

CITY OF COCOA
PLANNING & ZONING BOARD
MEETING MINUTES
April 13, 2016

A regular meeting of the Planning & Zoning Board of the City of Cocoa was held on Wednesday, April 13, 2016 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Michael Dobrin called the meeting to order at 6:00 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Michael Dobrin	Chairman
Al Washington	Vice-Chairman
Todd Anderson	Board Member
Billy Meyers	Board Member
Jack Moore	Board Member
Russell Sengel	Board Member
Jake Williams	Board Member

OTHERS PRESENT:

Steven Belden, AICP	Community Services Director
Steven Biel	Senior Planner
Kim Kopp	Board Attorney—BY PHONE
Rachel Unruh	Board Secretary

APPROVAL OF AGENDA & MINUTES:

1. Approval of Agenda: April 13, 2016.

Motion by Todd Anderson, seconded by Al Washington, to approve the agenda of April 13, 2016. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: February 10, 2016.

Motion by Jack Moore, seconded by Al Washington, to approve the minutes of February 10, 2016, as written. Vote on the motion carried unanimously.

OLD BUSINESS:

None

NEW BUSINESS:

A. **PZ 16-02000002** Zoning Text Amendment (Craft Breweries in CBD)

Senior Planner Steven Biel presented exhibits for the Board's review. The City of Cocoa is requesting approval of an ordinance to permit craft breweries, as a Special Exception Use, in the CBD Zoning District. Mr. Biel provided information showing the need for the change and the justification of the request.

Staff recommended that the Planning and Zoning Board recommend approval to City Council of the proposed ordinance amending Appendix A, Zoning, of the City Code, to allow craft breweries as a Special Exception use in the CBD Zoning District.

Motion by Jake Williams, seconded by Al Washington, to recommend approval to City Council of the proposed ordinance amending Appendix A, Zoning, of the City Code, to allow craft breweries as a Special Exception use in the CBD Zoning District. Vote on the motion carried unanimously.

OTHER BUSINESS:

None

NEXT MEETING:

The Board members established that the next meeting would be held on May 11, 2016.

ADJOURNMENT:

There being no further business the meeting adjourned at 6:16 P.M.

Approved on this _____ day of _____, 2016.

Michael Dobrin, Chairman

Rachel Unruh, Board Secretary



City of Cocoa
Planning & Zoning Board
STAFF REPORT

Date:	May 5, 2016
Project Name:	Gencon USA LLC Property
Project No.:	PZ-16-00500001
Meeting Date:	May 11, 2016
Project Planner:	Steven Biel, Senior Planner
Applicant/Owner:	Gencon USA LLC Wazir Mohammed 14828 Pellicer Drive Orlando, FL 32828
Project Location:	820 Rosa L. Jones Drive
Requested Action:	CONSIDERATION OF A SMALL-SCALE COMPREHENSIVE PLAN MAP AMENDMENT consistent with Florida Statute, Chapter 163. Gencon USA LLC is requesting approval to amend the Future Land Use Map designation of one (1) parcel from "Medium Density Residential" to "Neighborhood Commercial." The subject parcel consists of ±0.94 acres and is identified by the Brevard County Property Appraiser's Office as Parcel ID: 24-36-32-00-00778.0-0000.00.

I. Project Information

The applicant is requesting to amend the Future Land Use Map (FLUM) designation of the subject parcel from "Medium Density Residential" to "Neighborhood Commercial." "Medium Density Residential" allows a density of up to 15 units per acre whereas the "Neighborhood Commercial" designation provides for a 0.75 FAR (Floor Area Ratio). The FAR is the total floor area in square feet of a principal structure on any lot divided by the gross area of the lot in square feet.

The existing two-story building contains approximately 27,000 SF of floor area, with 40 vacant apartment units. The area of the subject property is approximately 40,900 SF. Therefore, the FAR for the existing building is 66%.

The applicant has also submitted an application to rezone the property from the existing RU-1-7 (Single Family Dwelling) zoning designation to a P-S (Professional, Offices and Services) zoning designation. The applicant is proposing to renovate the existing building in order to provide space for office, medical, and professional uses.

The applicant has reached out to the surrounding area by holding a community meeting at the Emma Jewel Charter Academy on April 30, 2015 and again on March 14, 2016. The meeting in 2015 drew approximately half a dozen citizens to discuss potential uses for the subject property. No citizens attended the March 14, 2016 meeting.

The following table summarizes the current FLUM and Zoning designations for the adjacent parcels:

Overview of Surrounding Area:			
	Future Land Use	Zoning	Existing Use
North	Institutional	C-N	Emma Jewel Charter Academy
South	Commercial (City of Rockledge)	C2 – General Commercial (City of Rockledge)	Vacant Commercial
East	Medium Density Residential	RU-1-7	Single-family Residence
West	Medium Density Residential	RU-1-7	Vacant Apartment Building

II. Small-Scale Comprehensive Plan Amendment Analysis

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;**

Applicant Response: *No, it will enhance and improve.*

Staff Response: The proposed amendment would have no negative impact on the city's budget. The "Neighborhood Commercial" Future Land Use designation is intended to be low-impact in nature and serve the needs of the immediate residential area. The proposed amendment to "Neighborhood Commercial" will allow an existing structure that has been vacant for several years to be re-purposed to a use compatible with the

surrounding community. The current single family zoning does not allow the existing structure to be used for multi-family and therefore is non-conforming.

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

Applicant Response: No.

Staff Response: The Future Land Use amendment will not negatively impact or diminish the service level of public facilities.

Potable Water: The subject property is served by the City of Cocoa Utilities Department for water service.

Sanitary Sewer: The subject property is served by the City of Cocoa Utilities Department for sanitary sewer service.

Solid Waste: The subject property has garbage service provided by Waste Management.

Transportation: The subject property is accessed from Rosa L. Jones Drive. The City of Cocoa Comprehensive Plan 2010-2020, Volume 1 Goals, Objectives, & Policies, Map M-II-2: Functional Roadway Classification Map identifies Rosa L. Jones Drive as a collector roadway. This portion of Rosa L. Jones is operating at a Level of Service C. Sufficient capacity will continue to exist in the long-range planning horizon.

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

Applicant Response: Favorably impact the environment as our proposal will require green areas.

Staff Response: The applicant is proposing to renovate the existing building into office units for professional and/or medical uses. Any renovations to the existing building would have to comply with all applicable local, state, and federal environmental regulations.

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;

Applicant Response: No response.

Staff Response: East Central Florida 2060 Plan (formerly East Central Florida Regional Planning Commission Strategic Regional Policy Plan) states the following:

ORDINANCE NO. 08-2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; PROVIDING FOR ADOPTION OF AN AMENDMENT TO THE FUTURE LAND USE MAP FOR ONE (1) PARCEL OF REAL PROPERTY WITHIN THE CITY OF COCOA CONSISTING OF 0.94 TOTAL ACRES, MORE OR LESS, LOCATED AT 820 ROSA L. JONES DRIVE IN COCOA, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; CHANGING THE FUTURE LAND USE MAP DESIGNATION ON THE PARCEL FROM "MEDIUM DENSITY RESIDENTIAL" TO "NEIGHBORHOOD COMMERCIAL"; 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. THE BREVARD COUNTY PROPERTY APPRAISER'S OFFICE IDENTIFIES THE PARCEL AS PARCEL ID 24-36-32-00-00778.0-0000.00.

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 May 11, 2016, in accordance with the procedures established in Chapter 163, Part II, Florida Statutes, on the proposed comprehensive plan amendment; and

WHEREAS, the Local Planning Agency recommended the City Council adopt the comprehensive plan amendment set forth in this Ordinance; and

WHEREAS, the City Council of the City of Cocoa held a duly noticed public hearing 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 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 Map. The City of Cocoa's Comprehensive Plan, Future Land Use Map, is hereby amended by changing the designation of the real property legally described and depicted on **Exhibit "A"** from "Medium Density Residential" to "Neighborhood Commercial". Exhibit "A" is attached hereto and fully incorporated herein by this reference.

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 and Legal Status of the Plan Amendment. 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 163.3187(5)(a), 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 or commenced 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 Commission of the City of Cocoa, Florida, in a regular meeting assembled on the _____ day of _____, 2016.

HENRY U. PARRISH, Mayor

ATTEST:

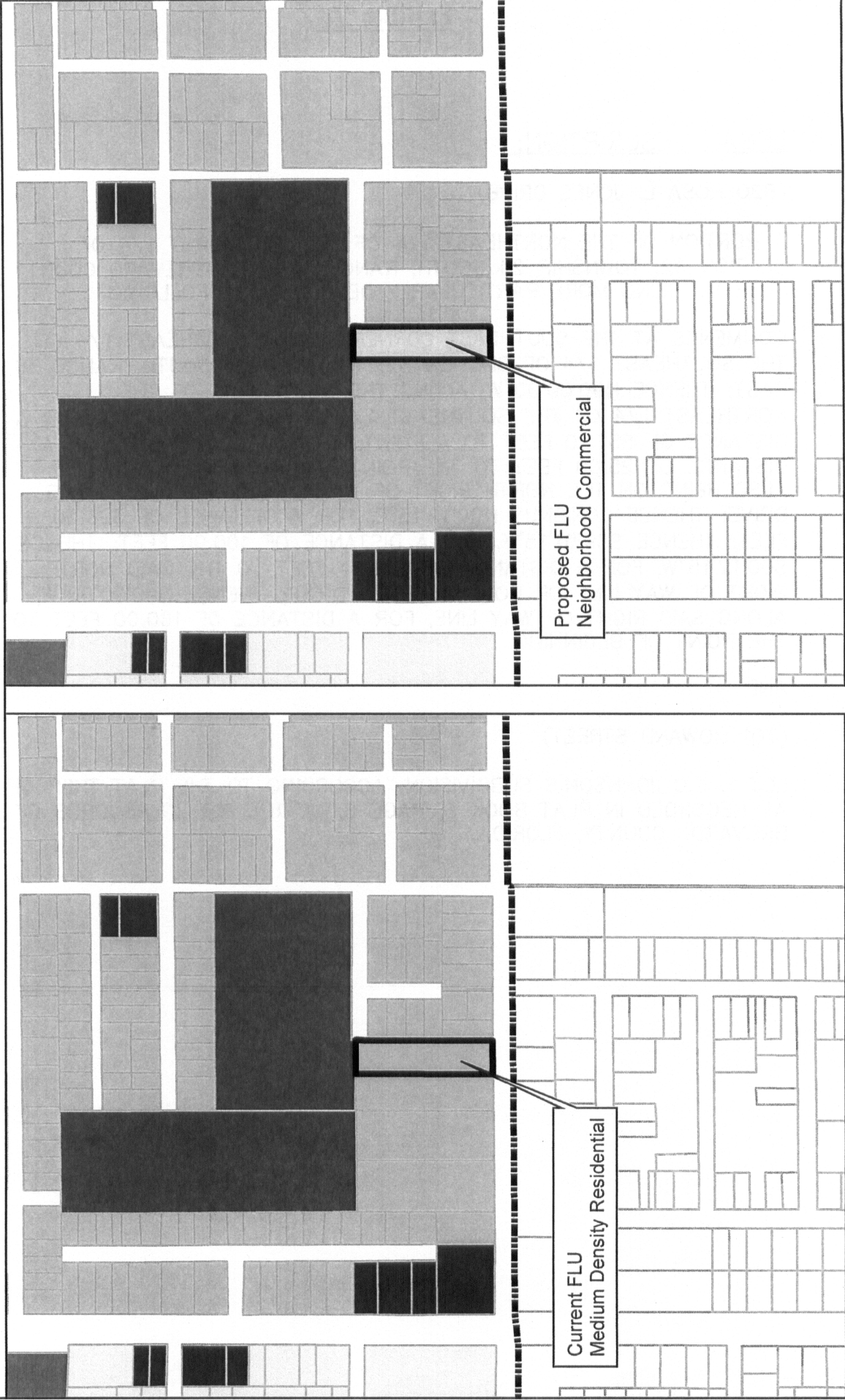
CARIE SHEALY, City Clerk

City of Cocoa Future Land Use Map

Location Map for 820 Rosa L. Jones Dr.

From: Medium Density Residential To: Neighborhood Commercial

Exhibit "A"





Location Map 820 Rosa L. Jones Drive

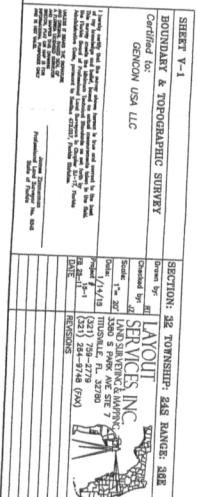


Legend

-  Subject Property
-  Water Bodies
-  Publish.GISDL.CityBoundary



0 0.045 0.09 Miles

$$\begin{array}{c} \text{Z} \\ | \\ \text{Z} \\ | \\ \text{Z} \end{array}$$




City of Cocoa
Planning & Zoning Board
STAFF REPORT

Date:	May 5, 2016
Project Name:	Gencon USA LLC Property Rezoning
Project No.:	PZ-16-02100002
Meeting Date:	May 11, 2016
Project Planner:	Steven Biel, Senior Planner
Applicant/Owner:	Gencon USA LLC Wazir Mohammed 14828 Pellicer Drive Orlando, FL 32828
Project Location:	820 Rosa L. Jones Drive
Requested Action:	ZONING MAP AMENDMENT consistent with Appendix A, Zoning, Article XXII, to rezone the subject parcel from RU-1-7 (Single Family Residential) to P-S (Professional, Offices and Services). The subject parcel consists of ±0.94 acres and is identified by the Brevard County Property Appraiser's Office as Parcel ID: 24-36-32-00-00778.0-0000.00.

I. Project Information

The applicant is requesting to amend the Zoning Map designation of the subject parcel from RU-1-7 (Single Family Dwelling) to P-S (Professional, Offices and Services) in order to renovate the existing two-story apartment building and provide space for office, medical, and professional uses.

The provisions of the P-S district are intended to apply to an area adjacent to major streets and complementary to major commercial uses. The types of uses permitted and other restrictions are intended to provide an amenable environment for the development of professional offices and services separate from the intensive development of commercial and industrial facilities.

The applicant has submitted an application to amend the Future Land Use Map from "Medium Density Residential" to "Neighborhood Commercial" which would be consistent with the proposed P-S rezoning request.

The following table summarizes the current FLUM and Zoning designations for the adjacent parcels:

Future Land Use:	Current: Medium Density Residential Proposed: Neighborhood Commercial		
Zoning District(s):	Current: RU-1-7 (Single Family Dwelling) Proposed: P-S (Professional, Offices and Services)		
Existing Land Use:	Vacant, 2-story Apartment Building		
Council District:	District 1 – Councilmember Blake		
Overview of Surrounding Area:			
	Future Land Use Designations	Zoning Districts	Land Uses
North	Institutional	C-N	Emma Jewel Charter Academy
South	Commercial (City of Rockledge)	C2 – General Commercial (City of Rockledge)	Vacant Commercial
East	Medium Density Residential	RU-1-7	Single-family Residence
West	Medium Density Residential	RU-1-7	Vacant Apartment Building

II. Rezoning Analysis

Consistency with Code of the City of Cocoa

In accordance with Appendix A of the City of Cocoa, Article XXII, Section 1(G), the following criteria are to 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: No.

Staff Response: The zoning along the southern side of Rosa L. Jones Drive (between US 1 and S. Fiske Blvd.), which is within the limits of the City of Rockledge, is a mix of commercial, industrial, and high density, multi-family residential. This same portion of Rosa L. Jones Drive on the north side within the City of Cocoa is predominately zoned RU-1-7 with pockets of C-N zoning in the general area. If the proposed rezoning is approved the applicant has expressed an interest in providing office, medical, or

professional-type uses, or combination of these uses, to the surrounding residential uses.

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

Applicant Response: No.

Staff Response: The properties immediately to the east and the property immediately to the west are zoned RU-1-7. The property immediately to the north is zoned C-N (Emma Jewel Charter Academy). The properties on the south side of Rosa L. Jones Drive, located in the City of Rockledge, are zoned C2 – General Commercial. There are also other pockets of C-N zoning in the general area. The subject property is within 800 feet of the S. Fiske Blvd. commercial 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: No.

Staff Response: The land use pattern along Rosa L. Jones Drive, between US 1 and S. Fiske Blvd., is a mix of commercial, industrial, and high density, multi-family residential uses. The proposed future land use amendment to “Neighborhood Commercial” and the proposed rezoning to P-S will allow the existing structure that has been vacant for several years to be re-purposed to a use compatible with the surrounding community. The current single family zoning does not allow the existing structure to be used for multi-family and therefore is non-conforming.

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

Applicant Response: No.

Staff Response: Staff believes the boundaries are logically drawn in relation to the existing uses in the area.

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

Applicant Response: No.

Staff Response: The FLUM designation for the subject lot is proposed to be amended to "Neighborhood Commercial." The proposed rezoning would be consistent with the following Future Land Use Element of the Comprehensive Plan:

Policy 1.1.2.8: Neighborhood Commercial (NCOMM).

Neighborhood Commercial areas are intended to be low-impact in nature and serve the needs of the immediate residential area.

A. Neighborhood Commercial areas may be allowed closer to the residential neighborhoods; and

C. Pedestrian connectivity between neighborhood commercial and surrounding multi-family developments is highly encouraged.

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

Applicant Response: *No response.*

Staff Response: The intent of the rezoning request is to be able to provide professional services to the surrounding residential uses. The current apartment building has been vacant for several years due to its non-conforming status. The current single family zoning does not allow the existing structure to be used for multi-family and therefore is non-conforming.

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

Applicant Response: *Yes, it will enhance the living conditions of the neighborhood.*

Staff Response: As there is already a mix of residential, commercial, and industrial uses in the area, the proposed rezoning would not adversely influence living conditions in the immediate area. The proposed renovation of the existing building would be an asset to the neighborhood.

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

Applicant Response: *No.*

Staff Response: The applicant has indicated the desire to attract smaller businesses for office, medical and professional uses. It is not anticipated that the proposed rezoning would create or excessively increase traffic congestions or otherwise affect public

safety. Parking for employees and visitors will be provided in the back of the building with access provided from Knight Avenue.

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

Applicant Response: No.

Staff Response: No drainage problems are anticipated as a result of the rezoning. Any renovations to the existing building 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: No.

Staff Response: Any proposed use associated with the proposed rezoning, or any renovations to the existing building, 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: Yes, it should enhance property values.

Staff Response: It is not anticipated that property values would be affected by the proposed rezoning. The proposed zoning will require adequate buffering to protect the adjacent residential properties.

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

Applicant Response: No.

Staff Response: Rather than having a vacant, non-conforming structure, the applicant is proposing to renovate the building to provide services to the surrounding community.

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

Applicant Response: No.

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: No response.

Staff Response: The existing apartment building has been vacant for several years and the applicant is proposing to renovate the building in order to provide space for office, medical, and professional uses that would be compatible with the surrounding community. The current single family zoning does not allow the existing structure to be used for multi-family and therefore is non-conforming.

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

Applicant Response: No.

Staff Response: The proposed rezoning is not out of scale with the needs of the neighborhood and would provide office, medical, and/or professional uses to the surrounding residential uses.

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

Applicant Response: This property is already acquired by the applicant/owner.

Staff Response: The applicant is proposing to renovate the existing non-conforming building to allow for uses that would be compatible with the immediate area in which the City is supportive of.

Consistency with Comprehensive Plan Policies and Objectives

The proposed P-S zoning designation is consistent with the allowable uses under the "Neighborhood Commercial" Future Land Use per the City of Cocoa Comprehensive Plan.

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.

III. Recommendation

Staff recommends that the Planning & Zoning Board recommend **approval** to City Council of the Zoning Map Amendment from RU-1-7 (Single Family Residential) to P-S (Professional, Offices and Services).

ORDINANCE NO. 09-2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 0.94 ACRES, MORE OR LESS, AND LOCATED AT 820 ROSA L. JONES DRIVE IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED ON EXHIBIT "A", ATTACHED HERETO, FROM RU-1-7 (SINGLE FAMILY RESIDENTIAL) TO P-S (PROFESSIONAL, OFFICES AND SERVICES); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE. THE BREVARD COUNTY PROPERTY APPRAISER'S OFFICE IDENTIFIES THE PARCEL AS PARCEL ID 24-36-32-00-00778.0-0000.00.

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

WHEREAS, the Planning and Zoning Board and City Staff of the City of Cocoa recommended approval of this Ordinance on May 11, 2016; and

WHEREAS, the City Council of the City of Cocoa held a duly noticed public hearing on the proposed zoning change 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 finds the requested change consistent with the City of Cocoa Comprehensive Plan and that sufficient, competent, and substantial evidence supports the zoning change set forth hereunder; and

WHEREAS, the City Council hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Cocoa, Florida.

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

Section 1. Recitals. The foregoing recitals are true and correct and are fully incorporated herein by this reference.

Section 2. Zoning Map Amendment. That the Official Zoning Map of the City of



Exhibit "A"
Location Map for 820 Rosa L. Jones Dr.
City of Cocoa Zoning Map Amendment
From: RU-1-7 (Single Family Residential)
To: P-S (Professional, Offices and Services)



City Zoning Designation

-  RU-1-7: Single Family Residential
-  C-N: Neighborhood Commercial
-  C-W: Wholesale Commercial
-  City Boundary





Location Map 820 Rosa L. Jones Drive

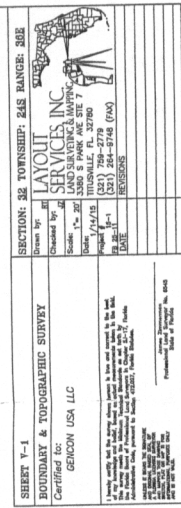


Legend

-  Subject Property
-  Water Bodies
-  Publish.GISDL.CityBoundary



0 0.045 0.09 Miles



GRAPHIC SCALE

(IN FEET)

0 20 40

1 INCH = 60 FEET

THE EASTER THENCE 100'00" W. ALONG THE SOUTH LINE OF A PLAT NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 32 OF TOWNSHIP 6 NORTH, RANGE 18 WEST, FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING; SAID POINT OF BEGINNING BEING ALSO ON THE NORTH RIGHT OF WAY LINE OF ROAD NO. 170, AND ALSO BEING ON THE NORTH RIGHT OF WAY LINE OF ROAD NO. 170, FOR A DISTANCE OF 100.00 FEET; THENCE S89°15'W. FOR A DISTANCE OF 398.04 FEET TO THE SAID NORTH RIGHT-OF-WAY CORNER; THENCE S00°12'15"W. FOR A DISTANCE OF 200.71215' FEET TO THE SAID NORTH RIGHT-OF-WAY CORNER; THENCE S89°15'W. FOR A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

END

(TO 700 HOWARD STREET)

LOT 1, E.C. JOHNSON'S SUBDIVISION, BEING THE FLAT THENCEFORTH SHOWN AS LOT 1, PAGE 3, OF THE PUBLIC RECORDS OF

BLAKE AVENUE
50' W/M

POINT OF COMMENCEMENT BEING THE
SOUTHWEST CORNER OF THE SOUTHWEST 1/4
OF THE SWAGHART 1/4 OF SECTION 22,
TOWNSHIP 28 NORTH, RANGE 28 EAST



**City of Cocoa
Planning & Zoning Board**

STAFF REPORT

Date:	May 6, 2016
Project Name:	Zoning Text Amendment – CWOD Regulating Plan
Project No:	PZ-16-02000003
Meeting Date:	May 11, 2016
Project Planner:	Steven Biel, Senior Planner
Applicant/Owner:	City of Cocoa
Requested Action:	CONSIDERATION OF AN ORDINANCE of the City Council of the City of Cocoa, Brevard County, Florida, amending Appendix A, Article XI, Section 22 of the City Code to allow single story commercial buildings on certain properties within the Cocoa Waterfront Overlay District, Cocoa Village (CV) sub district.

I. Zoning Ordinance Amendment Analysis

In accordance with Section 1(G)(2), Article XXII, Appendix A (Zoning), of the Code of the City of Cocoa, the Planning and Zoning Board shall consider and study the following when an amendment to the zoning code is proposed:

- a. *The need and justification for the change.*
- b. *The relationship of the proposed amendment to the purposes and objectives of the comprehensive planning programs and to the comprehensive plan, with appropriate consideration as to whether the proposed changes will further the purposes of [the] zoning code and other codes, regulations, and actions designed to implement the comprehensive plan.*

Need and justification for change

In May of 2013 City Council adopted the Cocoa Waterfront Overlay District (CWOD). The purpose of the COWD is to establish design standards to perpetuate the positive design elements and the residential and commercial patterns found within found in the Cocoa Redevelopment Area. The CWOD is made up of nine sub districts.

The Regulating Plan is the principal tool for implementing the standards of the CWOD and identifies, by sub districts, the permitted building types and street setbacks for the CWOD. Building types are allowed in a particular sub district where indicated on the Regulating Plan or allowed throughout the sub district. Building height is not measured by physical height but rather by number of allowable floors.

Staff has identified an inconsistency in the Cocoa Village (CV) sub district of the Regulating Plan. The seven properties east of Florida Avenue, west of Delannoy Avenue, north of King Street, and south of Willard Street, as identified on Exhibit "A," are not permitted to construct a single story commercial building as identified by the "Single Story Commercial Building" building type in the Regulating Plan.

The surrounding properties contain a mixture of single story and multi-story structures. The property directly to the east has an existing single-story bank building. The allowance of single story commercial buildings on the subject properties would be consistent with the surrounding built environment.

Staff has been contacted regarding potential redevelopment in the area of the CV sub district identified above. The potential redevelopment would consist of a single story building which is not permitted in the CV sub district. Single story buildings are permitted in the King/Willard Corridor sub district which is adjacent to the west and partially adjacent to the north of the CV sub district.

Staff is proposing the CWOD Regulating Plan be amended to allow the building type of "Single Story Commercial Building" in the CV sub district as identified on Exhibit "A."

Relationship and consistency with Comprehensive Plan Policies and Objectives

The following Comprehensive Plan policies support the applicant's request:

- 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.
- Future Land Use Element Goal 1.3: The City of Cocoa shall enhance the quality of life and prosperity of its citizens through the retention and creation of a wide range of profitable business opportunities and jobs.
- Future Land Use Element Objective 1.1.4: Redevelopment. The City shall encourage redevelopment of areas that are exhibiting evidence of decline (i.e., disproportionate number of vacant, dilapidated and/or substandard structures) through redevelopment

programs and through maintaining land development regulations that contain standards and procedures to encourage redevelopment where desirable.

- Policy 1.1.4.1: The City shall continue to promote vitality and redevelopment of the three community redevelopment areas established pursuant to Chapter 163, Florida Statutes: Cocoa (Downtown) Redevelopment Area, Diamond Square Redevelopment Area, and US 1 Corridor Redevelopment Area.

II. Recommendation

Staff recommends that the Planning and Zoning Board recommend **approval** to City Council of Ordinance No. 10-2016 amending Appendix A, Article XI, Section 22 of the City Code to allow single story commercial buildings on certain properties within the Cocoa Waterfront Overlay District, Cocoa Village (CV) Sub district.

ORDINANCE NO. 10 - 2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AMENDING APPENDIX A, ARTICLE XI, SECTION 22 OF THE CITY CODE TO ALLOW SINGLE STORY COMMERCIAL BUILDINGS ON CERTAIN PROPERTIES WITHIN THE COCOA WATERFRONT OVERLAY DISTRICT, COCOA VILLAGE (CV) SUBDISTRICT, AS MORE PARTICULARLY DEPICTED ON EXHIBIT "A" ATTACHED HERETO; AMENDING THE COCOA WATERFRONT OVERLAY REGULATING PLAN; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

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

WHEREAS, the City Council of the City of Cocoa held a duly noticed public hearing on the proposed code amendment set forth hereunder and supports the code amendment set forth hereunder; and

WHEREAS, the City Council hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Cocoa, Florida.

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

Section 1. Recitals. The foregoing recitals are true and correct and are fully incorporated herein by this reference.

Section 2. Amendment to Appendix A, Zoning.

- (a) *Replacement of Regulating Plan.* Appendix A, Zoning, of the Code of Ordinances, City of Cocoa, Florida, is hereby amended to delete the Regulating Plan set forth in Article XI, Section 22(G), City Code, and replace it with the Regulating Plan attached hereto as Exhibit "A", and fully incorporated herein by this reference.

- (b) *Code Text.* Appendix A, Zoning, of the Code of Ordinances, City of Cocoa, Florida, 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 Appendix A, Zoning. It is intended that the text in Appendix A Zoning, denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance):

Appendix A - Zoning

* * *

Sec. 22. -Cocoa Waterfront Overlay District.

* * *

(I) *Building Types.* Building types are permitted by Sub-district when any new and/or redevelopment occurs on any parcel within the Cocoa Waterfront Zoning Overlay. The building typologies are consistent with the size, scale and character desired within each sub-district.

* * *

Design Districts and Building Types Table

<i>Design District</i>	<i>Home-Steak (HO)</i>	<i>Estate (ES)</i>	<i>House (HS)</i>	<i>Cottage (CO)</i>	<i>Town-House (TH)</i>	<i>Apart-Ment Building (AB)</i>	<i>Court-Yard Apart-Ment (CA)</i>	<i>Com-Mercial/ Mixed Use Small (CS)</i>	<i>Com-Mercial/ Mixed Use-me-Dium (CM)</i>	<i>Com-Mercial/ Mixed Use-Large (CL)</i>	<i>Single Story Com-Mercial (SC)</i>	<i>Large Format Com-Mercial (LF)</i>	<i>***</i>
Cocoa Village (CV)				RP	RP	P	P	P	P		<u>RP</u>		***
***	***	***	***	***	***	***	***	***	***	***	***	***	***

RP, permitted only where indicated on Regulating plan.

P, Permitted in the Design District.

* * *

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

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

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

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the ____ day of _____, 2016.

Henry U. Parrish, III, Mayor

ATTEST:

Carie Shealy, City Clerk

