



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

Cocoa City Hall
65 Stone Street
Cocoa, FL 32922

AGENDA
Regular Meeting
March 6, 2019
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 Mar. 6, 2019
2. MINUTES: Meeting of Feb. 6, 2019

III. OLD BUSINESS: (None)

IV. NEW BUSINESS:

A. PZ-19-003 – Map Amendment (Rezoning) – Joe Lee Smith Center (Institutional)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING MAP DESIGNATION OF TWO (2) PARCELS OF REAL PROPERTY ON WHICH THE CURRENT DR. JOE LEE SMITH COMMUNITY CENTER IS LOCATED, TOTALING 3.23 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF STONE STREET AND WEST OF WASHINGTON STREET, APPROXIMATELY 0.10 MILES WEST OF US 1, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM C-W (WHOLESALE COMMERCIAL) AND RU-1-7 (SINGLE-FAMILY RESIDENTIAL) TO INST (INSTITUTIONAL); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

V. OTHER BUSINESS:

- A. Tree Board Update: (None)
- B. Recent Development Update:
- C. August meeting date change - from Wednesday, August 7th to Tuesday, August 6th

VI. NEXT MEETING DATE:

Wednesday, April 3, 2019

VII. ADJOURNMENT

(Over Please)

NOTICE TO PUBLIC:

This meeting may include the attendance of one (1) or more members of the Cocoa City Council who may or may not participate in the Board discussions held at this public hearing.

All persons and parties are hereby advised that if they should decide to appeal any decision made by this Board with respect to any matter considered at this hearing, they will need a record of the proceedings and that for such purpose, affected persons may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The facility where this public hearing will be held is accessible to the physically handicapped. Interested parties are hereby advised that they may appear at said meeting and be heard with respect to the application. Written comment from the public with regard to the application will also be accepted.

Information pertaining to the above may be inspected at the Planning & Zoning Division at 65 Stone Street, Cocoa, Florida between 8:00 a.m. and 5:00 p.m., Monday through Friday, beginning the Friday before the Board Meeting date, or by phoning (321) 433-8535.



CITY OF COCOA
PLANNING & ZONING BOARD MEETING
MEETING MINUTES
February 6, 2019

A meeting of the Planning & Zoning Board of the City of Cocoa was held on Wednesday, February 6, 2019 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Dobrin called the meeting to order at 6:02 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Michael Dobrin	Chairman
Al Washington	Vice Chairman
Jeri Blanco	Board Member
Sherry Ervin	Board Member
Trina Gilliam	Board Member
Marilyn Green	Board Member
Lawrence Koss	Board Member
Aleck Greenwood	Alternate Member

MEMBERS ABSENT:

Todd Anderson	Board Member
Russell Sengel	Board Member

OTHERS PRESENT:

Dodie Selig	Planning & Zoning Manager
Nancy Bunt	Community Services Director
Kristin Eick	Board Attorney
Monica Arsenault	Board Secretary
Jake Williams, Jr.	Board Liaison

APPROVAL OF AGENDA:

1. Approval of Agenda: February 6, 2019.

Motion by Board member Vice Chairman Washington, seconded by Board member Ervin, to approve the agenda of February 6, 2019. The vote on the motion carried unanimously.

2. Approval of Minutes: December 5, 2018.

Alternate member Greenwood asked for an update from the previous meeting. He asked Board member Koss if he was successful in speaking with the Extension Office on Lake Dr. and if he could provide an update. In response, Board member Koss stated that he has met with Sally Scalera and he will bring more information to the next Board meeting.

Motion by Board member Koss, seconded by Vice Chairman Washington, to approve the minutes of December 5, 2018 as written. The vote on the motion carried unanimously.

OLD BUSINESS:

None.

NEW BUSINESS:

1. PZ-18-014 – Addendum to Binding Development Agreement – 2075 W. King Street

Ms. Selig shared the project summary and explained that the requested action is for the Board to consider an Addendum to the Binding Development Agreement between the City of Cocoa, Florida and 2075 W. King Street Land Trust and its successors to allow the developer to construct up to three hundred and twelve (312) apartment units and associated amenities. She noted that the project is located on a single parcel of land (Tax Parcel ID: 24-36-31-00-265) totaling 130.66 acres.

Ms. Selig explained that on October 17, 2017 the City Council approved a Binding Development Agreement for the subject parcel utilizing its Home Rule power. The Concept Plan for the Agreement consisted of an ACLF (Adult Congregate Living Facility) comprised of eleven (11) buildings totaling one hundred (100) units along with an independent living residential area and a 55-and-older residential area to be constructed on the southern portion of the parcel and around the existing lake with some commercial use on the northern portion of the property abutting SR520. In conjunction with the Binding Development Agreement, the Council approved certain changes to the southern portion of the subject parcel: a Future Land Use change from Low Density Residential to Medium Density Residential, a designation of Conservation over the area of wetlands, and a rezoning from RR-1 (Rural Residential) to RU-2-15 (Multiple Family Residential).

Ms. Selig presented the original Concept Plan. She identified the color-coded key and the areas of the map. She shared that the original project was never developed, and the property is now under contract to a developer who wishes to construct a market rate apartment community in the center portion of the southern (residential) portion of the property. No commercial use is planned for the northern portion of the parcel at this time.

Ms. Selig mentioned that on September 17, 2018 the applicant held a public meeting to gather feedback from nearby residents regarding the proposed project. Five property owners attended and expressed concerns related to the proximity to their property and potential stormwater impacts. As a result of this feedback the applicant redesigned the project layout to move the apartments from the perimeter of the existing borrow-pit lake at the western end of the parcel to a location in the center of the parcel. The new layout will include a stormwater pond in the center of the apartment buildings to provide a water view for residents as well as control stormwater on site. Furthermore, the new design includes a clubhouse, a car wash and a maintenance building and retains the original plan for fencing and a concrete block wall separating the project from abutting residential and commercial properties.

Ms. Selig presented the revised Concept Plan. She pointed out the impacts to the Board. She explained that in recognition that the Concept Plan has been prepared prior to

engineering and floodplain review, the Concept Plan may be slightly modified in the future to accommodate changes required by the City Code, including for drainage and flood storage, but may not be modified to include:

1. A different use of the Property
2. An increase in the proposed number of units
3. A reduction in the required amenities; or
4. A deviation from any condition.

The addendum also includes the following requirements of the developer:

1. Within six (6) months from the Effective Date of this Agreement, the Developer/Owner, at its expense, shall prepare and file all required applications, information, and engineering plans with the City of Cocoa that are necessary to obtain floodplain development approval, final site plan, and final engineering approval for the Project consistent with the Concept Plan.
2. The Owner shall obtain approval of the site plan within twelve (12) months of the Effective Date of this Agreement.
3. If the Project fails to obtain such final approval from the City (a/k/a - a final development order) within the aforesaid twelve (12) months, the City shall have the right to declare the Owner in default.
4. If the Owner does not cure the default within the cure period, the City shall have the right, but not obligation to, terminate the Agreement without penalty.

Ms. Selig noted that the Project shall further be subject to the following conditions:

1. The apartment units shall meet the minimum living area requirements for apartments in the RU-2-15 Zoning District.
2. The apartment and communal buildings shall be no more than thirty-five (35) feet in height.
3. No development, other than buffer walls or fences, shall be permitted on the west side of the existing 16.79-acre lake (former borrow-pit).

Ms. Selig explained that the Developer/Owner shall be specifically required to develop the project to include certain amenities, which shall be maintained in good and working condition throughout the life of the Project, shall be of adequate size to service the intended number of residential units, and shall be incorporated into the final site plan as follows:

1. The Developer/Owner agrees to include a clubhouse with an exercise/workout room, sauna, business center, and "party room" that may be reserved by residents for events; swimming pool; playground; dog park; car wash; sidewalk around the interior retention pond; and two (2) electric car charging stations;

2. The Developer/Owner agrees to incorporate the use of energy efficient lighting systems, insulation and ENERGY STAR rated windows, low-flow water fixtures, modern heat pumps, and energy-efficient HVAC systems;
3. Developer/Owner shall construct and maintain a six-foot (6') buffer wall along certain portions of the subject property perimeter:
 - Along the southern boundary of the Property from the point of the western boundary of Tax Parcel ID 24-36-31-00-506 to the western edge of the Conservation area on the Property, except that a fence may be provided within the natural gas easement area, if necessary, to accommodate such easement.
 - Along the northern boundary of the Property to the western edge of the driveway entrance.

Additionally, Ms. Selig shared that a six-foot (6') opaque fence shall be constructed and maintained along certain portions of the property:

- Along the boundary between the commercial and RU-2-15 zoning on the Property, from the eastern edge of the driveway entrance to the western edge of the Conservation area, provided that Developer/Owner acknowledges and agrees that future development on the commercially-zoned portion of the Property shall require an additional or replacement buffer, in the form of a wall or other vegetative buffer, upon request of the City and provided that applicable environmental permits may be obtained.
- Along the western boundary of the Property and along the southern boundary of the Property where the buffer wall is not required.
- The Developer/Owner shall install full-cutoff, low-light emitting or LED streetlights and outdoor lighting fixtures.
- The Developer/Owner shall reserve a minimum of three (3) two-bedroom apartment units for City law enforcement officers to be rented at a fifty percent (50%) discounted rate, to be made available on a first-come, first-serve basis, at the time of initial leasing until there are no other two-bedroom apartments available at the facility.

In addition, the Developer/Owner shall provide a lease preference above other tenant applicants to City law enforcement officers and firefighters, along with EMS and local school teachers, on a first-come, first-serve basis as long as it does not violate Federal Fair Housing statutes.

Board member Green noted that this is a stipulation that she hasn't seen before. She asked Ms. Selig if this is common in Cocoa. In response, Ms. Selig explained that it is fairly common, and this would not be the first time a condition such as this has been included in a plan.

Ms. Selig pointed out the consistencies with the Comprehensive Plan as follows:

1. Objective 3.1.1: Energy Efficiency. The City shall encourage energy efficiency in the design, construction and rehabilitation of new and existing residential buildings in the City and incorporate alternative energy technologies in the land development regulations.
2. GOAL 3.7: The City shall promote opportunities for the creation of housing and infill development within the City.
3. GOAL 11.1: The City of Cocoa will ensure, through effective planning and coordination with the School District, that adequate school capacity is available to accommodate enrollment demand for City residents.
4. Objective 11.1.2: The City shall ensure adequate public-school capacity exists to accommodate new students generated by residential development. The City shall forward all applications for a residential development permit to the School District for a school concurrency evaluation and determination.
5. Policy 11.1.2.2: The City shall not approve any non-exempt residential development application for a new residential preliminary subdivision, site plan or functional equivalent until the School District School has issued a School Capacity Availability Determination Letter (SCADL) verifying available capacity.

Ms. Selig stated that staff has done a preliminary concurrency review of services required by the project and determined that there are sufficient facilities to meet the needs of the proposed development. In addition, the City has received the School Capacity Availability Letter showing sufficient capacity exists within the adjacent service area to serve the needs of the project. A final review will be completed with the Site Plan application.

Ms. Selig noted that the Addendum to the Binding Development Agreement will need to be approved by City Council and is currently scheduled for the Council meeting on February 13, 2019. If approved, the addendum will be signed and recorded in the Official Records of Brevard County, subject to applicable conditions. The developer will then need to submit a Site Plan application.

Ms. Selig stated that staff's recommendation is that the Planning and Zoning Board recommend approval to City Council of the Addendum to the Binding Development Agreement and the attached Concept Plan.

Board member Ervin asked what the minimum living area is in the RU-2-15. In response, Ms. Selig explained that it depends on the size of the unit.

Philip Nohrr, 1795 W. Nasa Blvd., Melbourne FL, shared that the agreement that has been drawn between the developer and the City took quite some time and was written thoroughly to ensure protection. He noted that the project will be developed in such a manner to be considerate and respectful of the neighbors. He asked that the Board consider their request for approval favorably.

Board member Koss inquired if the developer considered installing solar panels on the roofs and if it would be expensive.

Steven Morgan, of Morgan and Associates, and Juston Trimback replied that although they have built numerous apartment complexes all over the United States, they have not considered this at this point.

Board member Koss pointed out that he is very pleased about the high efficiency. In response, Mr. Trimback stated that they develop, build, own and operate everything themselves. He explained that they have no plans to turn around and sell within the next few years. Additionally, they build to last for a long time, otherwise it's expensive to keep up the maintenance. They buy and install quality products, insulate their buildings well and put brick on the exterior of the first floor to better insulate the apartments. They also use a specific vinyl siding that will last which also helps to insulate the building as well which in turn keeps electric bills down for the residents.

Board member Koss inquired if there will be any oak trees planted in the landscaping. In response, Mr. Morgan stated that they will conform to the Board's requests in order to do this right. He added that when they built in Titusville, they planted ten-inch palm trees and six-inch live oak trees. He stated that if they can acquire these trees again they will include them in the landscaping.

Mr. Andy Kirbach, 504 N. Harbor City Blvd., Melbourne, FL added they will have thirty (30) or so acres that will be preserved.

Board member Blanco asked if they will have only one and two bedroom units. In response, Mr. Trimback answered that they will have one, two and three bedroom units. He shared the square footage of each size apartment.

Board member Blanco asked if they had an idea of what the rent will be.

In response, it was shared that a one bedroom unit will be around one thousand one hundred and fifty dollars (\$1,150.00) per month, a two bedroom unit will cost around one thousand four hundred and fifty dollars (\$1,450.00) per month, and a three bedroom will cost one thousand five hundred and eighty-five dollars (\$1,585.00) per month, but the market rate will ultimately determine the final cost.

Chairman Dobrin asked when they finished the project in Titusville. In response, Mr. Morgan answered around February of 2018.

Additionally, Chairman Dobrin asked if they ran into any unforeseen maintenance issues as they were developing. Mr. Trimback explained there were a few minor issues due to the hurricane that came through at the time, however they install hurricane proof windows as well as other quality products and they also use the same subcontractors most of the time so they can ensure everything is done right.

Chairman Dobrin asked inquired about an approximate completion date should the project be approved. In response, it was stated that the project would take about two years.

Chairman Dobrin inquired if there would be covered parking. In response, it was stated that it will be all outdoor parking,

Board member Blanco asked if they are a gated community. In response, it was clarified that they are not, however there is on-site security. Mr. Trimback added that they run criminal backgrounds on any applicant who applies for residency. They uphold certain standards for security purposes, however they do not have salaried officers paroling the property.

Board member Greenwood asked if when they run background checks if they check for any previous evictions. In response, it was verified that they do check for any previous evictions.

Board member Greenwood mentioned the Board is very supportive of live oaks and encouraged the developers to plant them.

Board member Gilliam inquired about the flood zone. In response, it was explained that they will be at least two feet above the base flood elevation.

Board member Koss inquired about the access road.

Board member Green inquired about flood plain insurance. In response, it was noted that if it is needed, they will buy it.

Board member Green asked about HOA fees. In response, Mr. Morgan pointed out that there will not be HOA fees.

Board member Ervin inquired how the water bill is determined. In response, Mr. Morgan explained that the bill is determined by the number of bedrooms. He added that trash and pest control costs are included in the rent and there is no separate charge.

Chairman Dobrin opened the discussion to the audience. There being no comments or questions, the public portion of the meeting was closed.

Motion by Board member Ervin, seconded by Board member Koss, to recommend approval to City Council of the Addendum to the Binding Development Agreement and attached Concept Plan. The vote on the motion carried unanimously.

OTHER BUSINESS:

- A. Tree Board Update – None.
- B. Recent Development Update

Ms. Selig noted London Cove, Adamson Creek, and Lakeside Palms West are still being worked on.

Board member Ervin asked about the Cottages. In response, Ms. Selig noted it is moving forward and there are two items going before the Council at the first meeting in

February. She added that the ten lots in the back were reconfigured to be slightly smaller to fit Lot 5 without any issues.

Board member Koss inquired about the vacant positions in staff. In response, Ms. Bunt explained that there are four vacancies, two of which are for the Planning & Zoning Department. She explained the challenges the department is facing in hiring staff.

Chairman Dobrin inquired about an update on the hotel. In response, Ms. Selig explained that it was brought to the Cocoa CRA and was approved. They are waiting on signatures from the developer.

Board member Ervin asked about the old Winn Dixie on SR524. In response, Ms. Selig answered that no one has approached staff to develop it.

Ms. Selig shared that she had received a letter with information regarding school capacities. She explained that the school board has zones and they have certain schools where the children would be routed to. She explained that "zoned" schools are checked first but if the capacity has been met then surrounding schools will be checked as well.

Vice Chairman Washington asked if the developer did decide to sell, if their successor would have to adhere to the contract. Ms. Selig replied affirmatively but added that if they wanted to change anything, such as the amenities, they would need to come before the City Council.

Ms. Eick pointed out that in the contract it states that if they violate the addendum than it could become a code enforcement case and that is a way the City could enforce that the addendum is adhered to.

NEXT MEETING:

The Board members established that the next meeting would be held on Wednesday, March 6, 2019.

ADJOURNMENT:

Motion to adjourn by Board member Koss, seconded by Vice Chairman Washington. The vote on the motion carried unanimously.

Alternate member Greenwood asked if the gravel issue could be brought before the Board at the next meeting. In response, Ms. Selig asked Mr. Greenwood if he would mind waiting until she has more staff to assist her.

Board Liaison Williams announced that Craig Dixon has declined the position of second alternate member.

There being no further business the meeting adjourned at 6:59 P.M.

Approved on this _____ day of _____, 2019.

Planning & Zoning Board Meeting
Meeting Minutes
February 6, 2019

Mike Dobrin, Chairman

Monica Arsenault, Board Secretary



City of Cocoa
Planning & Zoning Board
STAFF REPORT

Date:	March 4, 2019
Project Name:	Dr. Joe Lee Smith Community Center Rezoning
Project No.:	PZ-19-003
Meeting Date:	March 6, 2019
Planner:	Dodie Selig, Planning & Zoning Manager
Applicant:	City of Cocoa 65 Stone Street Cocoa, FL 32922
Property Owner:	City of Cocoa 65 Stone Street Cocoa, FL 32922
Project Location:	Two parcels of land at the southwest corner of Stone Street and Washington Street, addressed as 419 Washington Street and comprising the Dr. Joe Lee Smith Community Center complex. Brevard County Property Appraiser Parcel #’ 24-36-33-00-264 and 24-36-33-CC-12.E-2
Requested Action:	ZONING MAP AMENDMENT consistent with Appendix A, Zoning, Article XXII, to change the Zoning Map designation of two parcels (3.23 acres) from C-W (Commercial Wholesale) and RU-1-7 (Single-Family Residential) to INST (Institutional).

I. Project Information

The City of Cocoa, as the applicant, is requesting to amend the Zoning Map designation of two parcels totaling approximately 3.23 acres of the Dr. Joe Lee Smith Community Center complex as depicted on Exhibit A. The City intends to build a new community center on the northern parcel of this property where the current baseball field and playground are presently located. Also on this parcel are the existing pool and basketball court. The southern parcel of the community center complex contains the existing community center building. The complex also comprises three additional parcels of land adjacent to the subject parcels. Those parcels contain stormwater areas

and parking and are not a part of this rezoning action. A future comprehensive plan amendment will be required prior to rezoning those parcels to the same Institutional zoning district.

The parcels have a future land use designation of REC (Recreation and Open Space). This designation is intended to accommodate existing and planned public and private parks and recreation areas and extensive open space areas such as the golf courses; and similar uses. The Comprehensive Plan allows all zoning districts under the REC future land use designation.

Neither of the present zoning districts of the subject parcels (C-W and RU-1-7) allow a community center use. Therefore, in order to support the planned development of the site a rezoning of the parcels is necessary.

The Institutional zoning district was selected as the most appropriate district choice as it provides the closest fit to the present use as well as offering the most compatible future uses for additional development of the site. A "community center" is a principal use under this district as are "public parks and playgrounds", eliminating the need for a Special Exception as is the case in some other zoning district categories.

Future Land Use Designation: REC (Recreation and Open Space)

Zoning District: Current: C-W (Commercial Wholesale) and
RU-1-7 (Single-Family Residential)
Proposed: INST (Institutional)

Existing Land Use: Dr. Joe Lee Smith Community Center

Council District: District 1 – Councilmember Alex Goins

Overview of Surrounding Area:

	Future Land Use Designations	Zoning Districts	Land Uses
North	Mixed Use	C-G (General Commercial)	Commercial and Vacant Land
South	Medium Density Residential	RU-1-7 (Single Family Residential)	Single-family Residential & Vacant Land
East	Mixed Use and Medium Density Residential	C-W (Commercial Wholesale) and RU-1-7 (Single Family Residential)	Single-family Residential & Vacant Land
West	Mixed Use and Medium Density	C-W (Commercial Wholesale)	Single-family Residential &

	Residential	and RU-1-7 (Single Family Residential)	Vacant Land
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II. Rezoning Analysis

Consistency with the 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.

Staff Finding: The proposed rezoning would bring the existing land use into compliance with the (proposed) zoning district. It would also bring the zoning district for these parcels into compliance with the current future land use designation. While the Institutional zoning district designation would be specific to these two parcels and not found on other parcels nearby, the intent of the zoning district is "to support the needs of the neighboring community for public and semi-public facilities of a religious, educational, health or cultural nature".

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

Staff Finding: The proposed rezoning would not be unrelated to the adjacent districts but rather a central hub for the surrounding community, providing a place of recreation, learning, and social interaction.

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

Staff Finding: The proposed rezoning would not alter the population density in any way.

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

Staff Finding: The existing zoning boundaries on the northern parcel are illogically drawn in relation to the existing uses. The line separating the C-W zoning from the RU-1-7 zoning on the larger northern parcel has no relation to the baseball field and playground currently developed on that portion of the site. The proposed rezoning will correct this problem by applying the same zoning district to the entire 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 proposed rezoning would be consistent with the Future Land Use Element of the Comprehensive Plan:

Policy 1.1.2.12: Open Space/Recreational (OS-REC). The open space/recreational land use category is intended to accommodate existing and planned public and private parks and recreation areas and extensive open space areas such as the golf courses; and similar uses. The following criteria shall be used for determining appropriate locations for open space/recreation land use designations on the future land use map.

- A. Except as required for other public purposes, publicly owned land identified as open space/recreational on the Future Land Use Map will only be used for park, recreational, and ancillary uses.
- B. In designating open space recreational areas, the City will assure consistency with policies provided in the Recreation and Open Space Element.
- C. Through the development review process and Capital Improvements Program, the City will attempt to link open space areas to residential areas by bikeways, sidewalks, or footpaths.
- D. In developing open space and recreational areas, the City will minimize or eliminate the impact of active uses on sensitive environmental features to the maximum extent possible.

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

Staff Finding: The intent of the rezoning request is to create consistency between the existing and proposed community center property use and the zoning district and future land use designations. The rezoning application was prompted by the city's plans to build a new community center on the site.

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

Staff Finding: As there is already an older community center and recreational facilities on these parcels the only change to living conditions in the neighborhood will be a newer and larger community center building.

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

Staff Finding: Given that the site is already developed as a community center and recreational space, it is not anticipated that the proposed rezoning would create or excessively increase traffic congestion or otherwise affect public safety.

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

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

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

Staff Finding: Any new construction 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.

Staff Finding: It is not anticipated that property values would be affected by the proposed rezoning. The construction of a new community center may raise the value of neighboring parcels to some extent.

- 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.

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

Staff Finding: The proposed change will not constitute a grant of special privilege to the property owner (The City of Cocoa) as contrasted with the public welfare. The public welfare is the primary business of the City.

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

Staff Finding: The C-W district is "intended to apply to an area in close proximity to transportation facilities and which can serve warehousing, distribution, wholesaling and other related functions". This is incompatible with the surrounding low density residential land use. The remaining portions of the parcels are already developed with the community center and recreational uses. Redevelopment of the parcels with single family residences, as allowed by the RU-1-7 district, would deprive the community of a much needed and desired community asset.

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

Staff Finding: The proposed rezoning is not out of scale with the needs of the area. It will allow the creation of a new community center on the subject property to serve the needs of the surrounding neighborhood and the City.

- 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 site is already developed as a community center. The neighboring community has strongly voiced its support for a new community center to be built on this same property and has rejected the relocation of the center to another site outside the existing neighborhood.

Consistency with Comprehensive Plan Policies and Objectives

The proposed Institutional zoning designation is consistent with the allowable uses under the "Recreation and Open Space" 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.

This site will not require any new or additional facilities that would require a concurrency application or mitigation.

III. Recommendation

Staff recommends that the Planning & Zoning Board recommend **approval** to City Council of the Zoning Map Amendment consistent with Appendix A, Zoning, Article XXII, to change the Zoning Map designation of two parcels (3.23 acres) from C-W (Commercial Wholesale) and RU-1-7 (Single-Family Residential) to INST (Institutional) as depicted on Exhibit A.

ORDINANCE NO. XX-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING MAP DESIGNATION OF TWO (2) PARCELS OF REAL PROPERTY ON WHICH THE CURRENT DR. JOE LEE SMITH COMMUNITY CENTER IS LOCATED, TOTALING 3.23 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF STONE STREET AND WEST OF WASHINGTON STREET, APPROXIMATELY 0.10 MILES WEST OF US 1, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM C-W (WHOLESALE COMMERCIAL) AND RU-1-7 (SINGLE-FAMILY RESIDENTIAL) TO INST (INSTITUTIONAL); 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 two duly noticed public hearings 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

Cocoa, as described in City of Cocoa Code, Article VIII, Section 1, is hereby amended to include a change of classification from Wholesale Commercial ("C-W") and Single-Family Residential ("RU-1-7") to Institutional ("INST") 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 _____, 2019.

Jake Williams, Jr., Mayor

ATTEST:

Carie Shealy, City Clerk

Exhibit A



