stone Street, a distance of 156 feet, more or less, to a point on the east right-of-way line of the Florida East Coast Railway; thence southeasterly, along said east right-of-way line, a distance of 53.5 Feet, more or less, to a point on the south right-of-way line of said Stone Street; thence east, along said south right-of-way, a distance of 160 FEET, more or less, to an intersection with the west right-of-way line of U.S. Highway No. 1 (a variable width right-of-way) as defined by the aforesaid Florida Department of Transportation Right of Way Maps; thence northwesterly, a distance of 55 Feet, more or less to the Point of Beginning.

This instrument prepared by:
And after recording return to
Charles H. Ratner, Esq., President
Charles Ratner, P.A.,
200 S. Biscayne Boulevard
Suite 3200
Miami FL 33131

Folio No. 24-36-33-31-0000D.0-0011.00

(For Recorder's Use Only)

MEMBER'S DISTRIBUTION GENERAL WARRANTY DEED
(BISCAYA STONE STREET 1, LLC)

THIS GENERAL WARRANTY DEED, dated as of May 23, 2016 between **BISCAYA STONE STREET 1, LLC**, a Florida limited liability company, with an address at 444 Brickell Avenue, Suite 417, Miami, FL 33131 ("Grantor") and **BISCAYA COCOA HOLDINGS, LLC**, a Florida limited liability company, its sole Member, with an address at 444 Brickell Avenue, Suite 417, Miami, FL 33131 ("Grantee").

Grantor, for and in consideration of the sum of \$10.00 and other good and valuable consideration paid by Grantee, receipt of which is acknowledged, distributes, grants, bargains, and conveys to Grantee the real property situate, lying and being in Brevard County, Florida, located at **337 Stone Street, Cocoa, FL 32922** legally described as follows ("Property"):

Lot 11, Block D of LAPHAM'S SUBDIVISION, according to the Plat thereof as recorded in Plat Book 2, Page 6, of the Public Records of Brevard County, Florida, LESS road right-of-way.

TOGETHER WITH (i) any and all structures and improvements on the Property; (ii) all right, title, and interest, if any, of Grantor in any land lying in the bed of any street or highway, opened or proposed, in front of or adjoining the Property; and (iii) all easements, rights of way, privileges, licenses, appurtenances, and other rights and benefits belonging to, running with the owner of, or in any way related to the Property; any or all of the foregoing, if applicable.

TO HAVE AND TO HOLD, the same in fee simple forever.

SUBJECT TO: real estate taxes for 2016 and subsequent years, comprehensive land use plans, zoning and other restrictions, regulations and prohibitions imposed by governmental authorities, all without intent to reimpose the same.

AND, Grantor covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to transfer and convey the Property and the Grantor does hereby fully warrant the title to said land and Property, and will defend the same against lawful claims of all persons whomsoever.

NOTE TO RECORDER AND TAX ASSESSOR: *This is a Distribution General Warranty Deed of unencumbered real property from a single member Limited Liability Company to its sole member in the process of the Grantor LLC winding up its affairs, and is given for nominal consideration. The beneficial interest in and to the Grantee member and the Property remains the same before and after this Conveyance, and this Deed does not represent any change in the beneficial ownership of the Property. Accordingly, no documentary stamps other than nominal stamps are due in connection with this Deed.*

**SIGNATURE PAGE TO
MEMBER'S DISTRIBUTION GENERAL WARRANTY DEED
(BISCAYA STONE STREET 1, LLC)**

Grantor has executed this Deed as of the date indicated above.

Signed, sealed and delivered in the presence of:
(as to both signatures)

BISCAYA STONE STREET 1, LLC,
a Florida limited liability company

BY: **BISCAYA COCOA HOLDINGS, LLC,**
a Florida limited liability company,
It's Manager and Sole Member

Sign Name: _____

Witness #1

CHARLES H. RATNER

Print Name: _____

Witness #1

Sign Name: _____

Witness #2

Karen Hamandi

Print Name: _____

Witness #2

By: _____

Oded M. Kaiser, Manager

By: _____

Pablo A. Camposano, Manager

STATE OF FLORIDA

)

) SS:

COUNTY OF MIAMI-DADE

)

The foregoing instrument was acknowledged before me this ____ day of May, 2016, by ODED M. KAISER and PABLO A. CAMPOSANO, as Managers of Biscaya Cocoa Holdings, LLC, a Florida limited liability company, the Manager and Sole Member of **BISCAYA STONE STREET 1, LLC**, a Florida limited liability company corporation, on behalf of such limited liability company. They are personally known to me or have produced _____ as identification (*strike one*).

My Commission Expires:

[NOTARIAL SEAL]

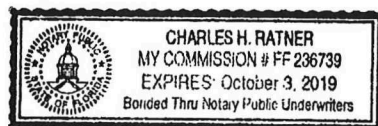
Sign Name: _____

CHARLES H. RATNER

Print Name: _____

NOTARY PUBLIC

Serial No. (none, if blank): _____



This instrument prepared by:
And after recording return to
Charles H. Ratner, Esq., President
Charles Ratner, P.A.,
200 S. Biscayne Boulevard
Suite 3200
Miami FL 33131

Folio No. 24-36-33-31-0000D.0-0012.00

(For Recorder's Use Only)

MEMBER'S DISTRIBUTION GENERAL WARRANTY DEED
(BISCAYA STONE STREET 2, LLC)

THIS GENERAL WARRANTY DEED, dated as of May 23, 2016 between **BISCAYA STONE STREET 2, LLC**, a Florida limited liability company, with an address at 444 Brickell Avenue, Suite 417, Miami, FL 33131 ("Grantor") and **BISCAYA COCOA HOLDINGS, LLC**, a Florida limited liability company, its sole Member, with an address at 444 Brickell Avenue, Suite 417, Miami, FL 33131 ("Grantee").

Grantor, for and in consideration of the sum of \$10.00 and other good and valuable consideration paid by Grantee, receipt of which is acknowledged, distributes, grants, bargains, and conveys to Grantee the real property situate, lying and being in Brevard County, Florida, located at **341 Stone Street, Cocoa, FL 32922** legally described as follows ("Property"):

Lot 12, Block D of LAPHAM'S SUBDIVISION, according to the Plat thereof as recorded in Plat Book 2, Page 6, of the Public Records of Brevard County, Florida.

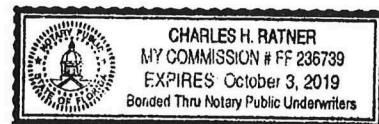
TOGETHER WITH (i) any and all structures and improvements on the Property; (ii) all right, title, and interest, if any, of Grantor in any land lying in the bed of any street or highway, opened or proposed, in front of or adjoining the Property; and (iii) all easements, rights of way, privileges, licenses, appurtenances, and other rights and benefits belonging to, running with the owner of, or in any way related to the Property; any or all of the foregoing, if applicable.

TO HAVE AND TO HOLD, the same in fee simple forever.

SUBJECT TO: real estate taxes for 2016 and subsequent years, comprehensive land use plans, zoning and other restrictions, regulations and prohibitions imposed by governmental authorities, all without intent to reimpose the same.

AND, Grantor covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to transfer and convey the Property and the Grantor does hereby fully warrant the title to said land and Property, and will defend the same against lawful claims of all persons whomsoever.

NOTE TO RECORDER AND TAX ASSESSOR: *This is a Distribution General Warranty Deed of unencumbered real property from a single member Limited Liability Company to its sole member in the process of the Grantor LLC winding up its affairs, and is given for nominal consideration. The beneficial interest in and to the Grantee member and the Property remains the same before and after this Conveyance, and this Deed does not represent any change in the beneficial ownership of the Property. Accordingly, no documentary stamps other than nominal stamps are due in connection with this Deed.*



This instrument prepared by:
And after recording return to
Charles H. Ratner, Esq., President
Charles Ratner, P.A.,
200 S. Biscayne Boulevard
Suite 3200
Miami FL 33131

Folio No. 24-36-33-31-0000D.0-0013.00

(For Recorder's Use Only)

MEMBER'S DISTRIBUTION GENERAL WARRANTY DEED
(BISCAYA STONE STREET 3, LLC)

THIS GENERAL WARRANTY DEED, dated as of May 23, 2016 between **BISCAYA STONE STREET 3, LLC**, a Florida limited liability company, with an address at 444 Brickell Avenue, Suite 417, Miami, FL 33131 ("Grantor") and **BISCAYA COCOA HOLDINGS, LLC**, a Florida limited liability company, its sole Member, with an address at 444 Brickell Avenue, Suite 417, Miami, FL 33131 ("Grantee").

Grantor, for and in consideration of the sum of \$10.00 and other good and valuable consideration paid by Grantee, receipt of which is acknowledged, distributes, grants, bargains, and conveys to Grantee the real property situate, lying and being in Brevard County, Florida, located at **347 Stone Street, Cocoa, FL 32922** legally described as follows ("Property"):

Lot 13, Block D of LAPHAM'S SUBDIVISION, according to the Plat thereof as recorded in Plat Book 2, Page 6, of the Public Records of Brevard County, Florida.

TOGETHER WITH (i) any and all structures and improvements on the Property; (ii) all right, title, and interest, if any, of Grantor in any land lying in the bed of any street or highway, opened or proposed, in front of or adjoining the Property; and (iii) all easements, rights of way, privileges, licenses, appurtenances, and other rights and benefits belonging to, running with the owner of, or in any way related to the Property; any or all of the foregoing, if applicable.

TO HAVE AND TO HOLD, the same in fee simple forever.

SUBJECT TO: real estate taxes for 2016 and subsequent years, comprehensive land use plans, zoning and other restrictions, regulations and prohibitions imposed by governmental authorities, all without intent to reimpose the same.

AND, Grantor covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to transfer and convey the Property and the Grantor does hereby fully warrant the title to said land and Property, and will defend the same against lawful claims of all persons whomsoever.

NOTE TO RECORDER AND TAX ASSESSOR: *This is a Distribution General Warranty Deed of unencumbered real property from a single member Limited Liability Company to its sole member in the process of the Grantor LLC winding up its affairs, and is given for nominal consideration. The beneficial interest in and to the Grantee member and the Property remains the same before and after this Conveyance, and this Deed does not represent any change in the beneficial ownership of the Property. Accordingly, no documentary stamps other than nominal stamps are due in connection with this Deed.*



CITY OF COCOA COMPREHENSIVE PLAN

DATA & ANALYSIS

October 2010

Prepared By:



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and

City of Cocoa
Community Development Department
65 Stone Street
Cocoa, Florida 32922

By adding the approved units (2,750 units) and the potential units (3,453 units), the City has a total development potential of 6,203 new residential units. By 2020, the City would have 14,735 dwelling units, which is calculated by adding the potential new units (6,203) to the existing units (8,532). Comparing the need (15,027) with the holding capacity (14,735), the City will have a deficit of 292 residential units.

Residential development will be accommodated based on the following ranges of density (see mixed-use category below for additional areas allowing residential uses):

- Very Low Density Residential – Up to 4 units per acre
- Low Density Residential – Up to 7 dwelling units per acre
- Medium Density Residential – Up to 15 dwelling units per acre
- High Density Residential – Up to 25 dwelling units per acre

c. Future Commercial Land Use

The commercial category will primarily consist of commercial and office uses. Projections of future commercial land were based on current ratio of land use to population. Based on the 2009 population of 16,825, the ratio is currently 30 commercial acres per 1,000 residents. This ratio includes the commercial development included within mixed-use areas. Applying the 2009 ratio to the 2020 population projection, the City would need a total of 906 commercial acres.

Economic development is one of the big focuses of the City. In order to encourage economic activities, the City needs to increase the current land use allocation percentage for the commercial activities. The FLUM designates 1,150 acres of commercial land use. The acreage is split between commercial acres (867 acres/77%) and neighborhood commercial acres (284 acres/23%).

d. Future Mixed-Use Land Use

In addition to the more traditional commercial land use category, the City is establishing a mixed-use land use category to support commercial development in a mixed-use setting with supporting residential uses. The intent of the category is to encourage the development of compact mixed-use centers and avoid a strip commercial development pattern. This category is not intended to require a mix of uses for each site, but rather to achieve an area-wide mix of uses.

The Mixed-Use land use is applicable to areas generally along SR 520 (King Street) and US 1. The FLUM shows 120 acres of Mixed-Use. The City anticipates that by 2020, the mix of uses in the Mixed-Use land use category will be about 50% non-residential and 50% residential.

e. Future Regional Activity Center

The Regional Activity Center (RAC) land use category allows compact, high intensity and mixed-use developments on parcels with land area of 50 acres or more. The amount of RAC acreage required to meet future growth is shown in **Table I-4**. Currently, there are approximately 270 acres of land designated RAC on the FLUM. The RAC areas are located at the intersection of I-95 and SR524, known as Brevard

Crossings Regional Activity Center. The RAC acreage is not expected to grow through the planning horizon.

f. Future Industrial Land Use

Industrial land use projections were calculated using the same basic methodology as described above for commercial lands. The amount of industrial acreage required to meet future growth is shown in **Table I-4**. Currently, there are approximately 675 acres of developed industrial lands within the City of Cocoa, or 40 acres for every 1,000 residents. Based on the projected population for 2020, there would be a need for 1,230 acres of industrial land use, using the 2009 ratio. The 2020 FLUM provides 1,245 acres for industrial uses, allowing a 15-acre surplus.

Industrial uses tend to benefit an economy more than other uses such as residential and institutional. To enable desirable future economic development outcomes, the City needs to increase the current land use allocation percentage for the industrial activities. Based upon the current work force and community needs, it is projected that the demand for industrial uses will increase. Therefore, the City may need additional industrial land acreage to meet the future demand.

g. Future Institutional Land Use

Currently, the City of Cocoa has a low percentage of institutional land use as a percentage of overall land use. The institutional uses owned by non-profit and public organizations do not contribute to ad-valorem taxes; therefore, a smaller percentage of these uses is not a negative indicator for the City. However, the City needs land in this category to accommodate those institutional uses that are generators of public activities (such as civic centers, museum and arena) to offset lost ad-valorem taxes from other institutional uses that do not pay ad-valorem taxes. Based upon an analysis of existing and future needs, the City anticipates the need to acquire additional land to accommodate its public facility and service functions as the population increases. **Table I-4** indicates an increase in demand for institutional acres (1,140 acres by 2020 over the 626 acres in 2009). The increase is based upon an average of 37 acres per 1,000 residents. The 2020 FLUM shows a total of 249 acres of institutional land use, which indicates a deficit of 891 acres. Therefore, the City needs additional institutional land acreage to meet the projected future demand.

h. Future Recreation/Open Space Land Use

Currently, the City of Cocoa has 156.66 acres of recreation and open space lands within the City, 71 acres of which are designated Recreation and Open Space on the Future Land Use Map. This translates into an actual level of service of 6.91 acres/1,000 population. With a projected total population of 30,656 persons by 2020, the City will have an excess of 118.34 acres of recreation and open space land to meet the future demand. Therefore, it is not anticipated that the City will require additional lands for the Recreation and Open Space future land use category over the 10 year planning horizon.

i. Future Conservation Land Use

This land use category includes those lands that contain valuable and threatened natural resources such as floodplains, estuarine properties and unique ecological communities. Several areas in the central portion of the City and along US 1 have already been designated as conservation, but there may be other noteworthy areas identified in the future which may be considered for conservation designation on the Future Land Use Map. Additional conservation lands can also be anticipated with annexations of natural resources.

4. Need for Redevelopment

The City of Cocoa contains limited areas of blight characterized by aging buildings, inadequate and obsolete infrastructure and lack of employment opportunities. Under Florida law (Chapter 163, Part III, F.S.), local governments are permitted to designate areas as Community Redevelopment Areas where deterioration is severe or widespread. The City of Cocoa has established three community redevelopment areas (CRAs), including the Cocoa (Downtown) CRA, the U.S. 1 Corridor CRA and the Diamond Square CRA, encompassing a total 1,403 acres. **Map I-8** shows the location of the City's redevelopment areas.

The Cocoa (Downtown) CRA was established in 1998 and encompasses approximately 280 acres, with its boundaries extending north to Mitchell Street, south to the City limits, west to the railroad tracks and east to the Indian River Lagoon. The Cocoa Community Redevelopment Agency sponsors a Commercial Façade Improvement Program to benefit property owners in the Cocoa (Downtown) CRA. Matching grants of up to \$10,000 are available per commercial parcel to qualified owners. Cocoa Village, located in the Cocoa downtown CRA, is the best example of the City's successful redevelopment efforts.

The U.S. 1 Corridor CRA was established in 1998 and encompasses approximately 805 acres, with its boundaries extending north to Clearlake Road, south to School Street, west to the Fiske Boulevard and east to U.S. 1. The U.S. 1 Corridor Redevelopment Agency also sponsors a Commercial Façade Improvement Program. Matching grants of up to \$10,000 are available per commercial parcel to qualified owners.

The Diamond Square CRA, created in 1998, is located on the southern border of the City and is approximately 318 acres in size. The Diamond Square CRA encompasses the area bordered by Oleander Road on the west, School Street on the north, railroad tracks on the east and Poinsetta Drive on the south. The Diamond Square Redevelopment agency sponsors façade improvement programs that offer a matching grant of up to \$2,500 per residential parcel and \$10,000 per commercial parcel to qualified owners. The agency provides funding at a maximum of \$2,000 per program to programs whose services are located within the Diamond Square CRA and whose program goals match one or more of the goals of the agency. The agency also offers a first time homebuyers program and a drainage improvement program.

In addition to the creation of the community redevelopment areas, the City has focused other targeted efforts on economic development in the City. Economic Development is discussed in **Section E** of this element.

5. Proposed Development and Redevelopment of Flood Prone Areas

Floodplain areas, as defined by the Federal Emergency Management Agency, include the 100-year floodplain (Zone AE) and the velocity zone (Zone VE). Flood-prone areas in Cocoa are depicted in **Map XII-2** in the Conservation Element. Much of the development within flood-prone areas occurred before the adoption of state and local regulations in the early 1980's.

Implementation of the comprehensive plan goals, objectives and policies and enforcement of the land development regulations will direct new growth away from areas particularly susceptible to flooding from severe storms or hurricanes and will ensure that all redevelopment activities will be consistent with regulations that result in their safe construction.

6. Dredge Disposal

As noted in the inventory section, there are currently no dredge spoil sites within the City.

7. Hazard Mitigation

The Brevard Local Mitigation Strategy is the guiding plan for local governments in the County's coastal planning area. The City has not prepared a Post-Disaster Redevelopment Plan, nor has Brevard County.

The City of Cocoa's coastal planning area includes the parts of the City that are adjacent to the littoral area along the Indian River Lagoon. The entire coastal planning area within the City of Cocoa is predominantly developed. There are a number of water-dependent uses, including recreation sites, boat ramps and marinas. None of the water-dependent land uses can be relocated. In addition to these water-dependent uses, there are a number of single family residential uses and water-related uses in the coastal high hazard area. Water-related uses include numerous commercial enterprises, such as boating and other marine related facilities. There are also several publicly owned parks along the Indian River Lagoon. The City does not currently anticipate the need to relocate, modify, or acquire any of these uses which it does not already own. However, in the wake of a storm event, City personnel will make inspections of all damaged structures. When the City has determined that a structure has suffered damage of greater than fifty percent (50%) of its value, the City will require that the owner rebuild landward of the existing structure or modify the structure in such a way that additional damage is unlikely. In some instances, the City may consider acquiring damaged structures and their lots in order to expand park areas or prevent build-back in areas of extensive erosion.

The City is mostly built out within the coastal planning area with the exceptions of one or two sites on the Indian River Lagoon. The vacant areas consist primarily of low density residential properties with some scattered commercial properties within the downtown. Commercial and residential land uses within this area are expected to continue as the predominant activities. The City of Cocoa land development code addresses lot coverage, setbacks from wetlands and water bodies, and protection of native vegetation by new development and redevelopment projects. Therefore, no special consideration for proposed land uses is necessary over and above those required to deal with the existing land uses addressed above. However, if older neighborhoods or communities are scheduled to be

revitalized or redeveloped, hazard mitigation should be an aspect considered and integrated into the project prior to the time of development approval.

D. GREEN HOUSE GAS REDUCTION AND ENERGY CONSERVATION

Greenhouse gases (GHGs) are the gases in the atmosphere that trap heat. Carbon dioxide, methane, nitrous oxide, ozone and fluorinated gases are some of the most abundant GHGs in the atmosphere. Some of the GHGs, such as carbon dioxide, occur naturally in the atmosphere through natural processes and human activities. Other greenhouse gases (e.g., fluorinated gases) are created and emitted solely through human activities. The greenhouse gases that enter the atmosphere because of the human activities are listed below.

- Carbon Dioxide - Burning of fossil fuels (oil, natural gas, and coal), solid waste, trees and wood products, and also as a result of other chemical reactions (e.g., manufacture of cement).
- Methane – Production and transport of coal, natural gas, and oil. Methane emissions also result from livestock and other agricultural practices and by the decay of organic waste in municipal solid waste landfills.
- Nitrous Oxide – Agricultural and industrial activities, as well as during combustion of fossil fuels and solid waste.
- Fluorinated Gases (also known as High Global Warming Potential Gases) – Variety of Industrial processes.

While greenhouse gases play a vital role in maintaining the necessary conditions for life on Earth, the rapidly increasing concentrations of these gases are causing a rise in global temperature – Global Warming. It is now apparent that the increasing atmospheric concentration of GHGs resulting from human activities is changing the climate in ways that pose serious risks to citizen's health, economy, and environment. The Florida Legislature enacted House Bill 697 in its 2008 session. HB 697 amended Chapter 163, F.S. to address green house gas reduction and energy conservation through comprehensive plans. Chapter 163.31776(a), F.S., requires that the Future Land Use Element include greenhouse gas reduction strategies and energy efficient land use patterns, accounting for existing and future energy electric power generation and transmission systems.

The land use pattern plays a significant role in reducing vehicle miles travelled (VMT) and thus in reducing energy consumption and its associated GHGs emission. VMT can be reduced by promoting strategies such as compact development, high density development arranged to encourage pedestrians, bicycle and transit use, transit oriented development and mixed-use development. The preservation of historic buildings and their adaptive reuse result in energy conservation. These buildings are typically closer to population centers and adaptive reuse generally involves lower impacts on natural resources than new construction. The use of "green" building standards, as opposed to conventional codes, results in energy conservation. In addition, protecting and enhancing green spaces provides natural carbon sinks in soils, vegetation and streambeds to mitigate carbon emissions.

Implementation of the City of Cocoa's comprehensive plan goals, objectives and policies and enforcement of the land development regulations will reduce urban sprawl and VMT, encourage more mixed-use development in specific areas in the City, preserve green space and promote education of citizens in energy conservation measure and practices.

E. ECONOMIC DEVELOPMENT

Economic development must be considered as part of the City's long term plans in concert with planning for land use, transportation facilities and other services in order to coordinate the targeted location and support for business and industry. For the City of Cocoa, economic development is defined as a strategic program to:

- Increase the standard of living and quality of life for City residents.
- Stimulate job growth and provide higher-income jobs for residents.
- Diversify the local economy to provide stability during economic downturns and to provide a steady and growing tax base.

1. Current Economic Development Programs

The City's Office of Economic Development (ED) is responsible for all the economic development activities in the City. The goal of the ED Office is to strengthen and diversify the City's economy and expand the tax base, while enhancing the quality of life enjoyed by current residents, businesses and visitors. The City has taken several steps since 2000 to foster the entrepreneurial environment by encouraging new business formation, retaining and improving success of existing business and attracting businesses.

The City of Cocoa is a member of a non-profit organization known as the Economic Development Commission (EDC) of Florida's Space Coast. The EDC provides education, training and financial incentives to the businesses that are trying to expand and relocate in the Space Coast area. The City works closely with the EDC on projects planned in Cocoa.

The City offers a variety of local, state and federal programs and incentives to businesses that locate, expand and do business in Cocoa, including:

- *Florida Enterprise Zone:* Enterprise Zones encourage economic growth and investment in distressed areas by offering tax advantages and incentives to businesses locating within the zone boundaries. In 2002, the City adopted an enterprise zone boundary (see **Map I-9**) and the corresponding Enterprise Zone Strategic Plan. The City was awarded Enterprise Zone 501 (EZ 501) in 2003.
- *Small Business Assistance Program:* The City offers financial assistance to new and expanding businesses with costs associated with small-scale infrastructure project and development fees.
- *Tax Abatement Program:* This program offers a City ad valorem tax exemption for new and expanding businesses within the City. The scope of exemption is generally determined by the number of new jobs created, as well as the wages associated with the newly created jobs.
- *Foreign Trade Zone:* A Foreign Trade Zone (FTZ) is land deemed to be outside the United States customs territory for purposes of duty assessment. Companies located in a foreign trade zone are able to defer, reduce and/or eliminate import duties. When goods are withdrawn from the FTZ and entered into the commerce of the United States the appropriate duty is levied upon the goods, if applicable. The City of Cocoa Foreign Trade Zone offers significant benefits for many types of businesses that import goods. Almost 24 acres of Foreign Trade Zone # 136 lie

within the City of Cocoa, located at the TATE Industrial Park. **Map I-9** shows the boundary of Foreign Trade Zone in the City.

- *Historically Underutilized Business Zones (HUBZones)*: The program provides federal contracting and sub-contracting opportunities for qualified small businesses located in designated areas. The City has two census tracts that are designated non-metropolitan HubZones by the U.S. Small Business Administration.
- *Brownfield Redevelopment Program*: In 2003, the City of Cocoa established a Brownfield Redevelopment Program, which is funded through a Brownfields Assessment Grant by the U.S. Environmental Protection Agency (EPA). The redevelopment plan offers environmental Site Assessments to determine the nature and extent of contamination, facilitates applicants' participation in the State's Program, assists with redevelopment planning, provides coordination between intergovernmental agencies and participates in promotions for brownfield sites/projects.

2. Analysis of the Economic Development Environment in Cocoa

In 2005, the City and the University of Florida conducted a comprehensive assessment of the economic development environment in the City of Cocoa. The strengths identified in the report included:

- Strategic location that provides excellent access to the regional market, yet offers the advantage of more accessibility and lower costs.
- Good primary transportation infrastructure including excellent road network that provides a location incentive to businesses seeking sites in close proximity to interstate highways for major freight transport. The City is also in close proximity to Port Canaveral, which is the second busiest cruise port in the world.
- Rich valuable history that can be seen in its Victorian homes, historic hotels and the historic Cocoa Village. The Village has year-round special events and a variety of restaurants and shops, many locally-owned and arts-based.
- Positive City government willing to annex surrounding properties and to create and implement economic development plans to rebound from problems that have plagued the City.

The weaknesses identified in the report included:

- Too many greyfield, brownfield areas and distressed commercial corridors in the City. The U.S. 1 corridor has many vacant strip malls, which are considered unsightly and a deterrent for businesses.
- Need for continued and stricter aesthetics and design standards for the corridors. The buildings on the commercial corridors lack quality architecture design and landscaping and streetscape features.
- Lack of high tech employers, high-skilled jobs, professional offices, variety of restaurants and accommodation services in the City.
- Lack of quality affordable housing and diversity of housing choices for middle and upper income home buyers.

- Negative self-image and lack of an articulated and shared community vision of the City.

The report proposed a series of implementation strategies to build on strengths, mitigate weaknesses and capitalize assets for economic development. The report also identified the following goals and objectives representing key issues that should be addressed in this comprehensive plan.

- *Employment Opportunities:* The City should support and work with County and community leaders to meet the economic diversification needs of the community with emphasis on local job creation, business expansion and attraction of high-value-added commercial activity. The employment growth in the City will benefit other existing market sectors and will generate wealth within the community.
- *Business Expansion, Attraction and Retention:* The City, County and private leadership should work together to develop and implement economic development strategies that will establish a business environment that supports the operation, retention and expansion of existing Cocoa businesses, as well as the attraction and development of new commercial enterprises.
- *Coordination of Economic Diversification Efforts:* The City and County should coordinate the collaborative efforts between the public and community leadership. The efforts should be concentrated on developing industry clusters which will make the greatest contribution to job growth and wealth creation.
- *Streamlining Permitting and Regulatory Process:* The City should provide incentives such as expedited permitting to assist higher education institutions to expand when they are ready.
- *Economic Development Advisory Board:* To involve community stakeholders, the City should create an advisory board consisting of local community and business leaders.
- *Maintain Infrastructure for Supporting Economic Development:* The City should maintain adequate infrastructure for encouraging economic activities in the industrial and commercial sectors. The City should maintain or increase the current land use allocation percentages for industrial and commercial activities for the purposes of strengthening the revenue tax base of the City.
- *Increase Tourism:* The City should develop strategies to attract tourists by expanding recreational, entertainment, environmental, and cultural activities that are clean, family friendly, diverse, and unique.
- *Encourage Growth in Regional Industries with Supporting Activities:* The City should collaborate with the greater region to identify opportunities in the related service industries present in the region. The City should also encourage employment growth in high growth industries and small businesses through various programs and public/private partnerships.

In the last few years, economic development efforts by the City have accelerated, yielding very positive results for Cocoa. The Historic Cocoa Village is an example of successful downtown redevelopment and has become a destination for tourists and residents.

F. URBAN FORM

Urban form refers to the physical layout and design of a city. Characteristics such as urban density and intensity, block layout, street layout, streetscape, building placement/orientation and location define the urban form of a city. As the development standards change in terms of the above mentioned characteristics, the urban form also changes.

Incorporated in 1895, the City of Cocoa was a fairly compact city in the early 20th century. The compact form is visible in the older areas of Cocoa including the Cocoa downtown, the Historic Cocoa Village and downtown neighborhoods, which have narrow lots, are pedestrian oriented and include a mix of uses at higher densities. In the mid-20th century, the automobile began to dominate the development market. The development moved from the inner-city to the outskirts, and was characterized by low density and auto-dependent uses. Moreover, the development of railroad and major transportation improvements disrupted older commercial and residential neighborhoods. The result of this trend was the less efficient use of the infrastructure with no pressure for infill development. The urban form of the City changed from a dense compact form to a suburban sprawl form.

The City residents and past studies have identified the negative visual character of the major transportation corridors, the lack of overall identity of the City and the negative impact of the enclaves that detract from the City's aesthetics. The widening of US 1 in the 1950's by FDOT was one of the major reasons for the poor quality development along US 1, the loss of inner-city connectivity and the loss of businesses along the US 1 corridor in the City.

SR 524, US 1, SR 501, and SR 520 are the major commercial corridors of the City. They consist primarily of auto-oriented strip shopping centers that lack adequate pedestrian and bicycle access. The developments along these corridors also lack quality architectural design and adequate landscaping and are generally poorly maintained.

The City has two large enclaves along SR 501. These enclaves contribute to loss of inner city connectivity, land use conflicts and inefficient use of existing facilities and services. Additionally, the layout of some of the urbanized areas of the City is not very well organized or interconnected. These factors contribute to an image of disorder.

The City's goal is to create a physical planning framework to improve the quality of life and to ensure that new development shapes the City into a unique community that residents can identify with. A comprehensive urban design approach, citywide and on specific areas and corridors in the City, will be required to correct the disjointed nature of the past piecemeal development.

1. Vision Plan

A Vision Plan describes the kind of community that people who live and work in it want it to become over the next 10 to 20 years. It identifies what people value and want to preserve, what improvements are needed and how change should occur. A vision plan helps in creating a positive image and community identity, which is lacking in the City of Cocoa. A positive image helps to improve public relations. The awareness of the existing and desired image of an area can be the basis for a capital improvement plan and public policy formation. A positive image is important to a City government because it reflects on the excellence of service the government provides, attracts high quality business and well educated people.

The City adopted a Vision Plan in June 1996 to guide the future development of the City. The plan included the analysis of the physical, social and economic conditions of the City. The plan identified two primary challenges facing the City – improving the general image of the City and diversification and strengthening of the City’s economic base. The Vision Plan included economic, land use, urban design, infrastructure and governmental and administrative strategies for future development, including a conceptual long range master land use plan and an action plan to implement the vision. The plan identified five redevelopment goals for the City:

- **Economic Function:** Strengthen downtown and core areas of Cocoa as a mixed-use center that will attract and serve the people of the region. Create a strong new industrial employment base.
- **Regional Context:** Strengthen the Cocoa area as a unique place within the County.
- **Community Role:** Strengthen Cocoa’s contribution to the general well-being of the community.
- **General Environment Character:** Improve the physical image within the City.
- **Implementation:** Enable revitalization of the City to be a successful and on-going reality.

In addition to the Visions Plan, the City held a visioning public workshop in September 2007 to obtain public input on the issues facing the community. During the workshop, the citizens and city staff identified the following two major issues within the community:

- **Housing:** An abundance of affordable housing is located within the City. The balance of incomes has shifted to a very low income base compared to the County average.
- **Revitalization:** A serious concern was acknowledged about the visual appearance of the City and the overall identity. Economic and redevelopment efforts have been arduous because of the City’s appearance and unfair perception.

Both the 1996 vision plan and the 2006 workshop identified similar issues including lack of identity, economic development and affordable housing. The City has consistently taken efforts to address and overcome these issues by implementing the goals and objectives of the vision plan and will continue these efforts.

The City will also plan to invite additional community input and to update the vision plan. While updating the master plan contained in the vision plan, the City will identify the character districts in the City and their interconnectivity. The several character districts within the City of Cocoa may include:

- **City Center:** Cocoa’s downtown, the City center, is located on the east side of US 1. It can be characterized as a small village business area with one-story shops and restaurants. The downtown has an excellent collection of historic buildings, many of which have been renovated for adaptive reuse. The Historic Cocoa Village is the major attraction of the area.

- **Commercial Nodes:** Other than the downtown area, there are no well defined commercial nodes within the City. The Brevard Crossing RAC, located at the intersection of I-95 and SR 524, is intended to include a mixed-use activity center; however, development has not occurred to date.
- **Corridors:** SR 520, U.S. 1, SR 524, Dixon Boulevard and Fiske Boulevard (SR 519) are the major commercial corridors in Cocoa. These major corridors should be developed as mix-used corridors.
- **Waterfront:** The City is located along the Indian River Lagoon. Existing land use along the Indian River is primarily medium-density residential with some commercial uses in the downtown area, most of which provide limited access to the waterfront.

2. Form-based Design Guidelines for Corridors

Design standards can be used to guide development toward creating a cohesive urban pattern of buildings and streetscapes. When the aesthetic appearance of a community is maintained or improved, a sense of pride develops for the residents, owners and merchants. The quality appearance of its commercial corridors can help the City competitively in the regional market.

The City has established form-based design standards for the Downtown Cocoa Redevelopment Area. The City is also partnering with the FDOT to widen U.S. 1 from four lanes to six lanes and to upgrade the aesthetics and design of the widening project by adding landscaping and gateway features. The City is coordinating with the Space Coast TPO and FDOT to improve the existing sidewalks and bike trails in the City.

The City should continue its efforts in the creation of a quality, safe and functional urban environment by establishing form-based design standards for the commercial corridors along SR 520, U.S. 1, SR 524, Dixon Boulevard and Fiske Boulevard (SR 519), the CRAs and the waterfront. These standards should implement the desired vision of each area.

3. Safe Community

A sense of security is one of the important characteristics of a great community. Research has shown the relationship between the environment and criminal behavior. There is a relationship between declining areas, areas of low property ownership and higher crime rates. The perception of a higher crime rate in an area results in disinvestment, a lack of maintenance and decline due to a fear of crime. In turn, the economic loss and fear escalate the opportunities for crime.

The opportunity and fear of crime can be deterred through good maintenance practices and the proper design and use of the environment. This concept is known as “Crime Prevention Through Environmental Design” or CPTED. The major premise of CPTED is that an environment can be designed to reduce the opportunities for crime and the fear of crime, without resorting to building fortresses. The primary principles of CPTED include the proper design and defined use of buildings and sites, reinforcement of territoriality and responsibility by residents, and the use of access control as well as natural surveillance.

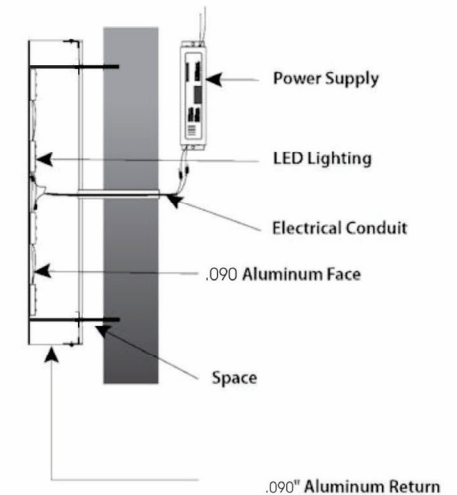
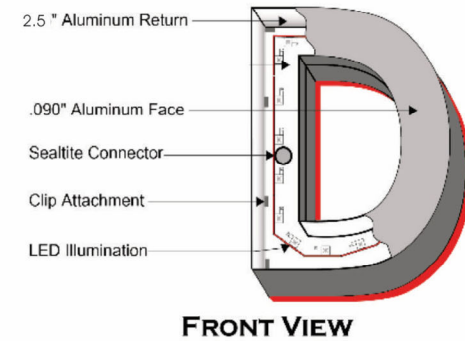
Proactive deterrence of crime depends on a thoughtful understanding of how site and building design guide human behavior. At a neighborhood scale, defining the boundaries of the neighborhood and giving it a themed identity help to establish a known “territory” that

can be defended. Defining the appropriate behavior in public areas and designing the sites to support those behaviors will deter unwanted behaviors. Controlling access to a public space so that the area can be effectively monitored and help deter vandals. Providing visual access to public areas and pedestrian routes of travel are techniques that can be applied to deter crime. The City will consider incorporating CPTED principles in its land development code.

COCOA

108"

18"



4 Corners SR 520 / US Hwy 1

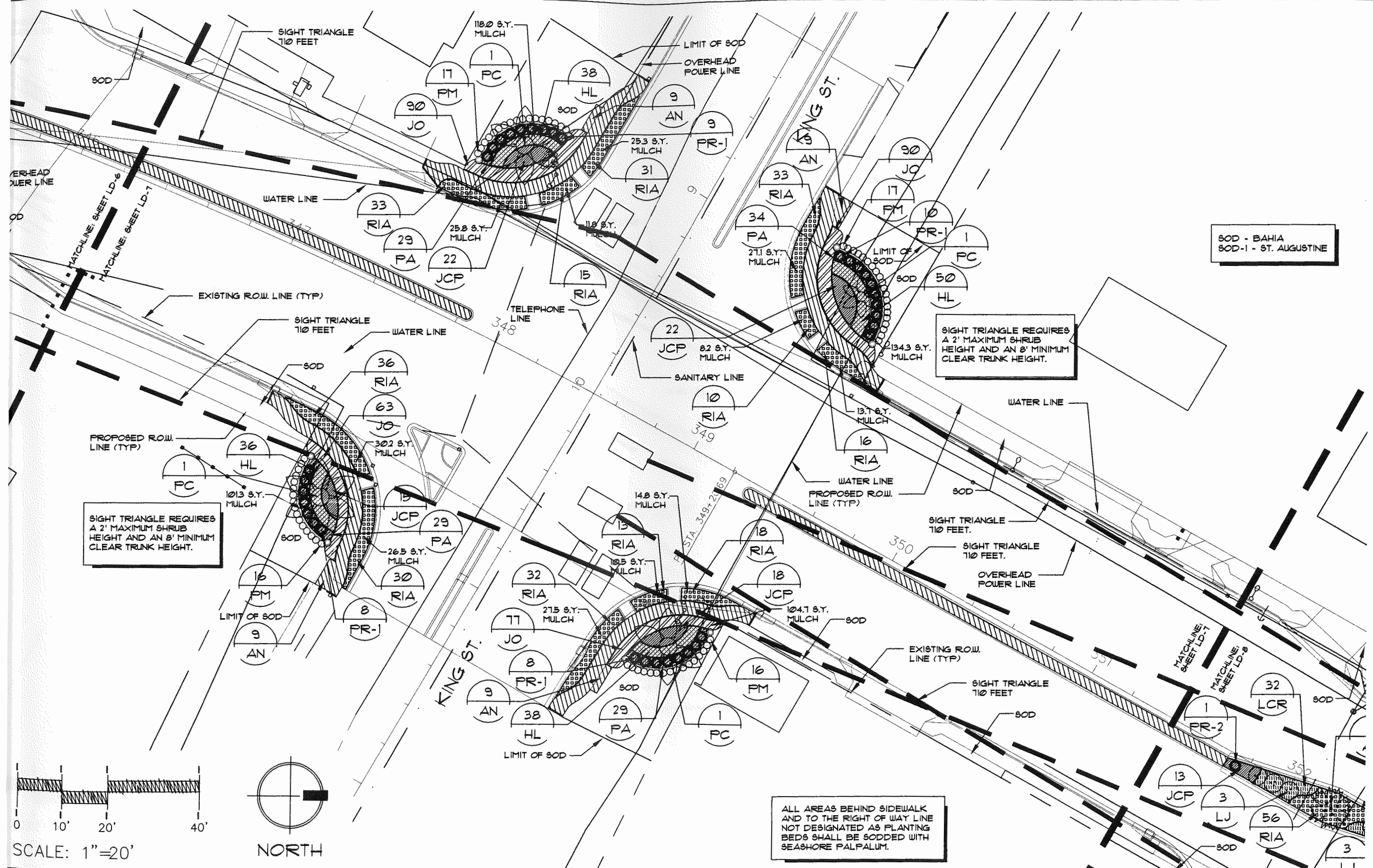
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CUSTOMER City of Cocoa		
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DESIGN# Bs4576	SCALE N-T-S	REVISION-03

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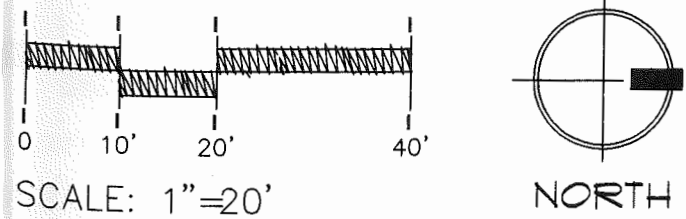


SOD - BAHIA
SOD-1 - ST. AUGUSTINE

SIGHT TRIANGLE REQUIRES
A 2' MAXIMUM SHRUB
HEIGHT AND AN 8' MINIMUM
CLEAR TRUNK HEIGHT.

SIGHT TRIANGLE REQUIRES
A 2' MAXIMUM SHRUB
HEIGHT AND AN 8' MINIMUM
CLEAR TRUNK HEIGHT.

ALL AREAS BEHIND SIDEWALK
AND TO THE RIGHT OF WAY LINE
NOT DESIGNATED AS PLANTING
BEDS SHALL BE SODDED WITH
SEASHORE PALPALUM.



REVISIONS					
BY	DESCRIPTION	DATE	BY	DESCRIPTION	

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STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
S.R. 5	BREVARD	237592-1-52-02

S.R. 5 (U.S. 1)
LANDSCAPE PLAN

SHEET NO.
LD-7

**MINUTES
COCOA REDEVELOPMENT AGENCY**

May 7, 2002

The Cocoa Redevelopment Agency held its regular meeting on Tuesday, May 7, 2002 in the City Council Meeting Room, located at 300 Brunson Boulevard in Cocoa, as publicly noted.

I. OPENING MATTERS

Vice Chairperson Collins called the meeting to order at 7:14 p.m. The following Agency members and officials were present:

PRESENT:	Judy Parrish	Chairperson – Attended Briefly By Phone
	Jewel Collins	Vice Chairperson
	Brenda Warner	Agency Member
	Edward Lanni	Agency Member
	Harrison Vanderslice	Agency Member
	Joseph Colombo	Agency Counsel
	Anthony Garganese	Agency Counsel

STAFF: Clarence Hulse, Assistant City Manager; Donna Renberg, Grants; Kenneth Koch, Community Development Manager; John Titkanich, Economic Development Manager; Nelson Lau, Planning Manager; Chenita Joiner, Housing Manager; Marc Dick, Landscape Architect; Denise Damiano, Recording Secretary.

Ms. Collins provided the invocation, and Ms. Warner led the assembly in the Pledge of Allegiance.

II: APPROVAL OF AGENDA AND MINUTES OF PREVIOUS MEETING

AGENDA: Regular meeting of May 7, 2002

* **MOTION by Mr. Lanni; Seconded by Mr. Vanderslice, to approve the agenda.**

THE MOTION CARRIED UNANIMOUSLY (4-0)

MINUTES: Regular meeting of May 7, 2002

* **MOTION by Mr. Lanni; Seconded by Mr. Vanderslice, to approve the minutes as presented.**

THE MOTION CARRIED UNANIMOUSLY (4-0)

III. DELEGATIONS

No delegations noted at this time.

IV. NEW BUSINESS

1. Legal Representation for the Cocoa RDA

Mr. Titkanich revealed that on April 10, 2002 a letter was received from the law firm of Brown, Ward, Salzman and Weiss stating that the law firm no longer employed the current Cocoa RDA attorney, Joe Colombo.¹ Brown, Ward, Salzman and Weiss asked if the Cocoa RDA would like to retain Mr. Colombo as counsel or if they wished to continue with the services of the law firm. Staff recommends that Cocoa RDA continue with the services of Brown, Ward, Salzman and Weiss.²

* **MOTION by Mr. Vanderslice; Seconded by Ms. Warner to go with the Staff's recommendation of continuing with the services of Brown, Ward, Salzman and Weiss.**

AYES: Warner, Lanni and Vanderslice.

NAYS: Collins.

THE MOTION CARRIED 3-1 with Vice Chairperson Collins dissenting.

V. OLD BUSINESS

3. Redevelopment of southwest corner of SR520 and US1

Mr. Titkanich reminded the Board that at the last meeting, Mr. Micah Savell, President of The Right Site Inc., came before the board outlining a development opportunity and asked for the boards support or direction.

Mr. Titkanich said since that time, Staff has continued discussion with Mr. Savell and a number of concerns have arisen, such as the inability to acquire the parcels in a timely manner, reasonable cost, and the main reason: one of the parcel owners is deceased with no heirs listed. It was noted that Mr. Savell has purchased the tax certificate for the property but given the lengthy process to acquire the property it would preclude development of the site because it then becomes cost prohibitive from both the stand point of Mr. Savell and an end user, such as CVS Pharmacy.

Mr. Titkanich reminded the Board that they had indicated support for the vacation of Stone Street and the development of the site and said that Mr. Savell also went to the Diamond Square Development agency and presented them with the development plan.

¹ Please see Attachment A

² Please see Attachment B

Mr. Titkanich reported that Diamond Square also unanimously supported the project and pledged \$25,000 in Streetscape improvements to ensure pedestrian access from the neighborhood to Hwy. 520, recognizing that the Stone Street crossing at Florida East Coast Railroad would be closed. Mr. Titkanich explained that FEC had met with the City and had acknowledged that with the number of accidents they have had in the past they have been meeting with cities up and down the coast to eliminate unnecessary crossings and are beginning the process to close the Stone Street crossing. He added that it was based on those findings that the Diamond Square Board decided to pledge money and Mr. Titkanich then advised the Board that one powerful remedy or tool at the Cocoa RDA's disposal is the power of eminent domain, especially when used for the assembling of parcels.

Mr. Titkanich recommends that the Board file papers for eminent domain action for the three parcels south of Stone Street and Staff is also asking that the Board transfer money from the Signage Program in the amount of \$7,500, which will be repaid at a later date once the developer acquires the parcels from the City, for the cost of the acquisition as well as for the expenses occurred to acquire the parcels.

Vice Chairperson Collins asked for verification that regardless of any motions passed tonight, the matters would still have to come before the council. Former Agency Counsel Colombo remarked that eminent domain issues could not be advanced without the Council's approval. Agency Counsel Garganese then asked for clarification as to who was giving legal advice to the Cocoa RDA this evening and pointed out that Motion was carried in favor of retaining the services of his firm, Brown, Ward, Salzman and Weiss. Mr. Garganese went on to say that the City Council had authorized the Cocoa RDA to begin eminent domain proceedings and explained that the City Council will become involved but the matter will come back before the Cocoa RDA, which will then have to adopt a resolution stating the necessity of instituting the eminent domain proceedings. Mr. Garganese noted that a public purpose would also have to be set forth and that much of that work has already been done because a redevelopment plan to eliminate slum and blight has been established. Mr. Garganese noted that he will present the Agency with relevant paperwork at the next meeting.

- * **MOTION by Mr. Vanderslice; Seconded by Chairperson Parrish, to authorize staff and the RDA Attorney to initiate eminent domain proceedings for the acquisition of three Stone Street parcels for the purposes of reassembly and development.**

THE MOTION CARRIED UNANIMOUSLY (5-0) WITH CHAIRPERSON PARRISH VOTING BY PHONE

- * **MOTION by Mr. Vanderslice; Seconded by Mr. Lanni, to authorize the temporary transfer of \$7,500 from the Signage Program Account to the Land Account to cover expenses associated with the acquisition of the proposed parcels, expenses including two independent real estate appraisals of each parcel so property owners receive just and fair value.**

THE MOTION CARRIED UNANIMOUSLY (5-0) WITH CHAIRPERSON PARRISH VOTING BY PHONE

Chairperson Parrish then left the meeting, terminating her phone call at 7:28 p.m.

III. DELEGATIONS

George Vanderhall, 705 Howard Street, Cocoa, voiced concerns that Diamond Square RDA was unaware that eminent domain was involved in the process when they pledged Streetscape Improvements for the redevelopment of the southwest corner of SR520 and US1.

Mr. Vanderhall took a moment to commend Staff members, mentioning Mr. Vanderslice in particular, for their economic savvy in obtaining funding.

James F. Ford, 705 Aurora Avenue, Cocoa, remarked that eminent domain might negatively affect some residents and lead to problems. Vice Chairperson Collins said that the Council and Cocoa RDA would revisit the subject of eminent domain as pertaining to the redevelopment of the southwest corner of SR520 and US1.

Former Counsel Colombo left the meeting at 7:32 p.m. Vice Chairperson Collins thanked Mr. Colombo for his efforts.

IV. NEW BUSINESS

1. Legal Representation for the Cocoa RDA

See above – Discussion immediately following Approval of Agenda and Minutes of previous meeting.

2. Lee Wenner T-Dock Upgrade – Cocoa Belle

Mr. Koch said that in November, Staff had been asked to investigate the cost and feasibility of T-Dock commercial upgrades for cruise, dinner, and charter boats at Lee Wenner Park. The Downtown RDA Plan does include some discussion about commercial docking for dinner and charter boats as secondary priority projects³ and Staff has been working on possible improvements to the T-Dock project. Mr. Koch said the estimate for improvement to the T-Docks is approximately \$18,000, with the funds providing better pilings, upgrades to needed areas, and the possible installation of lighting fixtures.

Staff is asking Cocoa RDA for a budget transfer of \$18,000 from the Contingency Account to the T-Dock Improvement Account with improvements being pending on State approval of commercial vessels dockage at Lee Wenner Park and an RFP process from Brevard County for competitive bid in order to operate out of Lee Wenner Park.⁴

³ Please see Attachment C

⁴ Please see Attachment D

FUTURE LAND USE ELEMENT

* * * STANDARD FOR FUTURE LAND USE COMM and MU CATEGORIES* * *

	Commercial	Mixed Use
Maximum Intensity/Density	1.0 FAR	25 du/acre ^{2&3} 1.0 FAR ³
Allowable Uses	Commercial, Office, Institutional, Residential ⁷ , and Open Space / Recreational	Commercial, Industrial, Hotel, Office, Residential, Institutional, and Open Space / Recreational
Minimum Transportation Access	4 lane collector 2 lane arterial	Not Applicable
Applicable Zoning Districts	C-G, C-W, C-P, C-C, P-S, and PUD	CBD, CBD- CVO, C-C, C-N, CR , PS, PUD, RP, UMD
Maximum Impervious Surface Ratio	.90	.95 1.0 in CBD

2. An additional 5 units per acre may be achieved if residential units are developed as part of a vertical mixed use project.

3. Maximum FAR in the Cocoa RDA is 2.0 and a bonus may permit up to an additional 2.5 FAR in the Central Business District outside the Cocoa Village Overlay sub-district. An additional 25 units per acre may be achieved in certain areas within the Cocoa RDA.

7. Residential uses shall be permitted only where allowed in the underlying zoning district.



Community Services Department

Planning & Zoning Division

65 Stone Street | Cocoa, FL 32922

Phone: (321) 433-8535 | Fax: (321) 433-8543

**COURTESY NOTICE OF PUBLIC HEARING
TO PROPERTY OWNERS WITHIN 500 FEET OF THE SUBJECT SITE**

ModWash LLC is petitioning the **Planning & Zoning Board** for the following item:

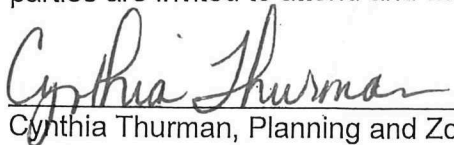
FILE NUMBER: PZ-22-02100001 – Rezoning (ModWash)

- A. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA;** a **Comprehensive Plan Map Amendment** changing the Future Land Map designation of Mixed Use on 1.38 acres of land located on the southwest corner of the intersection of SR520 (W. King Street) and Highway US1 (S. Cocoa Blvd.) to Commercial. 24-36-33-31-A-5; 24-36-33-31-C-1; 24-36-33-31-*R.1; 24-36-33-31-*R.2; 24-36-33-31-*R.3; 24-36-33-31-*R.4; 24-36-33-31-*R.5; 24-36-33-31-D-11; 24-36-33-31-D-12; 24-36-33-31-D-13
- B. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA;** a **Zoning Map Amendment** changing the Zoning designation from CP (Commercial Parkway) to CG (General Commercial District) on 1.28 acres of land located on the southwest corner of of SR520 (W. King Street) and Highway US1 (S. Cocoa Blvd). 24-36-33-31-A-5; 24-36-33-31-C-1; 24-36-33-31-*R.1; 24-36-33-31-*R.2; 24-36-33-31-*R.3; 24-36-33-31-*R.4; 24-36-33-31-*R.5; 24-36-33-31-D-11; 24-36-33-31-D-12; 24-36-33-31-D-13

LOCATION: The subject property consists of 1.38 acres and is located at the SW corner of intersection of SR520 (W. King Street) and Highway US1 (S. Cocoa Blvd.), Cocoa.

The Board will hold a public hearing on this request
at 6:00 p.m. on Wednesday, March 2nd, 2022, and City Council April 12TH, 2022,
and second reading on May 24TH, 2022.

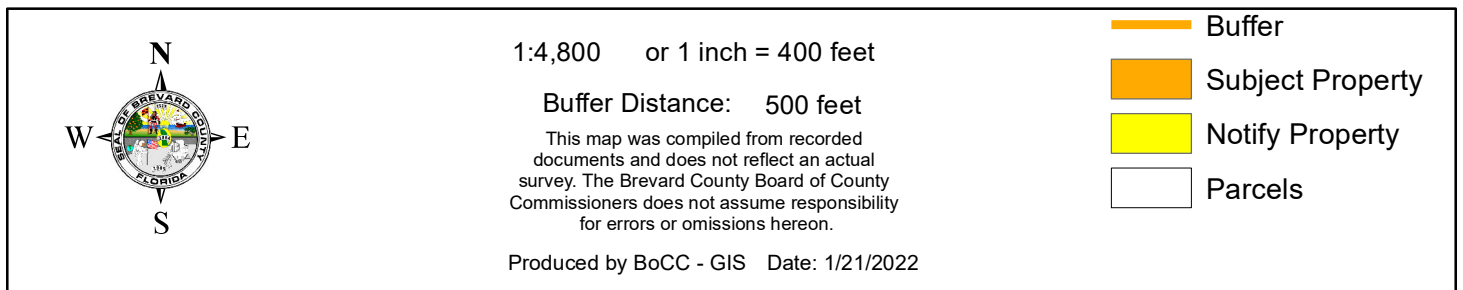
in the City of Cocoa Council Chambers located at 65 Stone Street, Cocoa, Florida. All interested parties are invited to attend and will be heard if desired.


Cynthia Thurman, Planning and Zoning Manager

February 2, 2022

This 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.

modwash500



BRINK, Damien
Bowman
13450 W. Sunrise Blvd., Suite 320
Sunrise, FL 33323

ADRENALINE ARCHITECTS LLC
453 KING ST
COCOA FL 32922-7621

AS INVESTMENTS LLC
10549 MERE PKWY
ORLANDO FL 32832-6153

AUSTIN, VERNELL M ESTATE
C/O DANIEL AUSTIN
325 UNIVERSITY E
MELBOURNE FL 32901-

AUSTIN, VERNELL M ESTATE
C/O DANIEL AUSTIN
3218 REDWOOD LN
MELBOURNE FL 32901-7950

BELL, CHRISTINE
360 POMOLO ST
COCOA FL 32922-

BISCAYA COCOA HOLDINGS LLC
325 S BISCAYNE BLVD, APT 3423
MIAMI FL 33131-2476

BREVARD STONE INC
403 S COCOA BLVD
COCOA FL 32922-

BROWN, GEORGE L JR LIFE ESTATE
555 KING ST W
COCOA FL 32922-

BROWN, GEORGE L JR TRUSTEE
555 KING ST W
COCOA FL 32922-

BRYANT, JANIE B
BRYANT, PURVETTE A
1139 TARPON DR
ROCKLEDGE FL 32955-

BRYANT, PURVETTE A
1820 BARRINGTON CIR
ROCKLEDGE FL 32955-3062

BURNS, DAVID J
BURNS, SILVA B
1730 CANTERBURY DR
INDIALANTIC FL 32903-4017

BWT PROPERTY MANAGEMENT INC
1302 EASTPORT RD
JACKSONVILLE FL 32218-

BZDUN, MIECZSLAW
1908 RANCH ESTATE DR
ORLANDO FL 32825-8407

CASITA ENTERPRISES LLC
750 GLENGARRY DR
MELBOURNE FL 32940-1866

CATCHINGS, MARY E
7107 CLAYMORE AVENUE
HYATTSVILLE MD 20782-

COCOA LODGE 55 F&AM
PO BOX 7
COCOA FL 32923-0007

COCOA LODGE NO 55 F & AM INC
C/O PHILLIP J WILSON
PO BOX 7
COCOA FL 32923-0007

COCOA, CITY OF
65 STONE STREET
COCOA FL 32922-

DAVIS, PEGGY L
909 S GEORGIA AVE
ROCKLEDGE FL 32955-

DAWSON, BEULAH J
PO BOX 341
COCOA FL 32923-0341

DRAKE, WILLIE LEE III
356 POLOMO ST
COCOA FL 32922-

DUHART, DORETHA W
WILLIAMS, WILLIE SR
1058 REVILLA LN
ROCKLEDGE FL 32955-2237

EAST FLORIDA MOTOR SALES INC
4650 HIGHWAY 520
COCOA FL 32926-2333

EAST FLORIDA MOTORS SALES INC
4650 HIGHWAY 520
COCOA FL 32926-2333

EVERETT, ROBERT W
EVERETT, MAE E ET AL
16243 SW 107TH PLACE
MIAMI FL 33157-

FLORIDA EAST COAST RAILWAY LLC
7150 PHILIPS HWY
JACKSONVILLE FL 32256-6802

FLORIDA, STATE OF (DOT)
719 S WOODLAND BLVD
DELAND FL 32720-

GREENWOOD, ALECK J
PO BOX 1077
COCOA FL 32923-1077

GREENWOOD, ALECK J
640 BREVARD AVE #201
COCOA FL 32922-

HACIENDAS LLC
750 GLENGARRY DRIVE
MELBOURNE FL 32940-1866

IBRAHIM & HAROON REALESTATE INC
1910 ROCKLEDGE BLVD
ROCKLEDGE FL 32955-

JOHN MAROTTO LLC
4370 COQUINA AVE
TITUSVILLE FL 32780-

JORDAN, JOHN A
1783 HAZELTON NW ST NW
PALM BAY FL 32907-7072

KABBOORD PROPERITES INC
3201 N ATLANTIC AVE
COCOA BCH FL 32931-

KABBOORD PROPERTIES II LLC
3201 N ATLANTIC AVE
COCOA BEACH FL 32931-3406

KABBOORD PROPERTIES INC
3201 N ATLANTIC AVE
COCOA BCH FL 32931-

KABBOORD, DAVID WAYNE
KABBOORD, JOHN JAMES
3201 N ATLANTIC AVE
COCOA BEACH FL 32931-3406

KABBOORD, JOHN J.,JR
KABBOORD, DAVID W
3201 N ATLANTIC AVE
COCOA BEACH FL 32931-3406

KABBOORD, WILLIAM D
3201 N ATLANTIC AVE
COCOA BEACH FL 32931-3406

LEGEND REALTY DEVELOPMENT
CORPORATION
543 PALM DR
HALLANDALE BEACH FL 33009-6533

LEONARD, MAURICE J
LEONARD, BERTHA M
314 STONE ST
COCOA FL 32922-

LEVENSALER, TIMOTHY
LEVENSALER, ARLET
PO BOX 542349
MERRITT ISLAND FL 32954-2349

MAPP, DOUGLAS O'NEAL
BULLOCK, SYLVIA LEE
880 GLADIOLA CIR, APT 356
ROCKLEDGE FL 32955-6258

METROPOLITAN BAPTIST CHURCH
474 KING ST
COCOA FL 32922-7622

METROPOLITAN BAPTIST CHURCH INC
474 KING ST
COCOA FL 32922-

METROPOLITAN BAPTIST CHURCH OF
COCOA INC
474 KINGS ST
COCOA FL 32922-

METROPOLITAN BAPTIST CHURCH OF
COCOA INC
474 KING ST
COCOA FL 32922-

METROPOLITAN BAPTIST CHURCH OF
COCOA INC
PO BOX 758
COCOA FL 32923-0758

MOUNT MORIAH AFRICAN METHODIST
EPISCOPAL CHURCH
223 OLEANDER ST
COCOA FL 32922-

MOUNT MORIAH AFRICAN METHODIST
EPISCOPAL CHURCH OF COCOA INC
223 OLEANDER ST
COCOA FL 32922-7695

NEGRI PROPERTY LLC
401 S COCOA BLVD
COCOA FL 32922-7699

NEGRI, GERALD M
780 BUTTONWOOD DR
MERRITT ISLAND FL 32953-4611

NICOLE LEANN INVESTMENTS LLC
668 WING TER
DELTONA FL 32725-7038

NORBURY, VONNAY
1007 MONTCLAIR RD
COCOA FL 32922-6355

POWELL, RICHARD L
4745 IVAN ST
COCOA FL 32927-8308

PRICE, THOMAS J JR
ABRUZZO-PRICE, THERESA TRUSTEES
1996 US HIGHWAY 1 S
ROCKLEDGE FL 32955-

R & R COCOA LLC
246 MCLEAN PT
WINTER HAVEN FL 33884-4135

RAILROAD AVENUE WAREHOUSE
COMPLEX LLC
626 OLD DIXIE HWY SW
VERO BEACH FL 32962-4536

RICH, CHEVAYA D
704 GEORGIA AVE N
COCOA FL 32922-

ROBBINS, EARL REV
304 WASHINGTON ST
COCOA FL 32922-

ROSCHMAN PARTNERS
6300 NE 1ST AVE STE 300
FORT LAUDERDALE FL 33334-

ROSSIELLO, DOMINIC
750 GLENGARRY DR
MELBOURNE FL 32940-1866

RUIZ, MANUEL C
6 WESTVIEW LN
COCOA BEACH FL 32931-2621

SANDS REVOCABLE TRUST
1370 WAR EAGLE BLVD
TITUSVILLE FL 32796-1530

SHAND, TANIA A
SHAND, ITSELDA M
1901 VERMONT AVE NW
WASHINGTON DC 20001-

STONE, JANORISE TRUSTEE
516 KING ST
COCOA FL 32922-4501

STONE, REGINA
PO BOX 542349
C/O TIMOTHY & ARLET LEVENSALE
MERRITT ISLAND FL 32954-2349

STONE, RICHARD E
STONE, DAISY LIFE ESTATE
516 W KING ST
COCOA FL 32922-

STRENGTH, GRANT E
STRENGTH, SHERI J
327 CORAL REEF DR
SATELLITE BCH FL 32937-3860

TR CORP/GREATER ST PAUL BAPTIST
CHURCH OF COCOA FLORIDA INC
213 STONE ST
COCOA FL 32926-

WEAVER, TORRIANO JOSEPH
90 HIGHGROVE DR
COVINGTON GA 30016-7792

WILLIAM D KABBOORD TRUST
3201 N ATLANTIC AVE
COCOA BEACH FL 32931-3406

WILLIAMS, LASCELLE B
WILLIAMS, EVELYN M
345 POMOLO ST
COCOA FL 32922-7446

CITY COUNCIL AGENDA ITEM

Memo Date: September 28, 2020
Agenda Date: October 13, 2020
Prepared By: Dodie Selig, Planning & Zoning Manager
Through: Nancy A. Bunt, Community Services Director
Requested Action:

Pass on 1st Reading: Ordinance 17-2020, a Comprehensive Plan Text Amendment consistent with Florida Statute Chapter 163 for a City initiated request to change the Future Land Use Element related to allowable uses in the Commercial Future Land Use designation.

BACKGROUND:

On August 26, 2020, Council approved Ordinance 11-2020, amending the Planned Unit Development zoning district regulations, which were intended to, among other changes, allow for mixed-use planned unit developments. The PUD code was originally written to provide a mechanism for the city to encourage and permit variation in development of residential and commercial projects. However no provision was made for a mixed-use development pattern.

Staff determined that there was a need to revise the PUD code in order to better position the city as the development community moves forward, especially in light of the potential of new transportation options and in light of the significant increase in demand for all forms of housing options in the city. The ordinance provides greater flexibility in the development plan, allows for a mixed-use PUD form, revises the requirements for open space, and makes necessary revisions to the approval process for PUDs.

A mixed-use PUD type allows residential uses to be combined with commercial uses. Previously, developers only had the option of planning a residential PUD or commercial PUD without a mix of uses. A mixed-use PUD makes possible what is commonly known as a "new urbanist" design style and has been a very popular development trend in recent years. Providing this opportunity for the city to grow in a way that supports both infill development and smart growth precepts is very important to the long term sustainability of the city.

However, in order to fully enact the change to the PUD zoning district, a potential conflict with the City's Comprehensive Plan must be addressed as it relates to the Mixed-Use PUD. At present, the mixed-use and commercial PUD types are allowed under the following FLU categories: Commercial, Neighborhood Commercial and Mixed-Use. Both Neighborhood Commercial and Mixed-Use FLU categories allow Residential as an allowable use, however the Commercial FLU category does not. This would mean that properties under the Commercial FLU could develop a Commercial PUD but not a Mixed-Use PUD. However, as stated above, the intent in creating the mixed-use PUD type was to allow a mix of commercial and residential uses in the Commercial, Neighborhood Commercial, and Mixed-Use FLU categories in order to offer innovative housing options in the City. Moreover, the C-C (Core Commercial) district, which is an applicable zoning district permitted in the Commercial FLU category, currently allows "Multi-family dwellings as

regulated under RU-2-25, provided however that multi-family uses may be developed in conjunction with non-residential uses” as a Special Exception. Amending the standards for the Commercial FLU category to allow for residential uses where permitted in the underlying zoning district will correct these potential conflicts and further the intent of the PUD and C-C zoning district regulations.

The proposed Comprehensive Plan Text Amendment (Ordinance 17-2020) will add “Residential” to the list of allowable uses for the Commercial Future Land Use category under Figure FLU-1 of the Future Land Use Element, thus making the Mixed-Use PUD an allowable option under the Commercial FLU. The Residential use will include a post-script with text as follows:

7. “Residential uses shall be permitted only where allowed in the underlying zoning district.”

Consistency with Code of the City of Cocoa

Planning & Zoning staff has addressed the criteria contained in Chapter 15, Article II, Sections 15-10 and 15-11 below:

- a. Whether the proposal favorably or unfavorably impacts the city's budget, or the economy of the region

Staff Finding: The proposed addition of “Residential” use under the Commercial Future Land Use designation would allow for the development of the Mixed-Use PUD development form. This would open up greater development opportunities for property within the City, thus increasing land value and benefiting the local economy.

- b. Whether the proposal will diminish the service level of public facilities

Staff Finding: The Future Land Use amendment will not negatively impact or diminish the service level of public facilities. While allowing mixed-use PUDs in the Commercial FLU designation will increase the land area available in the City for residential housing, the impact of any proposed mixed-use PUD on public facilities will be analyzed in the concurrency analysis for the proposed PUD.

- c. Whether the proposal favorably or unfavorably impacts the environment, or the natural or historical resources of the city or the region

Staff Finding: The text amendment will not impact any natural or historical resources.

- d. Whether the proposal is consistent with goals, policies, and objectives of the state comprehensive plan set forth in Chapter 187, Florida Statutes, and the East Central Florida Comprehensive Regional Policy Plan, Florida Administrative Code

State Comprehensive Plan, Chapter 187.201(15) LAND USE

Policy 15(b)3 Enhance the livability and character of urban areas through the encouragement of an attractive and functional mix of living, working, shopping, and recreational activities.

Staff Finding: The proposed text amendment will provide additional opportunity for the development of a mix of uses combining living, working, shopping and recreational activities in one project or property.

East Central Florida Comprehensive Regional Policy Plan

Policy 10.7.2 Transit corridors should provide for a mixture of commercial, office, institutional, and residential uses in multi-story buildings to create a walkable pedestrian friendly environment

Policy 10.14 Vacant or underutilized retail sites should be seen as opportunity sites for assembly and redevelopment as mixed use (retail, office, and residential) centers, especially along corridors currently served by transit or planned to be served by transit.

Staff Finding: The proposed text amendment will provide additional opportunities for mixed-use development along transit corridors as well as redevelopment of existing sites.

- e. Whether the proposal will favorably or unfavorably affect the city's ability to provide adequate public facilities, and whether the proposal will reduce the level of service for affected public facilities below the level of service set in the comprehensive plan

Staff Finding: The proposed text amendment would not alter the City's ability to provide service capacity to lands under the Commercial FLU designation.

- f. Whether the proposal is incompatible with surrounding neighborhoods and land uses

Staff Finding: The proposed text amendment will not change the FLU designation of any parcel of land. Residential uses will only be permitted in the Commercial FLU where permitted by the underlying zoning district, which at this time is only in the C-C pursuant to a special exception or in a mixed-use PUD. Residential uses are compatible with each of these land uses.

- g. Whether the proposal will have a favorable or adverse effect on the ability of people to find adequate housing reasonably accessible to their places of employment

Staff Finding: The proposed FLU text amendment will provide opportunity for an additional form of housing closer to commercial uses and job centers.

- h. If the amendment being requested is consistent with all the elements of the comprehensive plan.

Staff Finding: The proposed FLUM amendment is consistent with the following Comprehensive Plan policies:

Policy 1.1.10.3: Innovative land use development patterns, including PUDs and Cluster Zoning shall be permitted and encouraged in appropriate areas, as defined in the land development regulations.

Objective 1.2.1: Smart Growth Principles. New development in the City shall incorporate "Smart Growth" principles that will lead to compact development standards as opposed to conventional development standards that encourage urban sprawl.

Policy 1.2.1.6: New development, as well as infill development shall provide interconnected street grid networks, where feasible, to disperse traffic and encourage walkability. Developments may include a hierarchy of narrow streets, boulevards and alleys; high-quality pedestrian networks; designs that encourage a greater use of bicycles, rollerblades, scooters and walking as daily transportation; connectivity to public transit; and a land use mix that demonstrates reduced external trips by encouraging internal trips.

STRATEGIC PLAN CONNECTION:

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

The Planning & Zoning Board/LPA recommended approval of this item at its regular meeting on October 7, 2020.

RECOMMENDED MOTION:

Pass on 1st Reading: Ordinance 17-2020, a Comprehensive Plan Text Amendment consistent with Florida Statute Chapter 163 for a City initiated request to change the Future Land Use Element related to allowable uses in the Commercial Future Land Use designation.

ORDINANCE NO. 17-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, ADOPTING A LARGE SCALE COMPREHENSIVE PLAN TEXT AMENDMENT; AMENDING THE FUTURE LAND USE ELEMENT RELATED TO ALLOWABLE USES IN THE COMMERCIAL FUTURE LAND USE DESIGNATION; ESTABLISHING MAXIMUM ALLOWABLE RESIDENTIAL DENSITIES FOR THE COMMERCIAL FUTURE LAND USE DESIGNATION AND NEIGHBORHOOD COMMERCIAL FUTURE LAND USE DESIGNATION; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE COMPREHENSIVE PLAN, SEVERABILITY, AND AN EFFECTIVE DATE AND LEGAL STATUS OF THE PLAN AMENDMENT.

WHEREAS, section 163.3161 et. seq., Florida Statutes, established the Community Planning Act, which was formerly known as the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, the Community Planning Act requires each municipality in the State of Florida to prepare, adopt, and update a Comprehensive Plan; and

WHEREAS, in accordance with the provisions of the Community Planning Act, the Local Planning Agency of the City of Cocoa held a duly noticed public hearing on October 7, 2020, in accordance with the procedures established in Chapter 163, Part II, Florida Statutes, on the proposed comprehensive plan amendment; and

WHEREAS, the City Council of the City of Cocoa held two duly noticed public hearings on the proposed amendment set forth hereunder and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby approves and adopts the Comprehensive Plan Amendment set forth hereunder; and

WHEREAS, the City Council finds that the text amendment provided herein is desirable primarily to allow for mixed-use PUDs within the Commercial future land use category; and

WHEREAS, the City Council of the City of Cocoa hereby finds that this Ordinance is 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 true and correct and are fully incorporated herein by this reference.

Section 2. Authority. This Ordinance is adopted in compliance with, and pursuant to, the Community Planning Act, sections 163.3161 et. seq., Florida Statutes.

Section 3. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to adopt a comprehensive plan amendment incorporating the revisions stated herein as part of the City of Cocoa Comprehensive Plan.

Section 4. Adoption of Amendment to the Future Land Use Element. The City of Cocoa Comprehensive Plan, Future Land Use Element, is hereby amended as follows (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (* * *) indicate a deletion from this Ordinance of text existing in the Cocoa Comprehensive Plan, Future Land Use Element. It is intended that the text in the Future Land Use Element denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance):

FUTURE LAND USE ELEMENT

* * *

FIGURE FLU-1 STANDARD FOR FUTURE LAND USE CATEGORIES

* * *

Commercial, Industrial, Open Space/Recreational, Institutional and Mixed-Use Future Land Use Categories:

	Commercial	Neighborhood Commercial ⁴	Regional Activity Center ⁵	Industrial	Open Space Residential	Institutional	Mixed Use
Maximum Intensity/Density	1.0 FAR, <u>25 du/acre⁷</u>	0.75 FAR, <u>25 du/acre⁷</u>	0.50 FAR, 25 du/acre, and 45 hotel rooms/acre	1.50 FAR	0.25 FAR	1.0 FAR 25 du/acre	25 du/acre ^{2&3} 1.0 FAR ³
Allowable Uses	Commercial, Office, Institutional, <u>Residential⁸</u> , and Open Space/Recreational	Commercial, Residential, Office, Institutional, and Open Space/Recreational	Commercial, Industrial, Hotel, Office, Residential, Institutional, and Open Space/Recreational	Industrial and Commercial ⁶	Not Applicable	Institutional	Commercial, Industrial, Hotel, Office, Residential, Institutional, and Open Space/Recreational

Minimum Transportation Access	4 lane collector 2 lane arterial	2 lane collector	2 lane arterial that intersections SR 528 or I-95	2 lane collector 2 lane arterial	Not Applicable	Not Applicable	Not Applicable
Applicable Zoning Districts	C-G, C-W, C-P, C-C, P-S, and PUD	C-N, C-R, R-P, P-S, and PUD	UMD	M-1 and M-2	All Districts	All Districts	CBD, CBD-CVO, C-C, C-N, CR, PS, PUD, RP, UMD
Maximum Impervious Surface Ratio	.90	.80	.95	.75	.25	.65	.95 1.0 in CBD

NOTES FOR FIGURE FLU-1:

1. Maximum density may be increased up to 12 du/acre as part of a planned residential development or planned redevelopment activities (*Policy 1.2.3.C*).
2. An additional 5 units per acre may be achieved if residential units are developed as part of a vertical mixed use project.
3. Maximum FAR in the Cocoa RDA is 2.0 and a bonus may permit up to an additional 2.5 FAR in the Central Business District outside the Cocoa Village Overlay sub-district. An additional 25 units per acre may be achieved in certain areas within the Cocoa RDA.
4. Four (4) acre maximum land area for new Neighborhood Commercial and one (1) acre maximum site land area.
5. Minimum land area of 50 acres and minimum cumulative gross floor area of 500,000 sq. ft. for all structures.
6. Commercial uses that are complementary to and support industrial development and operations.
7. Maximum residential density shall be 25 du/acre, except where reduced by the underlying zoning district regulations.
8. Residential uses shall be permitted only where allowed in the underlying zoning district.

* * *

Policy 1.1.2.9: Commercial (COMM). Commercial areas are intended to be areas that serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses. Residential uses may also be provided where allowed by the underlying zoning district regulations. The following criteria shall be used for determining appropriate locations for commercial land use designations on the future land use map.

* * *

Section 5. 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 6. 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.

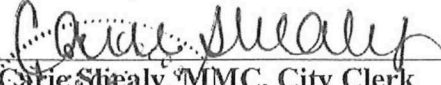
Section 7. Incorporation into Comprehensive Plan. Upon the effective date of the Comprehensive Plan Amendment adopted by this Ordinance, said Amendment shall be incorporated into the City of Cocoa Comprehensive Plan and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

Section 8. Effective Date. The effective date of the Comprehensive Plan Amendment adopted by this Ordinance shall be thirty-one (31) days after the state land planning agency notifies the City that the plan amendment package is complete pursuant to section 163.3184(3)(c)(4.), Florida Statutes. If the plan amendment is timely challenged, the plan amendment shall not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land use dependent on this plan amendment may be issued before it has become effective. After and from the effective date of this plan amendment, the Comprehensive Plan Amendment set forth herein shall amend the City of Cocoa Comprehensive Plan and become a part of that plan and the plan amendment shall have the legal status of the City of Cocoa Comprehensive Plan, as amended.

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the 8th day of December, 2020.


Michael C. Blake, Mayor

ATTEST:


Carrie Stealy, MMC, City Clerk


1st Reading: 10/13/2020
2nd Reading: 12/08/2020
Legal Ads Published: 09/26/2020 &
12/03/2020
Effective Date:

City of Cocoa
Ordinance No. 17-2020
Page 4 of 4



Legislation Details (With Text)

File #:	22-239	Version:	1	Name:	
Type:	Ordinance	Status:		Agenda Ready	
File created:	4/18/2022	In control:		Planning and Zoning / Local Planning Agency	
On agenda:	5/4/2022	Final action:			
Title:	Consideration of a Zoning Map Amendment consistent with Appendix A, Zoning Article XI, to change the Zoning Map designation from CP (Commercial Parkway to CG (General Commercial) District on 1.38 acres at the southwest corner of SR520 and US1.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Exhibit A Modwash Current and Proposed Zoning.pdf Exhibit B Modwash Site Plan Elevations.pdf Exhibit C Modwash Rezoning Application Justification Statements.pdf Exhibit D CP - CG Use Comparison Table.pdf Exhibit E Current FLU and Zoning.pdf Modwash Abutter Package.pdf				

Date	Ver.	Action By	Action	Result
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PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: April 19, 2022
Agenda Date: May 4, 2022
Prepared By: P & Z Staff
Staff Primary Contact: Angela Essing
Through: Growth and Economic Development Department
Requested Action:
Consideration of a Zoning Map Amendment consistent with Appendix A, Zoning Article XI, to change the Zoning Map designation from CP (Commercial Parkway to CG (General Commercial) District on 1.38 acres at the southwest corner of SR520 and US1.

BACKGROUND:

Project Name: Modwash Carwash
Project Number: PZ-22-02100001 Zoning Map Amendment
Applicant: ModWash, LLC
Property Owners: Biscaya Cocoa Holdings Inc.
Project Location: Southwest Corner of SR 520 (W. King Street) and Highway US-1(S. Cocoa Blvd.)
Property Identification: 24-36-33-31-A-5, 24-36-33-31-C-1, 24-36-33-31-C-2, 24-36-33-31-R.1, 24-36-33-31-R.2, 24-36-33-31-R.3, 24-36-33-31-R.4, 24-36-33-31-R.5, 24-36-33-31-D-11, 24-36-33-31-D-12, & 24-36-33-31-D-13

I. Project Information

The applicant is requesting a zoning map amendment on 1.38 acres at the southwest corner of SR 520 and US 1 from CP (Commercial Parkway) to CG (general Commercial) as depicted on Exhibit A. The requested change is intended for the construction of a 4,320 sq. ft. self-serve carwash with amenities. The proposed CG zoning designation allows automobile laundry or quick wash as a permitted use. The current zoning designation of CP does not allow for automobile laundry or quick wash use and therefore the applicant is requesting to rezone the property.

The applicant has also submitted a companion application (22-02100001) to amend the Future Land Use Designation of the Comprehensive Plan of the subject property from Mixed Use to Commercial. The current Mixed Use Future Land Use Designation does not allow for CG zoning. To the extent that the Planning and Zoning Board recommends denial of the companion application to amend the Future Land Use Designation to Commercial, the rezoning application must also result in a recommendation denial because the Mixed-Use Future Land Use Designation does not allow for CG zoning.

The provisions of the proposed CG district are intended to apply to an area developed and preserved as a major commercial center serving the commercial needs of the community and region. The type of uses and other restrictions are intended to promote adequate protection from conflicts with adjacent residential and other noncommercial uses, and to minimize the interruption of traffic along adjacent thoroughfares.

The applicant has submitted a concept elevation drawing depicting a proposed 4,320 sq. ft. self-serve carwash with amenities, ingress/egress, drives and parking. See Exhibit B

The applicant has expressed an intent to construct a car wash within the CG zoning. However, the CG district would also allow wholesaling from sample stock; business service establishments; liquor stores and cocktail lounges; storage garages; public and private automobile parking; repair services (appliances, TV); new and used vehicle, agricultural equipment, and mobile home sales; printing/bookbinding; medical clinics and labs; financial institutions; pharmacies, medical marijuana treatment center dispensing facilities, apothecary and optical; and restaurants. Passenger transportation terminals with freight facilities, child care/daycare, halfway houses, and self-service storage facilities would be allowed as special exception uses. See Exhibit D for a full comparison.

Future Land Use Designation:

Current: Mixed Use

Proposed: Commercial

Zoning District:

Current: CP (Commercial Parkway)

Proposed: CG (General Commercial)

See Exhibit A

Existing Land Use:

Cleared/Vacant land

OVERVIEW OF SURROUNDING AREA

	Future Land Use Designations	Zoning Districts	Land Uses
North	MU	CP	Automotive Vehicle Sales (Mike Erdman's Truck Exchange)
South	COMM	CP	Automotive Repair (Auto Pro's Service Center)
East	MU	CP	Automotive Vehicle Sales (CARite)
West	The Railroad is COMM, west of the railroad is MU	Railroad has no Zoning District, West of railroad is CG & CW	Florida East Coast Railroad, west of railroad is vacant

II. Rezoning Analysis

The Property Owner and Applicant are requesting a Zoning Map Amendment to change the subject property zoning district from CP to CG.

In accordance with Appendix A of the City of Cocoa, Article XXI, Section 1(G)(1), the following shall be considered in the review of an application for a rezoning:

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

Applicant Response: See Exhibit C.

Staff Response: The subject parcel is situated at the major arterial intersection of the City and Cocoa Village. The land use patterns in the general vicinity of the subject parcel consist of commercial uses and some light industrial-type uses adjacent to the rail road. Future impacts of the rezoning should be determined by considering what redevelopment would be allowed in the CG zoning district and whether or not these uses are acceptable uses. See Exhibit D

Based on Exhibit A, the land use pattern that has been established along US 1 and at the intersection of US 1 and SR 520 have been uses that meet the CP zone. See Exhibit D. The additional uses allowed in the CG zone aren't consistent with the established land use pattern, and the City wishes to keep the uses more aligned with the CP zone that encourages large lot sizes, to minimize frequent ingress and egress, to serve the needs of the motorist, and to provide an amenable impression of the City. The additional uses allowed in the CG zone like automobile laundry, liquor stores, storage garages, public and private automobile parking, medical clinics, financial institutions, and pharmacies and medical marijuana treatment center dispensing facilities are not desirable uses at the main entrance to Cocoa Village.

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

Applicant Response: See Exhibit C.

Staff Response: The Mixed Use Future Land Use was intentionally established in 2010 to run along 520 and throughout the Cocoa Village in an effort to promote mixed-use developments. At the time of the change, the 520 and US 1 corridor were specifically mentioned. Thus making the intersection of 520 and US 1 the center of the desired area for MU. For this reason, the proposed zone change to CG can be seen as incompatible with surrounding neighborhoods and land uses as it would further extend an inconsistent land use pattern at the four corners of 520 and US 1, as CG is not a permitted zoning district within the MU. Moreover, the existing CP zoning district is found in a corridor running along both the east and west sides of US 1, which would be interrupted if the CG zoning district were extended to the subject property. See Exhibit A.

The applicant has suggested that the requested rezoning is needed to resolve an inconsistency between the Comprehensive Plan Future Land Use designation and the zoning district. However, assuming the Future Land Use designation of Mixed Use is maintained, the CG zoning district would also be inconsistent with the Comprehensive Plan. Resolving the inconsistency may be achieved in multiple ways, including amending the Comprehensive Plan to include the CP zoning designation in MU or rezoning the property to another zoning district permitted in the MU. An amendment to the Comprehensive Plan to include the CP zoning district in the list of permitted zoning districts in the MU can be supported by the number of parcels that are currently zoned CP in the MU FLU. See Exhibit E. The proposed zoning change takes the City farther from the expressed policies of the MU land use, because the proposal for CG zoning is incompatible with the existing CP zone on the NW, NE and SE corners of the SR 520 and US 1 intersection

MU is the most recent expression by the Council of its intended long-range planning goals when they voted to update the EAR in 2010. The rezoning to CG is not consistent with these goals as set forth in the Comprehensive Plan, in particular to avoid commercial strip development in this corridor.

- 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.*

Applicant Response: See Exhibit C.

Staff Response: The proposed zoning change would not materially increase the load on public facilities, or decrease the transportation level of service, or add any burden to schools or utilities. However, the proposed rezoning to CG would prohibit multi-family residential development, which is an expressed goal of the Mixed Use Future Land Use.

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

Applicant Response: See Exhibit C.

Staff Response: The existing zoning is the most logical pattern for the US 1 and SR 520 intersection. The proposed rezoning would create an isolated district in the manner that the

arterial four-corner intersection will be altered by the introduction of the CG zone at the southwest corner.

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

Applicant Response: See Exhibit C.

Staff Response: The amendment is not consistent with all the elements of the comprehensive plan, which provide that mixed use along the corridors is preferred and that compact development to support the economy and the reduction of energy consumption is preferred. CG is not a permitted zoning district in the existing Mixed-Use future land use designation. As stated above, a rezone to CG would prohibit multi-family development. Mixed-use buildings within a single development are highly encouraged in the Mixed-Use category, and a density bonus is offered for residential housing developed as part of a vertical mixed use project to encourage such development.

Should the P&Z recommend approval of the companion Future Land Use amendment, the following Comprehensive Plan Policy regarding the Commercial Future Land Use would apply.

Policy 1.1.2.9: Commercial (COMM). Commercial areas are intended to be areas that serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses. The following criteria shall be used for determining appropriate locations for commercial land use designations on the future land use map:

- A. *Commercial areas shall have direct access from a four-lane collector or two-lane arterial.*

Staff Response: The proposed amendment area has direct access to SR 520 and Highway US-1, which have a functional classification of “Arterial” as shown on Map M-II-2 Functional Roadway Classification Map of the Transportation Element.

- B. *New commercial uses shall be discouraged from linear development and shall be encouraged to develop in clusters, with coordinated parking facilities, and with frontage roads where practical.*

Staff Response: The subject parcel is situated between three transportation corridors and is linear in shape and design.

- C. *Any new development shall comply with all Comprehensive Plan objectives and policies related to environmental and open space protection and buffering requirements as well as all Land Development Regulations.*

Staff Response: The subject parcel is currently vacant. Structures were removed and the property is devoid of any existing green space. Any new site development would meet the requirements of the Land Development Regulations.

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

Applicant Response: See Exhibit C.

Staff Response: There have been no conditions or passage of amendments in land use patterns that have been the catalyst for this amendment. As stated above, the land use pattern that has been established along US 1 and at the intersection of US 1 and SR 520 have been uses that are consistent with the CP zone. See Exhibit D. The MU FLU was intentionally established in 2010 to run along 520 and throughout the Cocoa Village in an effort to promote mixed-use developments. At the time of the change, the 520 and US 1 corridor were specifically mentioned. Thus making the intersection of 520 and US 1 the center of the desired area for MU. For this reason, the expression of Council since 2010 has been to represent this area as MU, and the CP zoning district is more consistent with the MU.

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

Applicant Response: See Exhibit C.

Staff Response: The proposed change would not adversely influence living conditions in the surrounding neighborhood because it is buffered by the railroad tracks and other property zoned CG and Wholesale Commercial (CW).

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

Applicant Response: See Exhibit C.

Staff Response: The proposed change is not anticipated to create or excessively increase traffic. A traffic study would generally be required for any applicant proposing a particular use on the property.

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

Applicant Response: See Exhibit C.

Staff Response: 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.*

Applicant Response: See Exhibit C.

Staff Response: Any proposed use on this site would be required to meet the requirements of the City Code to ensure light and air to adjacent areas are not reduced.

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

Applicant Response: See Exhibit C.

Staff Response: It is not anticipated that property values would be affected by the proposed rezoning. However, potential development under the current zoning could result in a mix of uses that have the potential to increase property values beyond a single use site.

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

Applicant Response: See Exhibit C..

Staff Response: The proposed change will deter development within the corridor that is outside of the City's vision for the intersection and all properties with a MU FLU. The proposed development may encourage other single use land uses that are not consistent with the MU FLU goals and policies.

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

Applicant Response: See Exhibit C.

Staff Response: 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.*

Applicant Response: See Exhibit C.

Staff Response: There are no reasons why the property can't be used with the existing zoning. Certain types of commercial and mixed-use developments could be achieved under the existing zoning.

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

Applicant Response: See Exhibit C..

Staff Response: The current CP zoning is appropriate. The requested change to CG zoning is out of scale with the future vision for the intersection. The zone change will allow for all the uses shown in Exhibit D. The additional uses allowed in the CG zone aren't consistent with the established land use pattern and the City wishes to keep the uses more aligned with the CP zone that encourages large lot sizes, to minimize frequent ingress and egress, to serve the needs of the motorist, and to provide an amenable impression of the City. The additional uses allowed in the CG zone like automobile laundry, liquor stores, storage garages, medical clinics, financial institutions, and pharmacies, and medical marijuana treatment center dispensing facilities are not desirable uses at the main entrance to Cocoa Village.

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

Applicants Response: See Exhibit C..

Staff Response: The property owner is proposing to develop the 1.38-acre subject property with a 4,320 sq. ft. self-serve carwash with amenities. Automobile laundry or quick wash use is prohibited in the CP zoning district and requires a CG zoning district. The CG zoning district is prevalent in the City without approval of this request. The last approval of CP zoning was in June of 2000. There is currently property for redevelopment at the SE corner of Dixon Blvd and US 1 within the CG zone. There are also many CG properties along the west side of US 1 north of Dixon Blvd.

Concurrency Management/Adequate Public Facilities

Section 15-22 of the City Code provides for a concurrency management system to ensure public facilities and services needed to support development are available concurrent with the impacts of such development and that development orders and development permits are not issued in a manner that will not result in a reduction in the levels of service below the adopted level of service standards adopted by the City for public facilities and services, as contained in the City's adopted Comprehensive Plan.

Consistent with the requirements of Article IV (Concurrency Management System), Chapter 15 of the Code of the City of Cocoa, the applicant/developer will be required to submit a final application for concurrency review prior to issuance of any City of Cocoa permits. If capacity issues relating to any public facilities or services regulated by the City of Cocoa adopted Comprehensive Plan is identified, necessary and appropriate mitigation will be required to be addressed prior to construction.

III. Summary

The Applicant is requesting a Zoning Map Amendment to amend the property's zoning district from Commercial Parkway (CP) to General Commercial (CG) for the purposes of redeveloping the site into a self-serve express car wash, though this use would not be binding upon the applicant. The subject property is at the southwest corner of the arterial intersection of SR 520 and Highway US 1. The subject property is constrained by the FDOT right of way on the north side and the Florida East Coast rail road right of way on the west side. The subject property is currently vacant but has had several previous commercial uses including automotive vehicle sales, bail bonds and various retail sales in a strip center commercial building. The buildings that were previously on the northern portion of the property were recently demolished.

Future impacts to the area along SR 520 (W. King Street) and US 1(S. Cocoa Boulevard) should be determined by considering the potential redevelopment of the CG zoning district and what would be allowed and whether or not these uses are acceptable uses to reintroduce to the corridor. These uses should be evaluated at this prominent corner. The interruption of the CP zoning pattern at the arterial intersection by introducing the CG zoning district at the south west corner with heavier commercial uses, altering the character of the intersection and ultimately changing the vision as outlined in the Comprehensive Plan. The City believes the acknowledgement of the land use pattern of the intersection is more important than the extension of the CG zoning from the west. This is based on historical data from the 2010-2020 Comprehensive Plan and supporting studies like the Data and Analysis study from October of 2010. The request for the zone change is not compatible with the land use pattern of the four corners of the 520 and US 1 intersection.

BUDGETARY IMPACT:

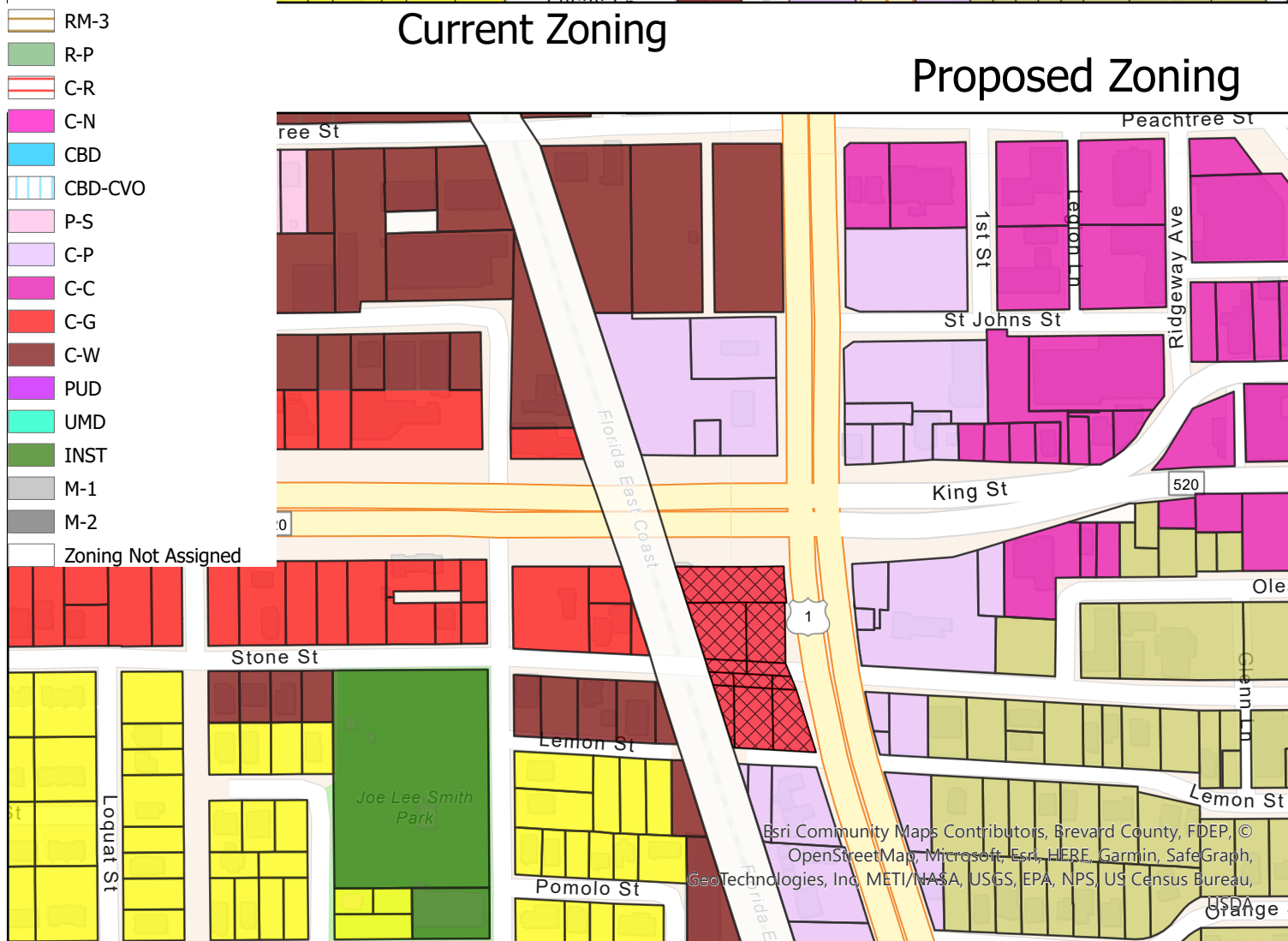
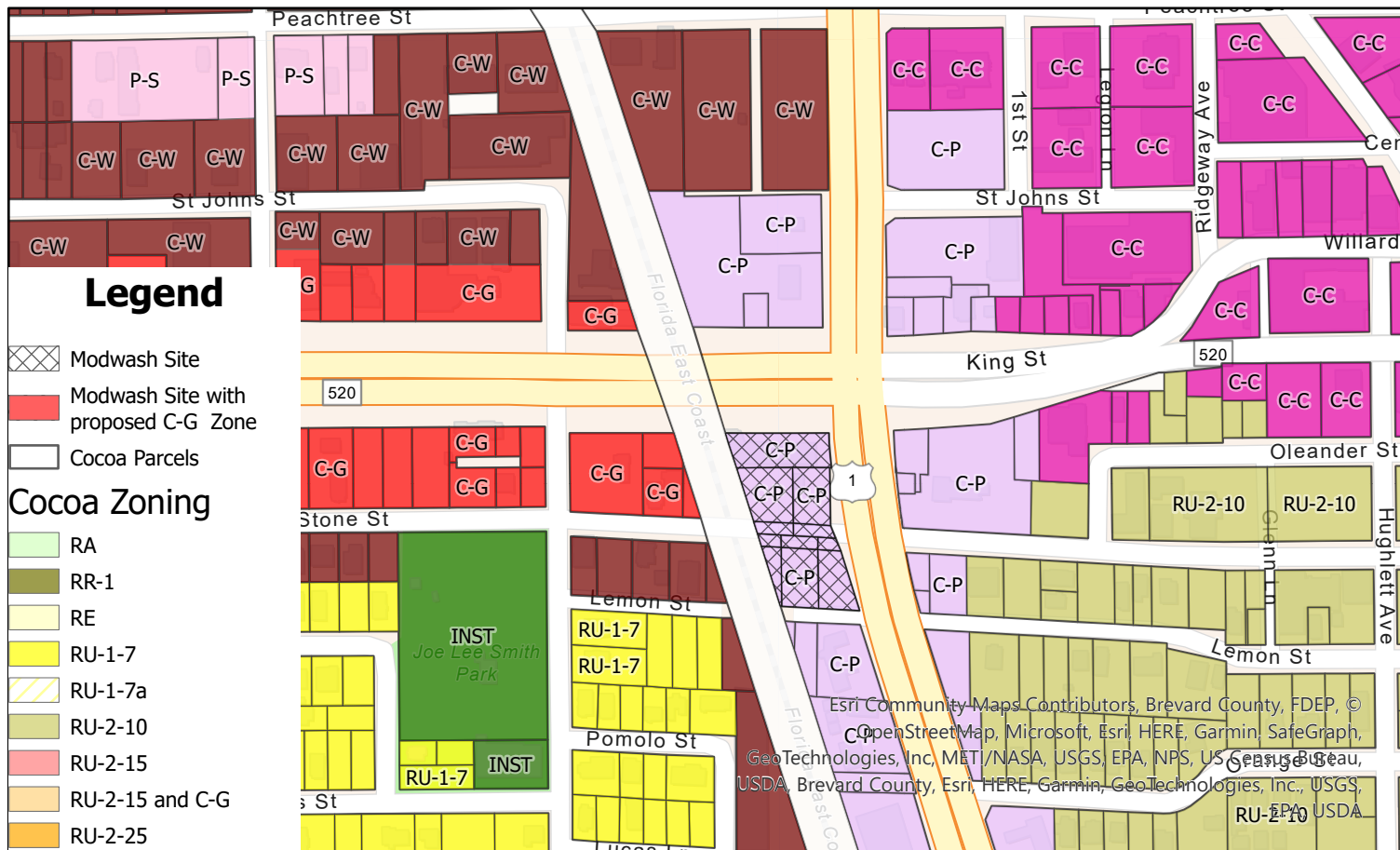
N/A

PREVIOUS ACTION:

This item was tabled to a time certain at the March 2, 2022 and the April 6, 2022 meetings.

RECOMMENDED MOTION:

Staff recommends DENIAL of the Zoning Map Amendment consistent with Appendix A, Zoning Article XI, to change the Zoning Map designation from CP (Commercial Parkway) to CG (General Commercial) District on 1.38 acres at the southwest corner of SR520 and US1 for the reasons stated above.



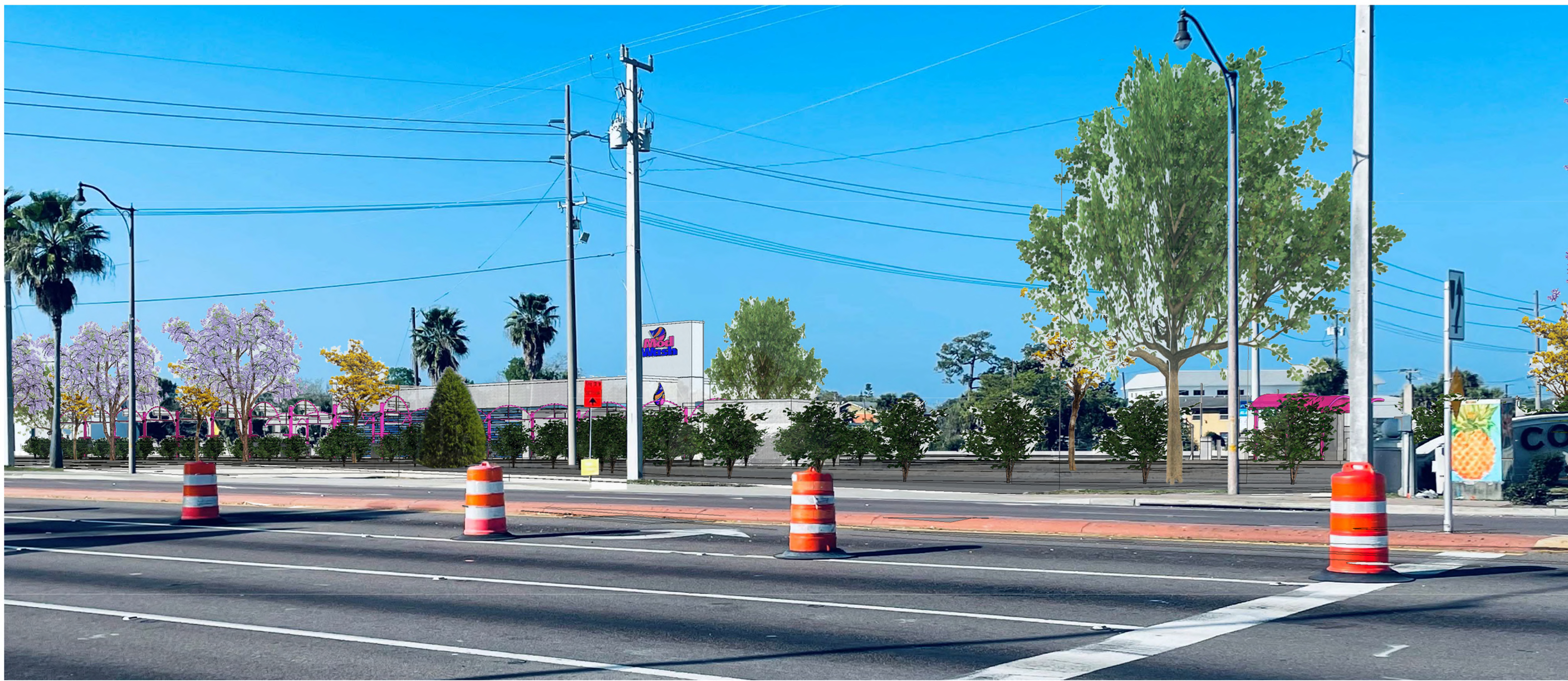


	PROPERTY LINE
	ADJACENT PROPERTY LINE
	ASPHALT PAVEMENT
	CONCRETE
	EDGE OF PAVEMENT
	EDGE OF SIDEWALK
	CHAIN LINK FENCE
	CENTERLINE OF ROAD
	OVERHEAD ELECTRIC SERVICE
	WATER LINE
	SEWER LINE
	STORM LINE
	SIGN / CROSSWALK SIGNAL
	FIRE HYDRANT
	WATER VALVE / BACKFLOW PREVENTER
	WATER METER
	POWER POLE
	SEWER MANHOLE
	SPOT ELEVATION
	GUY ANCHOR
	STORM MANHOLE
	FIRE CONNECTION
	INLET
	TREES

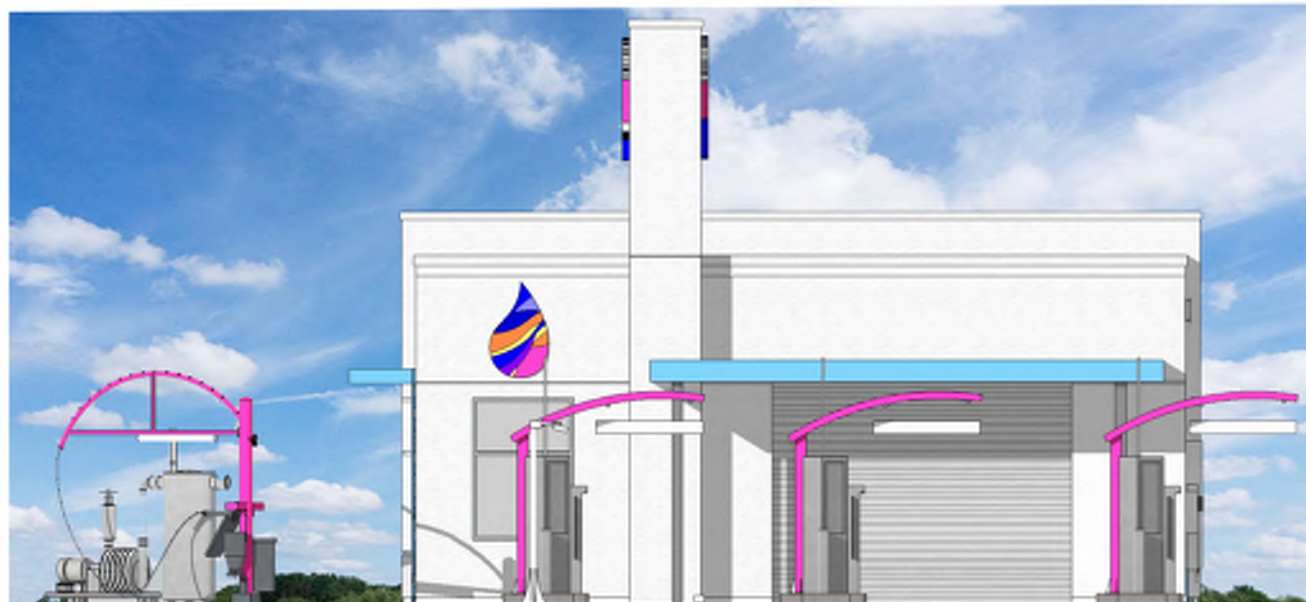
	PROPERTY LINE
	ASPHALT PAVEMENT
	HEAVY DUTY CONCRETE PAVEMENT
	CONCRETE SIDEWALK
	CONCRETE PAVEMENT
	BUILDING SETBACK LINE
	LANDSCAPE BUFFER LINE
	PARKING COUNT
	PARKING STRIPING
	VACUUM
	VACUUM POLE
	SIGN
	MONUMENT SIGN
	RAISED PAVEMENT MARKER

1. ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
2. ALL CURBING SHALL BE PER THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) STANDARD INDEX 520.
3. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL LOCAL REGULATIONS AND O.S.H.A. STANDARDS.
4. CONTRACTOR SHALL REFER TO SPECIFICATIONS AND GEOTECHNICAL REPORT DETAILS FOR PAVING DESIGN AND PROPER MATERIALS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE SITE UNTIL WORK IS ACCEPTED BY THE OWNER.
6. ALL SIGNS SHALL BE PER THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND FDOT. ALL SIGNS SHALL BE INSTALLED AND MOUNTED PER FDOT STANDARD INDEX 700-010.
7. CONTRACTOR IS RESPONSIBLE FOR PROVIDING AND MAINTAINING ADEQUATE TRAFFIC CONTROL THROUGHOUT THE PROJECT, INCLUDING PROPER TRAFFIC CONTROL DEVICES AND/OR PERSONNEL AS REQUIRED. THIS INCLUDES BOTH VEHICULAR AND PEDESTRIAN TRAFFIC CONTROL. TRAFFIC CONTROL SHALL BE IN ACCORDANCE WITH M.U.T.C.D. AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) STANDARD INDEX 102-613, 102-616, AND 102-660.
8. ALL ADA STRIPING AND SIGNAGE SHALL BE PER FDOT STANDARD INDEX 711 AND 700.
9. ALL UNPAVED DISTURBED AREAS WITHIN THE RIGHT-OF-WAY SHALL BE SODDED.
10. ALL PLANS SUBMITTED FOR PERMITTING SHALL MEET AHJ CODES AND THE APPLICABLE BUILDING CODES IN EFFECT AT THE TIME OF PERMIT APPLICATION.
11. DAMAGED SIDEWALK AND/OR CURB AND GUTTER SHALL BE RESTORED WITH FULL FLAGS 4" THICK, USING EXPANSION MATERIAL AND TACTILE FOR HANDICAP RAMPS. (INDEX 522)
12. ALL PAVEMENT MARKINGS AND SIGNAGE SHALL BE IN ACCORDANCE WITH AHJ STANDARDS.





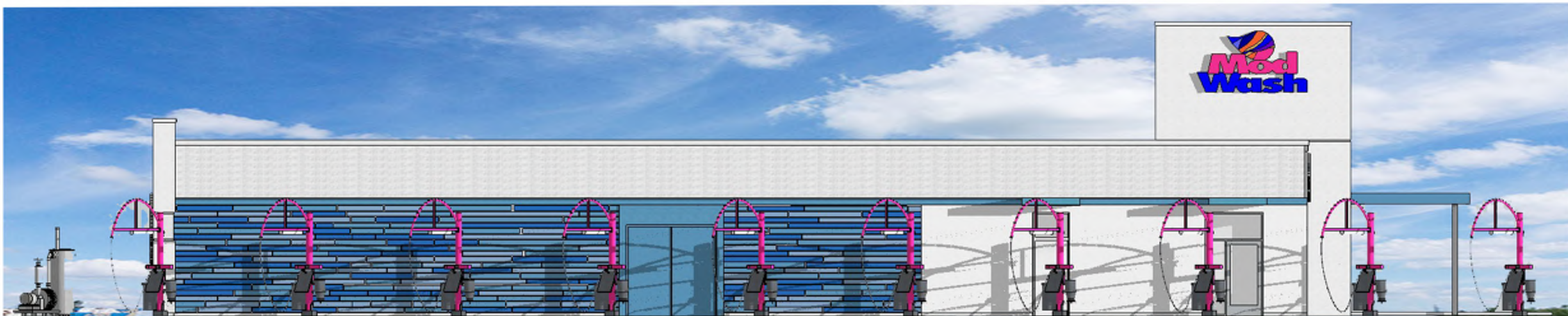




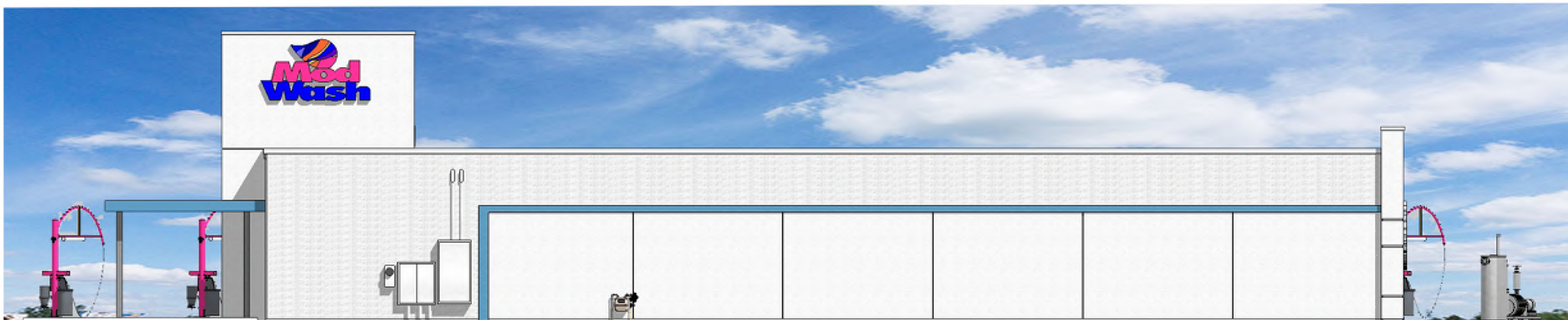
ENTRY ELEVATION



EXIT ELEVATION



TUNNEL/VACUUM ELEVATION



LOBBY/PAY STATIONS



Rezoning

Application # PZ -

22-02100001

ZONING MAP AMENDMENT **APPLICATION (MAP ONLY)**

Community Services Department
Planning and Zoning Division
65 Stone Street
Cocoa, Florida 32922

Phone: (321) 433-8535
Fax: (321) 433-8543
Web: <http://www.cocoafl.org>

This form is divided into steps, which will help you prepare your application, provide supplemental items, and prepare for the Planning & Zoning Board and City Council hearings. A pre-application meeting with Staff is **required**.

For Office Use Only - Date Received

RECEIVED
JAN 18 2022
By _____

Stamp Only When Application is Fully Complete

Please **TYPE** or **PRINT** this application neatly.

1. Existing Zoning Category: Commercial Parkway (C-P)
2. Proposed Zoning Category: General Commercial (C-G)
3. Existing Future Land Use Category: Mixed Use
4. Proposed Future Land Use Category (if applicable): Commercial
5. Applicant Information: ** NOTE: Applicant is the main contact, who must attend the meeting!*
Company (if applicable): ModWash, LLC.
Name: ModWash, LLC.
Mailing Address: 736 Cherry Street
City: Chattanooga State: TN Zip Code: 37402
Phone #: (954) 314-8480 Fax #: _____
Mobile #: (954) 314-8480 E-mail: bowman_ftl@bowman.com

6. Property Owner Information: ** Check here if same as Applicant → ☐*
** If more than one owner, attach additional sheet with names and addresses.*

Company (if applicable): Biscaya Cocoa Holdings, LLC.
Name: Biscaya Cocoa Holdings, LLC.
Mailing Address: 325 S Biscayne Blvd., Apt. 3423
City: Miami State: FL Zip Code: 33131
Phone #: _____ Fax #: _____
Mobile #: _____ E-mail: _____

7. **Property Information:**

Street Address and Location: SWC of W King Street & S Cocoa Blvd.

Parcel ID:

** If more than two Parcel IDs, attach additional sheet with Parcel IDs.*

□□-□□-□□-□□-□□□□□□.□□-□□□□□□.□□

Please see attached sheet with Parcel IDs

□□-□□-□□-□□-□□□□□□.□□-□□□□□□.□□

Tax Account Numbers:

** If more than two Tax Account #s, attach additional sheet with Tax Account #s.*

□□□□□□□□

□□□□□□□□

Land Area: 60,112.8 square feet or 1.38 acres

Existing Use(s) on Property: 1222- Commercial Related Amenities/ 1000- Vacant Land

Proposed Use(s) on Property: _____

8. **Please submit the following items in order complete the application:**

- a. ☒ **Notarized application.**
- b. ☒ **List of owners within 500 feet.** A "radius map package" from Brevard County containing a certified mailing list with mailing labels and a map of all property owners of record who reside within a 500-foot radius of the subject property is required for public notice. It is the applicant's responsibility to obtain these materials from the following for a nominal fee:
Brevard County Planning and Zoning, Attn: Graphics.
Brevard County Government Center, Building A
2725 Judge Fran Jamieson Way
Viera, FL 32940
Phone: (321) 633-2060 Fax: (321) 633-2152
- c. ☒ **Application fee.** Please make checks payable to the 'City of Cocoa' and submit payment **ONLY** to the Community Services Department. Public mail notice and legal advertising fees must also be paid a few weeks after application submittal. See Schedule of Fees, Charges and Expenses for applicable fees.
- d. ☒ **Proof of ownership.** A copy of the most recent recorded warranty deed is required.
- e. ☒ **Letter of authorization.** If the applicant is not the property owner, a notarized letter of authorization or agent affidavit is required, unless the applicant is the Attorney of the owner. Each property owner must complete a separate authorization form or other suitable documentation to allow the agent to act upon his/her behalf. A sample "Letter of Authorization" form is available from the City.
- f. ☒ **Corporate documents.** If the applicant/owner is representing a company, articles of incorporation which show the applicant/owner is authorized to represent the company is required. A data record printout from the Florida Department of State, Division of Corporations website may also be provided (<http://www.sunbiz.org/corpweb/inquiry/search.html>).
- g. ☒ **Certified boundary survey.** Submit a certified survey showing all existing structures and all proposed structures.
- h. ☒ **Legal description.** Submit a typed copy of the legal description. It may be submitted on a computer disk or by e-mail.
- i. ☒ **Additional information (optional).** Submit any information that may be helpful in understanding the request. This may include a site plan drawing, photos, sketches, elevations, or letters from adjoining property owners.

9. **Application filing deadline.** The application filing deadline is on the first day of each month at 5:00 pm for public hearings that are held in the following month. For Zoning Map Amendment applications that are submitted concurrently with other applications, the earlier filing deadline shall apply.
10. **Application filing procedure.** This application, together with all required exhibits and attachments, shall be completed and filed with the Planning and Zoning Division.

Public hearings process information – please read this!

11. **Dates and locations of public hearings.** All zoning map amendments require one hearing in front of the Planning & Zoning Board and two hearings in front of the City of Cocoa Council.
12. **Board types.** The Planning & Zoning Board is an advisory board to the City Council and therefore is only authorized to make recommendations. City Council is an authoritative body and is able to make binding decisions.
13. **Presence required at the public hearings.** The applicant or his/her representative must be present to answer any questions concerning the application. If there are extenuating circumstances why the applicant or his/her representative cannot attend, he or she must notify the City in writing prior to the public hearing.
14. **Preparing for the public hearings.** It is the applicant's responsibility to research and know all laws that may be applicable and may affect the outcome of any decision on the application request. The City assumes no responsibility or liability relating to the applicant's failure to research and know all applicable laws including, but not limited to state, federal, and city laws, codes, land development regulations, and the comprehensive plan.
15. **Exhibits at public hearings.** If photographs, documents, maps or other materials are provided to the Board/Council as evidence at the public hearing, the applicant must leave those instruments with the Recording Secretary. By law those instruments automatically become part of the public records and cannot be returned to the applicant.
16. **Witnesses at public hearings.** For the purposes of making a decision on the application, the Board/Council shall only consider testimony of qualified witnesses. A witness is determined by the Board/Council and is generally based on:
- a. The witness has personal knowledge of the fact in which the witness will testify; and/or
 - b. In the case of testimony consisting of opinions or inferences, the testimony is qualified as the following:
 1. *Layman witness:* Testimony of a witness other than an expert witness is qualified only if:
 - The witness can readily, and with equal accuracy and adequacy, communicate what he or she perceived to the Board without testifying in the form of opinions or inferences.
 - The opinions and inferences do not require any special knowledge, skill experience or training.
 2. *Expert witness.* Testimony of an expert witness is qualified only if:
 - The subject matter is proper for expert testimony because scientific, technical, or other specialized skill will help the Board understand the evidence being presented, or helps establish a fact in issue.
 - The witness is adequately qualified to express an opinion on the matter.
17. **Planning & Zoning Board vs. City Council actions.** If the Planning & Zoning Board finds that the facts presented in the matter justify approval, it may recommend to approve the request, or a portion thereof, and it may specify any conditions deemed necessary to preserve the intent of the City of Cocoa Code. If the Board finds that the facts presented do not justify approval, it may recommend to deny the request and will specify the reasons for denial. A decision is usually made at the same meeting that the hearing is held. Regardless of the outcome, the application will be forwarded to the City Council for consideration where a final decision can be made.

18. In order to approve a zoning map amendment, the Planning & Zoning Board and City Council must consider and study the criteria listed below (as described in Appendix A, Article XXII, Section 1 (G)(1) of the City of Cocoa Code). Please provide your consideration of the following criteria and any pertinent data and evidence that may be useful to the Planning & Zoning Board and City Council. Use extra sheets if necessary.

a. Whether or not the proposed change is contrary to the established land use pattern.

Please see Justification Statement.

b. Whether or not the proposed change would create an isolated district unrelated to adjacent and nearby districts.

Please see Justification Statement.

c. Whether or not 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.

Please see Justification Statement.

- d. Whether or not existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Please see Justification Statement.

- e. Whether or not the proposed change would be contrary to the land use plan and would have an adverse effect on the comprehensive plan.**

Please see Justification Statement.

- f. Whether or not changed or changing conditions make the passage of the proposed amendment necessary.**

Please see Justification Statement.

g. Whether or not the proposed change will adversely influence living conditions in the neighborhood.

Please see Justification Statement.

h. Whether or not the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

Please see Justification Statement.

i. Whether or not the proposed change will create a drainage problem.

Please see Justification Statement.

j. Whether or not the proposed change will seriously reduce light and air to adjacent areas.

Please see Justification Statement.

k. Whether or not the proposed change will adversely affect property values in the adjacent areas.

Please see Justification Statement.

l. Whether or not the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

Please see Justification Statement.

m. Whether or not the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

Please see Justification Statement.

n. Whether or not there are substantial reasons why the property cannot be used in accord with existing zoning.

Please see Justification Statement.

o. Whether or not the change suggested is out of scale with the needs of the neighborhood.

Please see Justification Statement.

p. Whether or not it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

Please see Justification Statement.

19. Signatures and Notarization.

STATE OF Florida COUNTY OF Broward, I, Damian Brink
being first duly sworn, depose and say that:

- ☒ I am the applicant, or if corporation, I am the officer of the corporation authorized to act on this request.
- ☐ I am the legal representative of the applicant of this application and a notarized Letter of Authorization form or agent affidavit accompanies this application giving written, unless the applicant is the Attorney representing the owner.

I hereby certify that I have read, completed and understand this application and applicable petition, and understand that if my application and all associated attachments are not complete and accurate in all respects, the application will not be scheduled for a public hearing. I further understand that this application must be complete and accurate prior to the advertising of a public hearing.

D. Brink

(APPLICANT SIGNATURE)

Personally Known ☒ OR Produced Identification ☐

Type of I.D. Produced _____



Renee A. Lujo
Comm. #GG940195
Expires: Dec. 16, 2023

(Print, Type, or Stamp Commissioned Name of Notary Public)

Renee A. Lujo

(NOTARY PUBLIC SIGNATURE)

STATE OF FLORIDA, COUNTY OF BREVARD

Sworn and subscribed to before me this 17th day of January, 2022

FOR OFFICE USE ONLY

Fee of \$ _____ in cash ☐ or check ☐ (No. _____) payable to the "City of Cocoa".

Receipt Number: _____

Date: _____

Signature from Planning & Zoning Division:

Bowman

Parcel IDs:

- 24-36-33-31-A-5
- 24-36-33-31-C-1
- 24-36-33-31-C-2
- 24-36-33-31-R.1
- 24-36-33-31-R.2
- 24-36-33-31-R.3
- 24-36-33-31-R.4
- 24-36-33-31-R.5
- 24-36-33-31-D-11
- 24-36-33-31-D-12
- 24-36-33-31-D-13

JUSTIFICATION STATEMENT

**ModWash – SWC of W. King St. & S. Cocoa Blvd. (US 1)
City of Cocoa Small-Scale Comprehensive Plan (Minor) Map Amendment &
Official Zoning Map Amendment Applications
Original Submittal: January 14, 2022**

Introduction

On behalf of the Property Owner, BISCAYA COCOA HOLDINGS, LLC ("Owner"), and the Applicant and Contract Purchaser, MODWASH, LLC ("Applicant"), Bowman Consulting Group, Ltd. ("Agent") respectfully requests your approval of this 2-part application for a Small-Scale Comprehensive Plan (Minor) Map Amendment, and an Official Zoning Map Amendment ("Rezoning") for a property located in the City of Cocoa, Florida ("City"). The ±1.384-acre (±60,301 SF) subject property (Parcel IDs: 24-36-33-31-A-5, 24-36-33-31-C-1, 24-36-33-31-C-2, 24-36-33-31-R.1, 24-36-33-31-R.2, 24-36-33-31-R.3, 24-36-33-31-R.4, 24-36-33-31-R.5, 24-36-33-31-D-11, 24-36-33-31-D-12, & 24-36-33-31-D-13) is located at the southwest corner W. King Street and S. Cocoa Blvd. (US 1) ("subject property"). This application is being submitted in conjunction with a Small-Scale Site Plan and Easement Abandonment Applications, but the site plan will not be voluntarily presented at either the Planning and Zoning Board or the City Council in compliance with Article XIII, Section 1A, as to not bind on the subject property. That being said, it is the intent of the Applicant to redevelopment the subject property as a car wash.

Currently, the subject property supports a future land use designation of Mixed-Use (MU) and is within the Commercial Parkway (C-P) zoning district. The subject property is currently vacant but has had several previous commercial uses including automotive vehicle sales, bail bonds and various retail sales in a strip center commercial building. The buildings that were previously on the northern portion of the property were recently demolished. It should be noted that a significant area of the northern portion of the property is now right-of-way for W. King St. So, reuse of the existing building was not feasible or appropriate. Below is a summary of surrounding properties:

Adjacent Lands	Uses (Current Occupancy)	Future Land Use	Zoning District
Subject Property	Vacant	MU	C-P
North	W. King St. FDOT ROW & Automotive Vehicle Sales (Mike Erdman's Truck Exchange)	MU	C-P
South	Lemon St. ROW & Automotive Repair (Auto Pro's Service Center)	COMM	C-P
East	S. Cocoa Blvd. (US 1) FDOT ROW & Automotive Vehicle Sales (CARite)	MU	C-P
West	Florida East Coast Railway ROW & Vacant / Stone St. ROW / FDOT Land	MU	C-G (part) & C-W (part)

Request

The Applicant is requesting approval of this 2-part application for:

- A Small-Scale Comprehensive Plan (Minor) Map Amendment to change the property's future land use designation from Mixed-Use (MU) to Commercial (COMM); and
- An Official Zoning Map Amendment to amend the property's zoning district from Commercial Parkway (C-P) to General Commercial (C-G).

The purpose of these applications is to redevelopment the site into an express car wash facility under the ModWash name and branding. As stated previously, the site plan application for the physical development of the property has been submitted to the City of Cocoa but is not part of these amendments in order to not bind the rezoning approval to a specific site plan of record. This decision is merely for flexibility in the instance that minor changes to the site plan are needed in the future, and not burden the City staff to bring every change back to City Council for approval.

Small-Scale Comprehensive Plan (Minor) Map Amendment

According to the City of Cocoa's Comprehensive Plan – Future Land Use Element, Objective 1.1.2: Location Criteria for Land Uses and Figure FLU-1 – Standards for Future Land Use Categories, the subject property's Mixed-Use (MU) future land use category is not consistent with the subject property's Commercial Parkway (C-P) zoning district. Therefore, an amendment to either or both the future land use and the zoning district is necessary to comply with the City's Comprehensive Plan. Upon direction from the City's Planning & Zoning staff in a meeting on December 21, 2021, it was recommended that in order to comply with the City's Comprehensive Plan, the appropriate future land use and zoning for the subject property should be Commercial (COMM) and General Commercial (C-G) respectively. As a result of that recommendation, the Property Owner and Applicant are requesting a Small-Scale Comprehensive Plan (Minor) Map Amendment to change the property's future land use designation from Mixed-Use (MU) to Commercial (COMM). In order to comply with the City's Comprehensive Plan and aforementioned Objective 1.1.2, the Property Owner and Applicant are also requesting to amend the subject property's zoning district to General Commercial (C-G), which will be discussed further below.

Per the City's Land Development Regulations ("LDR"), Chapter 15, Article II, Sec. 15-11(c) – Comprehensive Plan Amendment Standards, the following shall be considered by Planning & Zoning Board and City Council:

a. Whether the proposal favorably or unfavorably impacts the city's budget, or the economy of the region;

The subject property as it stands today, vacant, is having the least fiscal impact on the City's budget other than the current tax revenue. The proposed amendment and potential redevelopment of the property however will have a positive influence on the City's budget due to application and permit fees, as well as the increase in ad valorem tax value of the subject property. If the redevelopment of the subject property triggers other commercial properties in the area to redevelopment, that too could have a favorable impact on the City's tax revenues, as well as to the overall economy of the region for the same reasons stated above.

b. Whether the proposal will diminish the service level of public facilities;

The proposed amendment will not diminish the level of service or have negative impacts to public facilities as the proposed future land use designation (COMM) will continue to allow similar commercial

uses as the existing future land use designation of MU. Further, the previous commercial uses on the subject property were already serviced by all the necessary public facilities and capacity for those services is readily available including but not limited to: roadways, water, sewer, stormwater, solid waste, electric, phone/cable/internet, fire, police, and public transit.

c. Whether the proposal favorably or unfavorably impacts the environment, or the natural or historical resources of the city or the region;

The proposed amendment will have no effect on natural or historical resources of the City, as none are located on the subject property that the Applicant is aware. The subject property has historically been operating as an automotive vehicle dealership and commercial strip center for decades. Due to the urban nature of the existing development, there is no evidence or reasonable expectation that any listed species are present on the site. Significant habitats are not supported on this site and the proposed redevelopment of the subject property as a car wash will not alter or impact any critical environmental resources. Existing protected vegetation removed by proposed development shall be mitigated in accordance with the City's LDR standards. Therefore, there will be no impacts to the natural environment if this site is redeveloped as intended. In fact, with the current landscaping requirements in place under the LDR, it is reasonable to assume that the site will be enhanced with vegetation, especially along buffers and in open space areas.

d. Whether the proposal is consistent with goals, policies, and objectives of the state comprehensive plan set forth in Chapter 187, Florida Statutes, and the East Central Florida Comprehensive Regional Policy Plan, adopted by Chapter 29F-19.001, Florida Administrative Code;

The proposed amendment is consistent with goals, policies, and objectives of the State's comprehensive plan set forth in Chapter 187, Florida Statutes, and the East Central Florida Comprehensive Regional Policy Plan, adopted by Chapter 29F-19.001, Florida Administrative Code. The data and analysis presented in this application and justification statement support the request for this Comprehensive Plan Map Amendment to change the subject property's future land use designation from Mixed-Use (MU) to Commercial (COMM) and demonstrate consistency with the Florida Statutes, specifically Chapter 163.

The following summary details the compliance of the requested amendment with Florida Statutes.

- *Florida Statutes, Section 163.3177.(6).(a).9.a. indicates that the primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:*
 - *Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.*
 - *Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.*
 - *Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.*
 - *Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.*

- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
- Fails to maximize use of existing public facilities and services.
- Fails to maximize use of future public facilities and services.
- Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government
- Fails to provide a clear separation between rural and urban uses.
- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
- Fails to encourage a functional mix of uses.
- Results in poor accessibility among linked or related land uses.
- Results in the loss of significant amounts of functional open space.

As detailed throughout this justification, the proposed amendment seeks to modify the City's Comprehensive Plan Future Land Use Map from MU to COMM, which both allow a very similar list of commercial uses. In fact, the COMM future land use allows less land uses than MU according to the City's Comprehensive Plan (Note: MU allows Industrial & Hotel uses, COMM does not). The current future land use is inconsistent with the current zoning of Commercial Parkway (C-P) and further does not allow the General Commercial (C-G) zoning district. The C-G zoning district is consistent along the adjacent commercial corridors of W. King St. The subject property is clearly within the Urban Service Boundary and located at a highly traveled commercial corridor and intersection in the City, which is contrary to the classification of urban sprawl per Florida Statutes. Approval of the requested amendment from MU to COMM will allow for the reuse of land in a way that maximizes use of existing services and public facilities and protects natural resources and agricultural areas by locating development within the existing suburban area where it is needed. As such, the requested amendment will help to discourage sprawl.

- *Florida Statutes, Section 163.3177.(6).(a).9.b: The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:*
 - *Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.*
 - *Promotes the efficient and cost-effective provision or extension of public infrastructure and services.*
 - *Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.*
 - *Promotes conservation of water and energy.*
 - *Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.*
 - *Preserves open space and natural lands and provides for public open space and recreation needs.*
 - *Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.*
 - *Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.*

The requested amendment is intended to allow an infill redevelopment project that furthers many of the elements listed above, including: direction of economic growth to a geographic area that does not have an adverse impact on the City's natural resources by locating development in a nearly built-out environment; promotion of the efficient provision of public facilities and services by locating development where there are existing facilities and services; and creation of a balance of uses by allowing contextually appropriate commercial uses within close proximity to the residents and passer-by traffic the uses are needed to serve.

e. Whether the proposal will favorably or unfavorably affect the city's ability to provide adequate public facilities, and whether the proposal will reduce the level of service for affected public facilities below the level of service set in the comprehensive plan;

The proposed amendment will not reduce the City's level of service or have negative impacts to the City's public facilities as the proposed future land use designation Commercial (COMM) will continue to allow similar commercial uses as the existing future land use designation of Mixed-Use (MU). Further, the previous commercial uses on the subject property were already serviced by all the City's public facilities and capacity for those services is readily available including but not limited to:

- **Water** – Serviced by the City of Cocoa Utilities Department (8" DIP water main along S. Cocoa Blvd. (US 1);
- **Reuse Water** – Serviced by the City of Cocoa Utilities Department (12" DIP line along S. Cocoa Blvd. (US 1);
- **Sewer** – Serviced by the City of Cocoa Utilities Department (6" gravity line along S. Cocoa Blvd. (US 1);
- **Fire** – Serviced by the City of Cocoa Fire Department – 2 fire hydrants are located adjacent to the subject property (1 at SWC of S. King St. and S. Cocoa Blvd. (US 1) & 1 at SWC of S. Cocoa Blvd. (US 1) and Stone St.) – The Closest Fire Station is #2 at 300 Brunson Blvd., Cocoa, FL 32922 – Approx. 0.4 miles from subject property;
- **Police** – Serviced by the City of Cocoa Police Department;
- **Solid Waste** – Serviced by Waste Management under contract with City.

f. Whether the proposal is incompatible with surrounding neighborhoods and land uses;

The proposed future land use map amendment from MU to COMM is compatible with surrounding neighborhoods and land uses. The corridors of W. King St. and S. Cocoa Blvd. (US 1) in this area of the City, and particularly at this intersection, are all commercial in nature. There is Commercial (COMM) future land use adjacent to south. Both the existing and proposed future land use designations are similar in nature and allow similar commercial uses, which are the predominate land uses along the adjacent corridors. Below are the existing future land use designations and current land uses for the surrounding properties, which are all compatible:

North: MU – Automotive Vehicle Sales (Mike Erdman's Truck Exchange)

South: COMM – Automotive Repair (Auto Pro's Service Center)

East: MU – Automotive Vehicle Sales (CARite)

West: MU – Vacant

g. Whether the proposal will have a favorable or adverse effect on the ability of people to find adequate housing reasonably accessible to their places of employment;

The proposed amendment will have neither a favorable nor adverse effect on the ability of people to

find adequate housing reasonably accessible to their place of employment. It should be noted that the MU and COMM future land uses both allow residential uses, but the subject property is not appropriate for residential due to its close proximity to the railroad to the west and incompatible commercial uses to north, south and east.

h. If the amendment being requested is consistent with all the elements of the comprehensive plan.

Considering the fact that the subject property already allows commercial uses with similar intensities, the proposed amendment is generally consistent with all the elements of the City's Comprehensive Plan. Below are the specific goals, policies and objectives of the City's Comprehensive Plan:

Future Land Use Element

GOAL 1.1: Create and maintain a broad range of land use activities that maximize the City's potential as a growth center while protecting the public health, safety, welfare, and appearance through the thoughtful planned use and development of the land and public facilities.

Objective 1.1.2: Location Criteria for Land Uses. Future land use categories and Land development regulations shall be consistent with the density and intensity standards in Policy 1.1.1.1 and be based upon the following locational and development standards and criteria: (Figure FLU-1)

Response: The subject property's current future land use category of Mixed-Use (MU) is not consistent with the subject property's current zoning district of Commercial Parkway (C-P). The existing MU future land use is also not consistent with the proposed General Commercial (C-G) zoning district. Therefore, an amendment to either or both the future land use and the zoning district is necessary to comply with the City's Comprehensive Plan, Future Land Use Element. As stated previously, the intent of the Applicant is to redevelop the property to a car wash. Therefore, the Commercial (COMM) future land use is the most appropriate future land use category for the subject property, the surrounding uses and the proposed redevelopment of the site.

Policy 1.1.2.9: Commercial (COMM). Commercial areas are intended to be areas that serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses. Residential uses may also be provided where allowed by the underlying zoning district regulations. The following criteria shall be used for determining appropriate locations for commercial land use designations on the future land use map.

A. Commercial areas shall have direct access from a four-lane collector or two-lane arterial.

Response: The subject property is located adjacent to both W. King St. to the north, a four-lane arterial and S. Cocoa Blvd. (US 1) to the east, a four-lane arterial.

B. New commercial uses shall be discouraged from linear development and shall be encouraged to develop in clusters, with coordinated parking facilities, and with frontage roads where practical.

Response: The proposed redevelopment of the subject property as a single-use car wash facility will be consistent with this policy. Cross-access is not appropriate to the west as the railroad is adjacent along the western property line. The subject property currently has five (5) access points/driveways along W. King St. and S. Cocoa Blvd. (US 1). The proposed redevelopment will be significantly reducing the existing access points/driveways, likely down to one (1) along S. Cocoa Blvd. (US 1).

C. Maximum Floor Area Ratio (FAR): 1.0. Within the Cocoa Redevelopment Area, the maximum FAR shall be 2.0. A density bonus of up to an additional 2.5 FAR shall be allowable within the Central Business District outside the Cocoa Village Overlay.

Response: The proposed redevelopment of the subject property into a car wash will comply with

this policy.

D. The following factors shall be considered when designating new commercial areas or expanding existing commercial areas.

Response: The elements of this portion of the policy do not apply to this amendment as this application is not for “a new commercial area” or an “expansion of an existing commercial area.” The MU future land use already allows commercial uses similar to the commercial uses proposed for the COMM future land use. Furthermore, the subject property has had a long history of containing commercial uses.

Official Zoning Map Amendment

As stated previously, an amendment to either or both the future land use and the zoning district is necessary to comply with the City's Comprehensive Plan. The Property Owner and Applicant are requesting an Official Zoning Map Amendment to change the property's zoning district from Commercial Parkway (C-P) to General Commercial (C-G). This rezoning in conjunction with the proposed Comprehensive Plan Map Amendment to Commercial (COMM) will result in compliance with the City's Comprehensive Plan and aforementioned Objective 1.1.2.

Per the City's Land Development Regulations (“LDR”), Appendix A – Zoning Article XXI, Sec. 1(G)(1) – Official Zoning Map Amendment standards, the following shall be considered by Planning & Zoning Board and City Council:

a. Whether or not the proposed change is contrary to the established land use pattern.

The established land use pattern for this area of the City along the W. King St. and S. Cocoa Blvd. (US 1) corridors is predominately commercial. The proposed rezoning will maintain and even enhance the commercial corridor and continue this land use pattern. The proposed Comprehensive Plan Map Amendment will change the future land designation from Mixed-Use (MU) to Commercial (COMM), making it consistent with the proposed C-G zoning district consistent with the development pattern of the aforementioned corridors and with other properties at this intersection.

b. Whether or not the proposed change would create an isolated district unrelated to adjacent and nearby districts.

The proposed rezoning would not create an isolated district unrelated to the adjacent and nearby districts. The corridors of W. King St. and S. Cocoa Blvd. (US 1) in this area of the City and particularly at this intersection are all commercial in nature. There is General Commercial (C-G) zoning directly to south. Further, the property's C-P zoning is similar in nature and allows similar uses as the C-G zoning district, but more importantly is consistent with the proposed Commercial (COMM) future land use.

c. Whether or not 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.

The proposed rezoning from C-P to C-G will not alter the population density pattern or have any impact on schools as it will remain commercial with this change. As it relates to utilities, streets, access and other public facilities, the proposed rezoning will not have any negative impacts as similar commercial uses are allowed under both the existing and proposed zoning districts. As it relates to access points, the property has five (5) drieways along both W. King St. and S Cocoa Blvd. (US 1). It is likely the that the subject property will be required to reduce the number of access points based on the driveway separation standards as both W. King St. and S. Cocoa Blvd. (US 1) are FDOT roadways.

d. Whether or not existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

It doesn't appear that the district boundaries for both future land use and zoning are drawn illogically as they follow a consistent commercial development pattern along the two corridors of W. King St. and S. Cocoa Blvd. (US 1). The predominant justification for these amendments is based on the current inconsistency of the future land use Mixed-Use (MU) and zoning district of Commercial Parkway (C-P).

e. Whether or not the proposed change would be contrary to the land use plan and would have an adverse effect on the comprehensive plan.

The proposed change in zoning from C-P to C-G will not have an adverse effect on the Comprehensive Plan. Further, the change of future land use from MU to COMM is consistent with the goals established in the City of Cocoa's Comprehensive Plan and allows for the proposed C-G zoning to be consistent with the future land use designation. The proposed change creates consistency between zoning district and future land use designation, which was not previously established. Further, the C-G zoning district allows for more commercial uses, including automobile laundry, consistent with the adjacent corridors and intersection.

f. Whether or not changed or changing conditions make the passage of the proposed amendment necessary.

A potential changed condition affecting the subject property may be related to the City's Comprehensive Plan, Future Land Use Element, most recently amended in December of 2020. Objective 1.1.2 and Figure FLU-1 have made the subject property's zoning district inconsistent with the future land use. Therefore, a rezoning and/or comprehensive plan map amendment is necessary. The proposed development site is currently vacant but was recently occupied by a commercial strip center and automotive vehicle dealership. In order to redevelop the property, a zoning or small-scale land use amendment is necessary, as the current zoning district of Commercial Parkway (C-P) is inconsistent with the current future land use designation of Mixed Use (MU). As stated previously, the intent of the Applicant is to redevelop the site into a car wash, which is not currently allowed in the C-P zoning district. With the proposal of a car wash, it is necessary to rezone specifically to General Commercial (C-G), which allows automobile laundry (a car wash) as a permitted use, consistent with other commercial uses in the area.

g. Whether or not the proposed change will adversely influence living conditions in the neighborhood.

The proposed future land use and zoning map amendments, if approved, will not alter the existing commercial nature of the subject property. Additionally, there are no residential uses or residentially zoned properties adjacent to the subject property. Therefore, living conditions of any nearby residential neighborhoods will likely not be affected. That being said, the proposed amendments to the future land use and zoning maps, and potential redevelopment of the property, will have a positive influence on the other businesses in the area due to the increase in tax value of the subject property and the overall aesthetic improvements to the adjacent corridors and intersection.

h. Whether or not the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

The proposed zoning map amendment, if approved, will not alter the existing commercial nature of the subject property. The previous uses on the property were a commercial strip center and an automotive vehicle dealership. The proposed car wash will likely have little or no increase in traffic congestion or

effects on public safety due to these amendments as the allowable commercial uses under the existing and zoning district (C-P) are similar to that of the proposed zoning district (C-G).

i. Whether or not the proposed change will create a drainage problem.

Similar to the response to traffic and public safety above, the proposed zoning map amendment, if approved, will not alter the existing commercial nature of the subject property. Therefore, the impervious surface ratios and land development code standards will not change as a result of these amendments. The overall impervious surface of the historic development on the subject property as an automotive dealership and commercial strip center will be similar or likely less impervious than what will be proposed under this amendment, as landscaping area will be enhanced with a new development. It should also be noted that the proposed future land use change from MU to COMM will actually lower the allowable impervious surface area, as COMM only allows a .90 impervious surface ratio and MU allows up to a 1.0 impervious surface ratio.

j. Whether or not the proposed change will seriously reduce light and air to adjacent areas.

The proposed zoning map amendment, if approved, will not alter the existing commercial nature of the subject property, which is consistent up and down the adjacent corridors. Therefore, no reduction in light or air to adjacent properties will change as a result of this amendment. Furthermore, the proposed use of a car wash will likely only be open during daylight hours, and only security lighting will be on during the times the operation is closed.

k. Whether or not the proposed change will adversely affect property values in the adjacent areas.

This rezoning and potential redevelopment of the property will have a positive influence on the other businesses in the area due to the increase in tax value of the subject property and the overall aesthetic improvements to the adjacent corridors and intersection. Therefore, the proposed amendment to the zoning map will not adversely affect property values the adjacent areas.

l. Whether or not the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

These amendments and potential redevelopment of the property will likely encourage more redevelopment of the older commercial properties and businesses in the area. A new building with enhanced landscaping will make a significant improvement to this critical intersection in the City of Cocoa. Therefore, the proposed rezoning will not be a deterrent, and in fact may be an encouragement to the improvement or redevelopment of adjacent properties in accord with existing regulations.

m. Whether or not the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

The proposed rezoning, if approved, will not alter the existing commercial nature of the subject property. Therefore, the proposed amendments will not constitute a grant of special privilege to the Owner or Applicant as contrasted with the public welfare.

n. Whether or not there are substantial reasons why the property cannot be used in accord with existing zoning.

The existing zoning district of the subject property, Commercial Parkway (C-P), is inconsistent with the property's current future land use designation of Mixed Use (MU) according to the City's Comprehensive Plan, Future Land Use Element, Objective 1.1.2, Figure FLU-1. A rezoning or an

amendment to the future land use map is required in order for the property to be redeveloped and remain in compliance with the requirements of the City's Comprehensive Plan.

o. Whether or not the change suggested is out of scale with the needs of the neighborhood.

The proposed rezoning, if approved, will not alter the existing commercial nature of the subject property. Therefore, these amendments are not out of scale with the needs of the neighborhood and surrounding commercial corridors.

p. Whether or not it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

The zoning districts that allow the automobile laundry or quick wash use include General Commercial (C-G) by-right, Restricted Commercial (C-R) as a special exception, and Planned Unit Development (PUD) by-right. There are currently no parcels zoned as C-R within the City of Cocoa. PUDs are typically for larger properties with a mix of uses under unified control. The Applicant only desires to develop a car wash on the subject property. This amendment presents a unique opportunity for the City of Cocoa to allow the redevelopment of an infill property at a critical commercial intersection along to major corridors, W. King St. and S. Cocoa Blvd. (US 1).

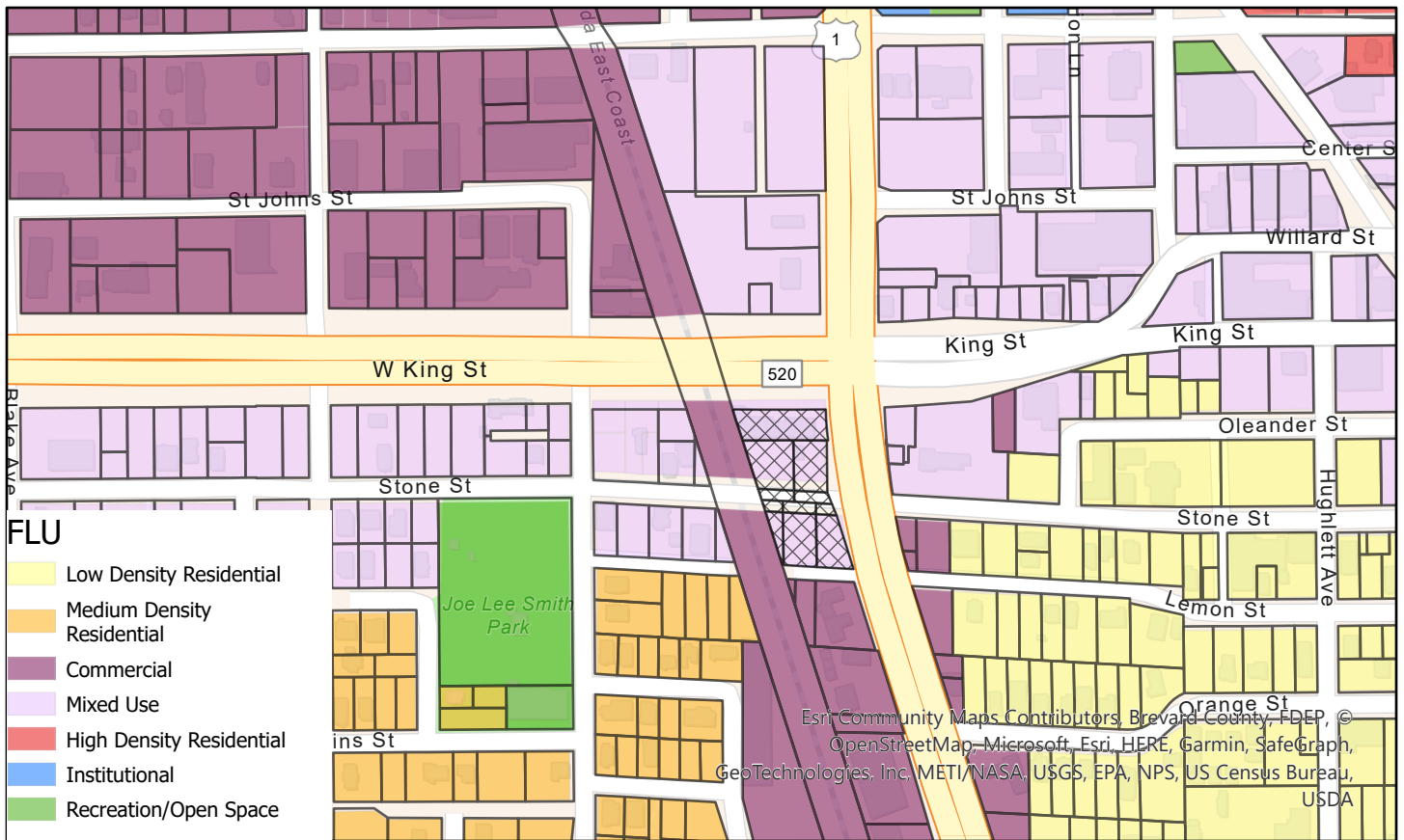
In conclusion, the proposed Small-Scale Comprehensive Plan Future Land Use Map Amendment and Official Zoning Map Amendment are all consistent with the Goals, Objectives, and Policies of City of Cocoa Comprehensive Plan and the Land Development Regulations. The proposed map amendments are also compatible with the surrounding area due to the existing commercial nature of the adjacent corridors. On behalf of the Property Owner, BISCAYA COCOA HOLDINGS, LLC, and the Applicant and Contract Purchaser, MODWASH, LLC, Bowman Consulting Group, Ltd. respectfully requests your approval of these two (2) amendment applications.

Permitted Uses

CP (large lot sizes, to minimize frequent ingress and egress/ serve the needs of the motorist and provide amenable impression of the City)	CG (intended to be developed as major commercial center)
Retail stores	Retail stores
Personal services (florist, barber, dry cleaning, eating and drinking establishments)	Personal services (florist, barber, dry cleaning, eating and drinking establishments)
Office	Office
Commercial Recreation (theater, bowling)	Commercial recreation (theater, bowling)
Hotel Motel	Hotel and Motel with no more than 50 units per acre
Package store, beer and wine	Package store, beer and wine
Gas station as accessory use to convenience stores	Gas station as accessory use to convenience stores
Business Schools	Business Schools
Only permitted in CP	Only permitted in CG
Plant nurseries	Wholesaling from sample stock
Clubs and lodges	Business service establishments
Research labs	Automobile laundry/ quick wash
	Liquor stores and cocktail lounges
	Storage garages
	Public and private automobile parking
	Repair services (appliances, TV)
	New and used vehicle/agricultural equipment/mobile home sales
	Printing/bookbinding
	Medical clinics and labs
	Financial institutions
	Pharmacies, medical marijuana treatment center dispensing facilities, apothecary and optical
	Restaurants

Special Exception Uses

CP	CG
Sewer Lift Stations	Sewer lift stations
Churches	Churches
Mortuaries/Funeral homes	Mortuaries/Funeral Homes
Security mobile home or facility	Security Mobile Home or facility
TV dish receivers	TV dish receivers
Electronic Communication/Transmission facilities	Electronic Communication/Transmission facilities
Telecommunications Towers	Telecommunications Towers
Only SE in CP	Only SE in CG
New and used vehicle/agricultural equipment/mobile home sales	Passenger Transportation Terminals with freight facilities
Veterinary Hospitals with conditions	Child care/daycare
Service stations (no convenience store)	Halfway Houses
Bar or lounge without a package store	Bar or lounge with or without a package store
Multi-family dwellings	Self-Service Storage facilities with conditions
	Service Stations with car washes with conditions
	Any other use in keeping with the District



Current FLU

Current Zoning

