

City of Cocoa

*65 Stone Street
Cocoa, FL 32922*



Meeting Agenda

Wednesday, March 17, 2021

6:00 PM

Cocoa City Council Chambers

Planning and Zoning / Local Planning Agency

I. CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA AND MINUTES:

AGENDA:

[21-220](#) Planning and Zoning Board Agenda for March 17, 2021

Attachments: [PZ Short Agenda 3-17-21.pdf](#)

MINUTES:

[21-219](#) Planning and Zoning Board minutes of March 3, 2021

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

III: OLD BUSINESS: None

IV: NEW BUSINESS:

[21-218](#) Consideration of Ordinance 05-2021, a Future Land Use Map (FLUM) Amendment consistent with Florida Statute Chapter 163, for a City initiated request to change the Future Land Use Map designation of a portion of one (1) parcel from City of Cocoa "Low Density Residential" to City of Cocoa "Medium Density Residential".

Attachments: [Ordinance 05-2021 FLU Amendment London Cove-Retreat at Cocoa Commons Location Map.pdf](#)
[Legal Ad Proof \(FLUM and Rezone\).pdf](#)

[21-213](#) Consideration of Ordinance 06-2021, a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXII, changing the Zoning Map designation of a 9.33 acre portion of three (3) parcels of land located south of the intersection of SR524 and London Blvd. from RU-2-10 (Low-Density Single-Family and Multiple-Family District) to RU-2-15 (Multiple-Family Dwelling District).

Attachments: [Ordinance 06-2021 Rezoning London Cove-Retreat at Cocoa Commons RU-2- Location Map.pdf](#)
[Legal Ad Proof \(FLUM and Rezone\).pdf](#)

**V. OTHER BUSINESS:
OTHER BUSINESS:**

Board Discussion

VI. NEXT MEETING DATE:

Wednesday, April 7, 2021

VII. ADJOURNMENT

NOTICE TO THE PUBLIC:

Public Participation and Special COVID-19 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>

These documents and information pertaining to the above may also be inspected at the Community Services Department, between 9:00 a.m. and 5:00 p.m., Monday through Friday, or by phoning (321) 433-8535.

Members of the public have several options to participate in the public hearings.

(1) In-person attendance. Due to the COVID-19 Emergency and the need to maintain social distancing, meetings in the City Hall Council Chambers are limited to fifty (50) members in the audience at any one time. Members of the public may utilize the contact information provided below to contact the City Clerk and determine if restrictions on physical attendance at the City Council Chambers have been lifted prior to the date of the public hearings.

(2) Commenting in advance of the meeting. Interested persons are encouraged to provide written comments in advance of the hearings by emailing meeting@cocoafl.org or mailing to the following address:

City of Cocoa

Attn: Dodie Selig, Planning and Zoning Manager

65 Stone Street

Cocoa, FL 32922

Mailed comments must be received prior to 4:00 p.m. on the date of the hearing to be read into the record.

(3) Viewing and Commenting In Real Time. Interested persons are encouraged to view and listen to the hearings live by accessing the meetings at the following internet addresses:

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Interested persons may submit their written comments or questions during the hearings by email at: meeting@cocoafl.org. Interested persons who wish to provide public input during the meeting will also be able to do so by accessing the e-comment link for this meeting using the Legistar calendar link above.

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 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 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 Local Planning Agency and City Council reserve the right to continue or postpone hearings to a date certain without re-advertising.



Legislation Details (With Text)

File #: 21-220 **Version:** 1 **Name:**

Type: Agenda **Status:** Agenda Ready

File created: 3/10/2021 **In control:** Planning and Zoning / Local Planning Agency

On agenda: 3/17/2021 **Final action:**

Title: Planning and Zoning Board Agenda for March 17, 2021

Sponsors:

Indexes:

Code sections:

Attachments: [PZ Short Agenda 3-17-21.pdf](#)

Date	Ver.	Action By	Action	Result
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Community Services
Planning and Zoning Division
65 Stone Street, Cocoa, FL 32922
Phone: (321) 433-8535 Fax: (321) 321-433-8543

AGENDA
Regular Meeting
March 17, 2021
6:00 p.m.

I. OPENING MATTERS:

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

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of March 17, 2021
2. MINUTES: Meeting of March 3, 2021

III. OLD BUSINESS: None

IV. NEW BUSINESS:

A. PZ-21-005 – Comprehensive Plan Map Amendment (from LDR to MDR)

Consideration of Ordinance 05-2021, a Comprehensive Plan Map Amendment changing the Future Land Use Map designation of a 7.61 acre portion of one (1) parcel of land located south of the intersection of SR524 and London Blvd. from LDR (Low-Density Residential) to MDR (Medium Density Residential).

B. PZ-21-010 – Zoning Map Amendment (from RU-2-10 to RU-2-15)

Consideration of Ordinance 06-2021, a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXII, changing the Zoning Map designation of a 9.33 acre portion of three (3) parcels of land located south of the intersection of SR524 and London Blvd. from RU-2-10 (Low-Density Single-Family and Multiple-Family District) to RU-2-15 (Multiple-Family Dwelling District).

V. OTHER BUSINESS:

1. Board Discussion

VI. NEXT MEETING DATE:

Wednesday, April 7, 2021

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City of Cocoa
Attn: Dodie Selig, Planning and Zoning Manager
65 Stone Street
Cocoa, FL 32922

Mailed comments must be received prior to 4:00 p.m. on the date of the hearing to be read into the record.

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Legislation Details (With Text)

File #: 21-219 **Version:** 1 **Name:**

Type: Minutes **Status:** Agenda Ready

File created: 3/10/2021 **In control:** Planning and Zoning / Local Planning Agency

On agenda: 3/17/2021 **Final action:**

Title: Planning and Zoning Board minutes of March 3, 2021

Sponsors:

Indexes:

Code sections:

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

Date	Ver.	Action By	Action	Result
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**MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
March 3, 2021**

A Regular meeting of the Planning & Zoning Board Local Planning Agency was held on March 3, 2021 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
Sherry Ervin	Board Member
Trina Gilliam	Board Member
Marilyn Green	Board Member
Susan Mock	Board Member
Russell Sengel	Board Member
Aleck Greenwood	Alternate Member
Debbie Joyce	School Board Representative

PRESENT:

Michael Dobrin	Chairperson
Al Washington	Vice Chairperson
Jeri Blanco	Board Member
Sherry Ervin	Board Member
Trina Gilliam	Board Member
Marilyn Green	Board Member
Susan Mock	Board Member
Russell Sengel	Board Member
Aleck Greenwood	Alternate Member

ABSENT:

Todd Anderson	Board Member
Debbie Joyce	School Board Rep.

STAFF PRESENT:

Kristin Eick, Board Attorney; Dodie Selig, Planning & Zoning Manager, Alix Bernard, Senior Planner, Lavander Hearn, Board Liaison, 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 March 3, 2021

- * **MOTION BY BOARD MEMBER ERVIN; SECONDED BY BOARD MEMBER GREEN TO APPROVE THE MARCH 3, 2021 AGENDA AS WRITTEN.**

AYES: DOBRIN, WASHINGTON, BLANCO, ERVIN, GILLIAM, GREEN, GREENWOOD, MOCK, SENDEL

MOTION PASSED UNANIMOUSLY (9-0)

2. MINUTES: Meeting of February 3, 2021

- * **MOTION BY BOARD MEMBER BLANCO; SECONDED BY BOARD MEMBER GREEN TO APPROVE THE FEBRUARY 3, 2021 MINUTES AS WRITTEN.**

AYES: DOBRIN, WASHINGTON, BLANCO, ERVIN, GILLIAM, GREEN, GREENWOOD, MOCK, SENDEL

MOTION PASSED UNANIMOUSLY (9-0)

III. OLD BUSINESS:

A. PZ-21-002- Zoning Text Amendment (RU-2-10 District Regulations)

Ms. Selig shared a presentation¹ and explained that the purpose of the proposed changes to RU-2-15 and RU-2-25 are to remove reference to RU-2-10 zoning district regulations for development of single-family and duplex dwellings and to provide new regulations for the development. The Substitute Consent Decree specifically limits the application of the RU-2-10 zoning district regulations to the lands subject to the decree. In addition, the City Council has expressed the desire to limit building of dwelling units on small parcels of land without accompanying amenities.

¹ Exhibit A: Zoning Text Amendment RU-2-10

Ms. Selig provided maps of the Consent Decree area, locations of the RU-2-10 and RU-2-25 zonings and the City's zoning map. She also shared zoning comparisons and discussed permitted uses, bulk regulations and setbacks. She pointed out that there are two development scenarios to consider which is redevelopment on existing RU-2-15 or RU-2-25 parcel(s) and new development on land rezoned to RU-2-15 or RU-2-25.

Alternate member Greenwood raised concerns about the setbacks being only 15 ft. in the rear side of a property in RU-1-7 and RU-2-10 zones.

Board member Gilliam verified that the max lot coverage is thirty percent. In response, Ms. Selig replied affirmatively but only in RU-1-7 and forty percent in the other zones.

Furthermore, Ms. Selig provided a summary of the Ordinance, explaining that the proposed changes to the RU-2-15 regulations will allow the construction of single-family (and multi-family of not more than 3 units per building) under a choice of two options:

- Build under the RU-1-7 (Single Family Dwelling District) regulations, which require a minimum lot size of 75 feet by 100 feet, without amenities.
- Or build under the RU-2-15 regulations which allow a minimum lot size of 50 feet by 100 feet, but require the developer to provide a percentage of the gross acreage as open space/recreation amenities.

The proposed changes to the RU-2-25 regulations will allow the construction of single-family (and multi-family of not more than 4 units per building) under a minimum lot area, lot width and setbacks that are comparable to those under the RU-2-15 district.

Staff is recommending that the Planning and Zoning Board recommend approval to City Council of an Ordinance of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Zoning, Article XI, Sections 4A, 5 and 6 of the Zoning Ordinance of the City of Cocoa; limiting the future application of the RU-2-10 zoning district and the regulations therein pertaining to the construction of Single-Family Dwellings; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the Code, severability, and an effective date.

* **MOTION BY BOARD MEMBER BLANCO; SECONDED BY VICE CHAIRPERSON WASHINGTON TO RECOMMEND APPROVAL TO CITY COUNCIL OF AN ORDINANCE AMENDING APPENDIX A, ZONING, ARTICLE XI, SECTIONS 4A, 5 AND 6 OF THE ZONING ORDINANCE OF THE CITY OF COCOA; LIMITING THE FUTURE**

APPLICATION OF THE RU-2-10 ZONING DISTRICT AND THE REGULATIONS THEREIN PERTAINING TO THE CONSTRUCTION OF SINGLE-FAMILY DWELLINGS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY AND AN EFFECTIVE DATE.

AYES: DOBRIN, WASHINGTON, BLANCO, ERVIN, GILLIAM, GREEN, MOCK, SENDEL

NAYES: GREENWOOD

MOTION PASSED (8-1)

IV. NEW BUSINESS:

A. PZ-21-004 – Zoning Text Amendment (C-C & CWOD District Regulations)

Ms. Selig gave a presentation² and provided the project summary. She explained that the City would like to allow for the possibility of construction of townhouses, single-family homes and duplexes under the C-C, Core Commercial zoning district regulations, specifically as a Special Exception use.

Currently these uses are listed as prohibited in this district. Allowing a low-density residential option near the downtown area where the C-C district is located would allow infill redevelopment on smaller existing lots which are not suitable for larger commercial or residential developments without the combination of parcels.

Ms. Selig shared a map of the affected areas and explained the change to C-C zoning. She noted that in Section 18, Core Commercial Zoning District this would:

- Add townhouse residential subdivision (regulated by RU-2-15) as a Special Exception use.
- Add single-family homes and duplexes (regulated by RU-2-15) as a Special Exception use.
- Remove single-family homes and duplexes from the list of prohibited uses.

The RU-2-15 zoning district was chosen for the regulation of these uses because it already provides specific zoning regulations for single-family, duplex and townhome development.

Additionally, Ms. Selig explained the changes to CWOD zoning. In Section 22, Cocoa Waterfront Overlay District this would:

² Exhibit B: Zoning Text Amendment – C-C & CWOD

- Amend the use table to add Duplexes to single-family detached dwelling use and add “SE” for Special Exception to the Core Commercial Zoning district columns under the Uptown Neighborhood and King/Willard Sub-districts.
- Amend the use table to add Townhouse to single-family attached dwelling use and add “SE” for Special Exception to the Core Commercial Zoning district columns under the Uptown Neighborhood, South End, Cocoa Village, North of the Village and King/Willard Sub-districts.
- Amend the Regulating Plan building types table to add “RP” for Regulating Plan to the King/Willard Sub-district under the House building type.

The changes proposed for Section 22 are necessary to mirror the changes in Section 18. The Regulating Plan is divided into 8 sub-districts and the uses allowed within each are further regulated based on the underlying zoning district of the various parcels within.

The first change proposed above will allow single-family and duplex use in two of the sub-districts which have Core Commercial zoning. These uses were not added to the remaining three sub-districts in order not to dilute the more intensely commercial nature of those sub-districts.

The second change proposed above will allow the townhouse use in those sub-districts which have Core Commercial zoning.

The third change listed above is specific to one parcel of land along the north side of SR520 which is currently developed with a single-family home. This is the only parcel within the King/Willard sub-district that has a single-family use. The property owner has a significant sentimental attachment to the property as it has passed down within his family and he wishes to rebuild a home on the property. No single-family building type is permitted in the King/Willard sub-district at this time. Therefore, the combination of allowing single-family as a use with approval of a Special Exception along with the addition of the House building type to this particular parcel would create a potential method by which the current property owner might be able to rebuild his grandmother’s home without diluting the commercial nature of the corridor in general.

Ms. Selig advised that staff is recommending that the Planning and Zoning Board recommend approval to City Council of an Ordinance of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Article XI, Sections 18 and 22 of the Zoning Ordinance of the City of Cocoa; allowing townhouses and single-family homes as a Special Exception use within the Core Commercial district and certain sub-districts of the Cocoa Waterfront Overlay District; amending the Waterfront Overlay Regulating Plan to allow for House building types on certain properties within the Cocoa Waterfront Overlay District; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the code, severability, and an effective date.

Alternate member Greenwood pointed out that if the Board approves this item there will be a house surrounded by all commercial properties.

Board member Sengel added that even if the Board does not approve the item the house will still be there regardless. In response, Ms. Selig discussed “spot zoning” and advised that this would not necessarily set a precedent as these situations would have to be approved by Special Exception and would need to come before the Board of Adjustment for approval on a case-by-case basis.

- * **MOTION BY BOARD MEMBER GREEN; SECONDED BY BOARD MEMBER SENDEL TO RECOMMEND APPROVAL TO CITY COUNCIL OF AN ORDINANCE AMENDING APPENDIX A, ARTICLE XI, SECTIONS 18 AND 22 OF THE ZONING ORDINANCE OF THE CITY OF COCOA; ALLOWING TOWNHOUSES AND SINGLE-FAMILY HOMES AS A SPECIAL EXCEPTION USE WITHIN THE CORE COMMERCIAL DISTRICT AND CERTAIN SUB-DISTRICTS OF THE COCOA WATERFRONT OVERLAY DISTRICT; AMENDING THE WATERFRONT OVERLAY REGULATING PLAN TO ALLOW FOR HOUSE BUILDING TYPES ON CERTAIN PROPERTIES WITHIN THE COCOA WATERFRONT OVERLAY DISTRICT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.**

AYES: DOBRIN, WASHINGTON, BLANCO, ERVIN, GILLIAM, GREEN, GREENWOOD, MOCK, SENDEL

MOTION PASSED UNANIMOUSLY (9-0)

V. OTHER BUSINESS:

A. Tree Board: City Arborist Update

Ms. Selig shared that the City’s Public Works Department is looking at bringing two people on board who will have arborist licenses. She advised that she will keep the Board apprised on this.

B. Board Discussion

Vice Chairperson Washington pointed out that he heard there was interest in the old Winn Dixie site, but he has not seen anything happening on the site yet. He also asked about the Starbucks as he has not seen any activity there yet either. In response, Ms. Selig explained that these projects will take some time.

Board member Ervin asked when the new Amazon Distribution Center will break ground. In response, Alternate member Mock shared she read in the paper that they would like to start in May.

Board member Gilliam pointed out that sometimes when permits and projects are held up it is not always the City's fault as sometimes other organizations, such as St. John's Water Management, etc., can hold things up too.

VII. NEXT MEETING DATE:

The next scheduled meeting for the Planning and Zoning Board will be held on Wednesday, March 17th at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VIII. ADJOURNMENT:

* **MOTION BY BOARD MEMBER ERVIN; SECONDED BY BOARD MEMBER GILLIAM TO ADJOURN THE REGULAR MEETING OF MARCH 3, 2021.**

AYES: DOBRIN, WASHINGTON, BLANCO, ERVIN, GILLIAM, GREEN, GREENWOOD, MOCK, SENDEL

MOTION PASSED UNANIMOUSLY (9-0)

MEETING WAS ADJOURNED AT 7:05 PM.

Michael Dobrin, Chairperson

Respectfully Submitted By:

Monica Arsenault, Recording Secretary



Legislation Details (With Text)

File #: 21-218 **Version:** 1 **Name:**
Type: Ordinance **Status:** Agenda Ready
File created: 3/10/2021 **In control:** Planning and Zoning / Local Planning Agency
On agenda: 3/17/2021 **Final action:**
Title: Consideration of Ordinance 05-2021, a Future Land Use Map (FLUM) Amendment consistent with Florida Statute Chapter 163, for a City initiated request to change the Future Land Use Map designation of a portion of one (1) parcel from City of Cocoa "Low Density Residential" to City of Cocoa "Medium Density Residential".

Sponsors:

Indexes:

Code sections:

Attachments: [Ordinance 05-2021 FLU Amendment London Cove-Retreat at Cocoa Commons Low Density to Location Map.pdf](#)
[Legal Ad Proof \(FLUM and Rezone\).pdf](#)

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

Memo Date: March 9, 2021
Agenda Date: March 17, 2021
Prepared By: Alix Bernard, Senior Planner
Through: Nancy A. Bunt, Community Services Director
Requested Action:

Consideration of Ordinance 05-2021, a Future Land Use Map (FLUM) Amendment consistent with Florida Statute Chapter 163, for a City initiated request to change the Future Land Use Map designation of a portion of one (1) parcel from City of Cocoa "Low Density Residential" to City of Cocoa "Medium Density Residential".

BACKGROUND:

The subject property for this Future Land Use Map amendment is comprised of a portion of 1 individual parcel, consisting of approximately 7.61 acres of vacant land. The parcel is owned by SR 524 Cocoa II LLC.

The City is petitioning for a change to the existing Future Land Use designation. A map depicting the subject parcel is attached. The subject property is located south of the intersection of SR 524 and London Blvd.

The assignment of a Future Land Use designation must be consistent with the City's Comprehensive Plan. Policy 1.1.2.4 states that Medium Density Residential (MDR) areas shall be regarded as areas of moderate density detached and attached housing.

Staff Finding: The future land use amendment will not negatively impact or diminish the service level of public facilities.

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

Sanitary Sewer: The City of Cocoa sanitary sewer is available in this area.

Solid Waste: The solid waste service to this parcel is provided by a private hauler.

Stormwater Management: The application is subject to the City of Cocoa's stormwater utility program. Said program is now funded by a levy of an annual stormwater utility special assessment. The assessment provides funding to maintain the City's stormwater utility program which provides maintenance for the retention ponds and drainage features in the area.

Transportation: The subject property will have an entrance from State Road 524 which is classified as an arterial roadway on Map M-II-2 of the City of Cocoa Comprehensive Plan 2020 - 2030. Future development of this property will be required to provide a traffic study prior to development.

- (3) Whether there will be a favorable or unfavorable impact on the environment or the natural or historical resources of the city or the region as a result of the proposed amendment;

Staff Finding: The subject property consists of a 7.61 acre portion of one (1) parcel of land. The proposed FLUM amendment will have no impact on the environment or the natural/historic resources of the city as identified on Map M-I-3 of the City of Cocoa Comprehensive Plan 2020-2030.

- (4) Whether the proposed amendment is consistent with and its effect upon the goals, objectives, and policies of the state comprehensive plan set forth in Chapter 187, Florida Statutes, and the East Central Florida Comprehensive Regional Policy Plan, adopted by Rule 29F-19.001, Florida Administrative Code;

Staff Finding: The proposed FLUM amendment meets the following goal of the State Comprehensive Plan, Chapter 187.201(15) LAND USE - "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". The subject parcel is vacant and will place no additional demands upon the city's resources.

This application is also consistent with the East Central Florida region's 2017 Comprehensive Economic Development Strategy - Goal PL2: "Assist with Redevelopment and place making efforts" as it will provide an expanded opportunity for future multi-family growth along this rapidly developing corridor.

- (5) Whether the city is able to provide adequate service from public facilities to the affected

property, if the amendment is granted, and whether the amendment will promote the cost/effective use of or unduly burden public facilities below the level of service set in the comprehensive plan;

Staff Finding: Police Protection is provided by the City of Cocoa Police Department. They indicate that they will be able to provide crime prevention and police protection services at the same level of service provided to other City residents and businesses with existing resources.

Fire Protection is provided by the City of Cocoa's Fire Station No. 3 (3505 Highway 524) which is adjacent to the subject parcel, Back-up service will be provided by Brevard County's Fire Station No. 44 (3785 W. King Street). All stations will provide Enhanced BLS (Basic Life Support) services and fire prevention and protection services.

- (6) Whether the amendment is compatible with surrounding neighborhoods and land use;

Staff Finding: The proposed Future Land Use of Medium Density Residential will be consistent with the existing and proposed developments in the area, by providing an extension of the existing Medium Density Residential FLU designation on the west side of the parcel.

- (7) If the amendment being requested is consistent with all the elements of the comprehensive plan.

Staff Finding: The subject property is constant with the following goals of the comprehensive plan:

GOAL 1.1: Create and maintain a broad range of 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.

Policy 1.1.2.4 Medium Density Residential (MDR). Medium density residential areas shall be regarded as areas for moderate density detached and attached housing. The following criteria shall be used for determining appropriate locations for medium density residential areas.

- A. Medium Density residential areas shall have access to a minor collector street, and preferably, to a major collector street or one of higher functional classification.
- B. These areas should have convenient access to community services.
- C. New development approved in accordance with the comprehensive plan shall provide amenities to include open space and buffering as required in the City's Land Development Regulations.

- (8) Whether the amendment 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 FLUM amendment will provide a favorable effect on the ability

of people to find adequate housing.

- (9) Whether the proposed amendment will promote or adversely affect the public health, safety, welfare, economic order, or aesthetics of the region or the city;

Staff Finding: The proposed application will reinforce the positive elements of the City by paving the way for future economic vitality.

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Staff recommends that the Planning & Zoning Board recommend approval to City Council of Ordinance 05-2021, a Future Land Use Map (FLUM) Amendment consistent with Florida Statute Chapter 163, for an Applicant Initiated request to change the Future Land Use Map designation of a portion of one (1) parcel from “Low Density Residential” to “Medium Density Residential”.

ORDINANCE NO. 05-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE MAP FOR A 7.61 ACRE PORTION, MORE OR LESS, OF ONE (1) PARCEL OF REAL PROPERTY WITHIN THE CITY OF COCOA LOCATED SOUTH OF THE INTERSECTION OF STATE ROAD 524 AND LONDON BOULEVARD, BEING LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; CHANGING THE FUTURE LAND USE MAP DESIGNATION OF THE REAL PROPERTY FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL; 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 March 17, 2021, 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 with the condition as described herein; 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 Low Density Residential to Medium Density Residential. **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. The effective date of the Comprehensive Plan Amendment adopted by this Ordinance shall be thirty-one (31) days after adoption. 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 _____ day of _____, 2021.

Michael C. Blake, Mayor

ATTEST:

Carie Shealy, MMC, City Clerk

EXHIBIT A

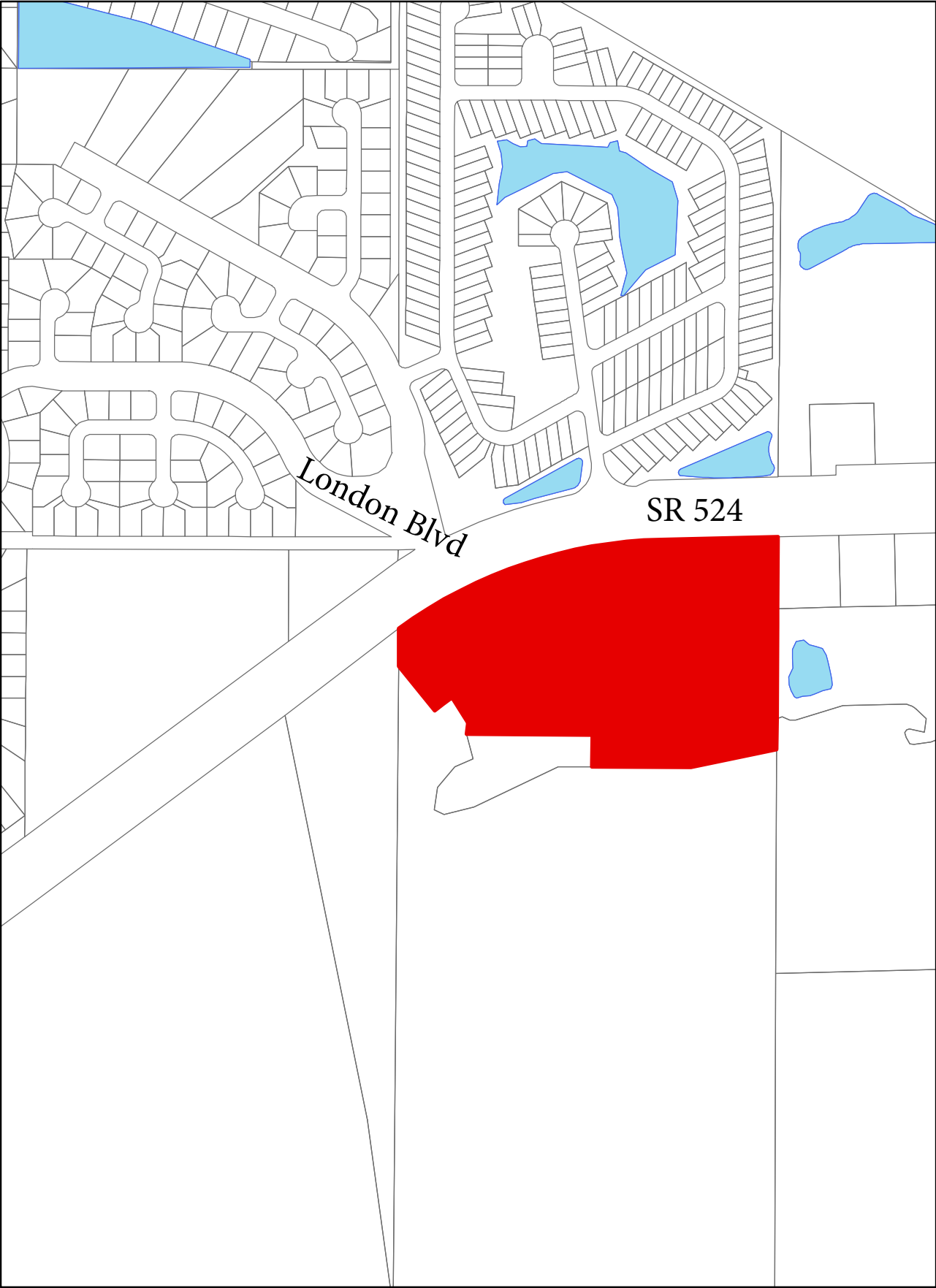
A PORTION THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 18 TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, LYING SOUTH OF THE SOUTH RIGHT OF WAY OF RELOCATED STATE ROAD NO. 524.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EAST LINE OF THE SAID WEST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 18 AND THE SOUTH RIGHT OF WAY OF SAID STATE ROAD NO. 524; THENCE S00°14'26"W, ALONG SAID EAST LINE A DISTANCE OF 300.13 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S00°14'26"W, ALONG SAID EAST LINE, A DISTANCE OF 432.45 FEET; THENCE S78°22'53"W A DISTANCE OF 300.78 FEET; THENCE WEST A DISTANCE 456.25 FEET; THENCE S64°32'24"W A DISTANCE OF 320.49 FEET; THENCE S75°20'40"W A DISTANCE OF 106.54 FEET; THENCE N63°26'03"W A DISTANCE OF 37.10 FEET; THENCE N07°10'52"E A DISTANCE OF 78.58 FEET; THENCE N40°22'20"E A DISTANCE OF 92.99 FEET; THENCE N66°36'34"E A DISTANCE OF 68.06 FEET; THENCE N15°16'11"W A DISTANCE OF 87.27 FEET; THENCE N06°42'05"E A DISTANCE OF 39.66 FEET; THENCE N32°34'42"W A DISTANCE OF 102.57 FEET; TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1292.58 FEET; SAID RADIUS BEARS S35°55'11 "E; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°28'29", AN ARC DISTANCE OF 777.74 FEET; THENCE N88°33'18"E, TANGENT TO SAID CURVE, A DISTANCE OF 393.79 FEET TO THE POINT OF BEGINNING.

Excluding W 1/2 OF SW 1/4 EX ORB 756 PG 73, ORB 5615 PG3814 & RD R/W

CONTAINING 7.61 ACRES OF LAND MORE OR LESS.



CITY OF COCOA

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT
THE PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY
AND THE COCOA CITY COUNCIL
PROPOSE TO CONSIDER THE FOLLOWING:

COMPREHENSIVE PLAN MAP AMENDMENT Ordinance No. 05-2021

- A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE MAP FOR A 7.61 ACRE PORTION, MORE OR LESS, OF ONE (1) PARCEL OF REAL PROPERTY WITHIN THE CITY OF COCOA LOCATED SOUTH OF THE INTERSECTION OF STATE ROAD 524 AND LONDON BOULEVARD, BEING LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; CHANGING THE FUTURE LAND USE MAP DESIGNATION OF THE REAL PROPERTY FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL; 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.



ZONING MAP AMENDMENT Ordinance No. 06-2021

- B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF A 9.33 ACRE PORTION, MORE OR LESS, OF THREE (3) PARCELS OF REAL PROPERTY, LOCATED SOUTH OF THE INTERSECTION OF STATE ROAD 524 AND LONDON BOULEVARD, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM RU-2-10 (LOW-DENSITY SINGLE-FAMILY AND MULTIPLE-FAMILY DISTRICT) TO RU-2-15 (MULTIPLE-FAMILY DWELLING DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.



**PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
WILL HEAR THESE ITEMS ON:
March 17, 2021**

**CITY COUNCIL WILL HEAR THESE ITEMS ON:
March 23, 2021 and April 13, 2021**

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

Public Participation and Special COVID-19 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>

These documents and information pertaining to the above may also be inspected at the Community Services Department, between 9:00 a.m. and 5:00 p.m., Monday through Friday, or by phoning (321) 433-8535.

Members of the public have several options to participate in the public hearings.

- (1) In-person attendance. Due to the COVID-19 Emergency and the need to maintain social distancing, meetings in the City Hall Council Chambers are limited to fifty (50) members in the audience at any one time. Members of the public may utilize the contact information provided below to contact the City Clerk and determine if restrictions on physical attendance at the City Council Chambers have been lifted prior to the date of the public hearings.
- (2) Commenting in advance of the meeting. Interested persons are encouraged to provide written comments in advance of the hearings by emailing meeting@cocoafl.org or mailing to the following address:

City of Cocoa
Attn: Dodie Selig, Planning and Zoning Manager
65 Stone Street
Cocoa, FL 32922

Mailed comments must be received prior to 4:00 p.m. on the date of the hearing to be read into the record.

- (3) Viewing and Commenting In Real Time. Interested persons are encouraged to view and listen to the hearings live by accessing the meetings at the following internet addresses:

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

Interested persons may submit their written comments or questions during the hearings by email at: meeting@cocoafl.org. Interested persons who wish to provide public input during the meeting will also be able to do so by [accessing the e-comment link for this meeting using the Legistar calendar link above.](#)

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 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 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 Local Planning Agency and City Council reserve the right to continue or postpone hearings to a date certain without re-advertising.



Legislation Details (With Text)

File #:	21-213	Version:	1	Name:	
Type:	Ordinance	Status:		Agenda Ready	
File created:	3/9/2021	In control:		Planning and Zoning / Local Planning Agency	
On agenda:	3/17/2021	Final action:			
Title:	Consideration of Ordinance 06-2021, a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXII, changing the Zoning Map designation of a 9.33 acre portion of three (3) parcels of land located south of the intersection of SR524 and London Blvd. from RU-2-10 (Low-Density Single-Family and Multiple-Family District) to RU-2-15 (Multiple-Family Dwelling District).				

Sponsors:

Indexes:

Code sections:

Attachments: [Ordinance 06-2021 Rezoning London Cove-Retreat at Cocoa Commons RU-2-10 to RU-2-15.pdf](#)
[Location Map.pdf](#)
[Legal Ad Proof \(FLUM and Rezone\).pdf](#)

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

Memo Date: March 9, 2021
Agenda Date: March 17, 2021
Prepared By: Dodie Selig, Planning & Zoning Manager
Through: Nancy A. Bunt, Community Services Director
Requested Action:

Consideration of Ordinance 06-2021, a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXII, changing the Zoning Map designation of a 9.33 acre portion of three (3) parcels of land located south of the intersection of SR524 and London Blvd. from RU-2-10 (Low-Density Single-Family and Multiple-Family District) to RU-2-15 (Multiple-Family Dwelling District).

BACKGROUND:

In 1986 a rezoning application from RU-1-7 to RU-2-10 (Ordinance 15-86) was approved for a potential residential project on what was at the time a portion of a single parcel. In 2003 another rezoning application (Ordinance 52-2003), changed a portion of the original parcel to C-N (Neighborhood Commercial) zoning. The original parcel was later subdivided such that the portion containing the RU-2-10 zoning is now part of three (3) parcels. All three parcels are currently vacant land. One of the parcels is owned by the City and is part of the Mud Lake wetlands area. The other two parcels are privately owned and are part of a proposed development project which would create 6 commercial lots and a senior apartment complex.

The RU-2-10 zoning district was created to apply only to those parcels included in the Heart of Cocoa

Consent Decree area which is limited to a physical location adjacent to Cocoa Village. It is not intended to be applied to properties in other areas of the city. Therefore, staff is bringing forth this rezoning action in order to redress this inconsistency and apply the same zoning district to the entirety of the three parcels containing fragments of this last remaining RU-2-10 zoning outside the Consent Decree area.

The portion of the three parcels containing the RU-2-10 zoning has a Future Land Use designation of Medium Density Residential (MDR) which allows up to 15 dwelling units per acre. The attached ordinance would change the zoning of this portion of the three parcels from RU-2-10 to RU-2-15 which is in keeping with the density and uses allowed by the MDR Future Land Use category.

Future Land Use Designation: Medium Density Residential

Zoning District: Current: RU-2-10 (Low-Density Single-Family and Multiple-Family District)

Proposed: RU-2-15 (Multiple-Family Dwelling District)

Existing Land Use: Vacant land

Council District: District 3 - Councilmember Rip Dyal

Overview of Surrounding Area: The following table summarizes the current Future Land Use (FLU) and Zoning designations for the adjacent parcels.

	Future Land Use Designations	Zoning Districts	Land Uses
North	Medium Density Residential	C-N (Neighborhood Commercial) and PUD (Planned Unit Development)	Single Family Residential
South	Low Density Residential	RU-2-15 (Multiple-Family Dwelling District)	Vacant land (wetlands)
East	Medium Density Residential and Neighborhood Commercial	C-N (Neighborhood Commercial)	Cocoa Commons Shopping Center
West	Neighborhood Commercial	C-N (Neighborhood Commercial)	Cocoa Fire Station and vacant land

II. Rezoning Analysis

Consistency with Code of the City of Cocoa

In accordance with Appendix A of the City of Cocoa, Article XXI, 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.

Staff Finding: The proposed zoning change is consistent with the established land use pattern of adjacent properties. Although the property to the immediate west of the subject property is a City Fire Station, the lands on the south side of SR524 extending all the way to Cox Road are all zoned RU-2-15 and have been approved for multi-family housing projects. The proposed use of multi-family residential (senior apartments) is harmonious with the established land use pattern in the vicinity.

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

Staff Finding: The proposed RU-2-15 zoning district will not create an isolated district. Instead, it will continue the multi-family character of the parcels surrounding the subject property and will be in harmony with the adjoining properties' permitted uses and zoning districts by providing increased residential density to support the existing commercial uses to the east and future commercial uses proposed to the north.

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

Staff Finding: The maximum density for the proposed rezoning to RU-2-15 is 15 units per acre, consistent with the Future Land Use Element of the Comprehensive Plan. In reality the majority of the current RU-2-10 land is wetland owned by the City and not intended for development of any kind. The portion on privately owned land would become part of a master stormwater pond to serve the developed areas of that property. Thus, for all practical purposes the increase in density allowed by the rezoning will have no bearing.

Staff Finding (g) addresses schools, and Staff Finding (h) addresses streets and traffic. It is not anticipated that the density pattern will increase or overtax the load on utilities. The Developer is responsible for the design, permitting and construction of all on-site utility infrastructure required to serve the property. In addition, the developer will be required to complete tie-in to a sewer lift station on the adjoining city-owned parcel to the west which was sited there for this purpose.

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

Staff Finding: The existing RU-2-10 boundary is illogically drawn in relation to the existing uses on the properties proposed for change and in relation to the existing parcel boundaries as it represents only an arbitrary portion of the three affected parcels. This rezoning action will correct this by returning the entirety of two the three parcels to one zoning district and bring added continuity by applying the same zoning district to the remainder of the third parcel.

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

Staff Finding: The FLU Map designation for the subject property is "Medium Density Residential" which allows the proposed RU-2-15 zoning district designation.

The proposed change will not be contrary to the Future Land Use Map and Future Land Use Element of the Comprehensive Plan, which permits the proposed development. The Comprehensive Plan permits a maximum density of 15 units per acre. Staff finds the proposed rezoning to be consistent with the following sections of the Comprehensive Plan.

Policy 1.1.2 FUTURE LAND USE DESIGNATIONS ESTABLISHED - Land development regulations shall be based upon the following locational standards and criteria:

Medium Density Residential Areas:

- A. Medium density residential areas shall have access to a minor collector street, and preferably, to a major collector street or one of higher functional classification.
- B. These areas should have convenient access to community services.
- C. New developments approved in accordance with the comprehensive plan shall provide amenities to include open space and buffering as required in the City's Land Development Regulations.

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

Staff Finding: Changed or changing conditions do not make the passage of the proposed amendment necessary. However, in order to be consistent with the Heart of Cocoa Consent Decree application area, this portion of RU-2-10 zoning should be eliminated.

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

Staff Finding: The requested zoning change is not expected to negatively impact living conditions in the neighborhood. As stated before, the majority of the area to be rezoned is wetlands owned by the City and the remainder will be a stormwater pond.

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

Staff Finding: As stated above, the density of the proposed development on the larger part of the privately owned parcel will not be materially affected by the rezoning action.

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

Staff Finding: No drainage problems are anticipated as a result of the rezoning. The area to be rezoned is intended to provide a master stormwater pond system for the rest of the property.

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

Staff Finding: The proposed change will not affect light and air to adjacent areas as no structures are anticipated to be built in these areas.

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

Staff Finding: It is not anticipated that property values would be negatively affected by the proposed rezoning. The proposed rezoning will not materially change the uses allowed for the subject properties.

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

Staff Finding: It is not anticipated that the proposed rezoning would be a deterrent to the improvement or development of adjacent property for the reasons stated above. The proposed changes should not adversely impact property values or adversely influence living conditions in the neighborhood.

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

Staff Finding: The proposed change will not constitute a grant of special privilege to the property owners as the change of zoning is consistent with the existing uses of the properties involved. This is consistent with the public welfare.

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

Staff Finding: The property cannot retain the existing RU-2-10 zoning district designation in light of the fact that the RU-2-10 zoning designation is intended to apply on to those parcels within the physical boundaries of the Consent Decree area. In order for the privately owned parcels to be developed the RU-2-10 zoning must be changed.

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

Staff Finding: The proposed rezoning is not out of scale with the needs of the neighborhood of the City. This area of the City provides for residential uses.

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

Staff Finding: The rezoning application is not based on a need to accommodate the proposed development, but rather on the need to bring the specific area under RU-2-10 zoning into compliance with the code by the application of a different zoning district.

Consistency with Comprehensive Plan Policies and Objectives

The proposed RU-2-15 zoning designation is consistent with the allowable uses under the "Medium Density Residential" Future Land Use per the City of Cocoa Comprehensive Plan. Please see the discussion in Section e. above for further detail.

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, any future development of the subject parcels 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 are identified, necessary and appropriate mitigation will be required to be addressed prior to construction.

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Staff recommends that the Planning & Zoning Board recommend **approval** to City Council of Ordinance 06-2021, a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXII, changing the Zoning Map designation of a 9.33 acre portion of three (3) parcels of land located south of the intersection of SR524 and London Blvd. from RU-2-10 (Low-Density Single-Family and Multiple-Family District) to RU-2-15 (Multiple-Family Dwelling District).

ORDINANCE NO. 06-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF A 9.33 ACRE PORTION, MORE OR LESS, OF THREE (3) PARCELS OF REAL PROPERTY, LOCATED SOUTH OF THE INTERSECTION OF STATE ROAD 524 AND LONDON BOULEVARD, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM RU-2-10 (LOW-DENSITY SINGLE-FAMILY AND MULTIPLE-FAMILY DISTRICT) TO RU-2-15 (MULTIPLE-FAMILY DWELLING DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

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

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

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

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

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

Section 2. Zoning Map Amendment. That the Official Zoning Map of the City of Cocoa, as described in City of Cocoa Code, Article VIII, Section 1, is hereby amended to include

a change of classification from RU-2-10 (Low Density Single-Family and Multiple-Family District) to RU-2-15 (Multiple-Family Dwelling District) for the real property depicted and legally described on **Exhibit A**, attached and incorporated herein by this reference. City Staff is hereby directed to promptly amend the Official Zoning Map upon the effective date of this Ordinance.

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

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

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

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the ____ day of _____, 2021.

MICHAEL C. BLAKE, Mayor

ATTEST:

CARIE SHEALY, MMC
City Clerk

First Reading: _____
Legal Ad Published: _____
Effective Date: _____

EXHIBIT A

Legal Description of Real Property

A portion of Section 18, Township 24 South, Range 36 East, located in Brevard County, Florida, described as follows:

Begin at a point on the west boundary of Section 18, 284.91 Feet south of the N.W. Corner of the SW ¼ of Section 18, said point being on the southeasterly right-of-way line of State Road 524; thence with the southeasterly right-of-way line of State Road 524, N.53°33'00" E., 2.25 Feet to the P.C. of a curve having a radius of 5,597.58 Feet and a central angle of 5°25'34"; thence with said curve concave to the right along the southeasterly right-of-way line of State Road 524, an arc distance of 263.93 Feet; thence S.0°11'51"E., 509.82 Feet; thence N.89°54'26"E., 433.60 Feet; thence S.0°33'08"W., 528.12 Feet; thence 89°54'26"W., 655.0 Feet to the west boundary of Section 18; thence with the west boundary of Section 18, N.0°11'51"W., 885.0 Feet to the point of beginning.

LESS AND EXCEPT:

The North 300 feet of the above-described real property lying south of the south right-of-way line of relocated Highway 524 as recorded in the public records of Brevard County, Florida.

