



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

Cocoa City Hall
65 Stone Street
Cocoa, FL 32922

AGENDA
Regular Meeting
February 10, 2016
6:00 p.m.

I. OPENING MATTERS:

1. CALL TO ORDER
2. ROLL CALL

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Regular Meeting of February 10, 2016
2. MINUTES: Regular Meeting of January 13, 2016

III. OLD BUSINESS:

A. PZ-15-00200008 – LARGE-SCALE SITE PLAN (CLEARLAKE ISLES)

Request by Clearlake Isles, LP for approval of a large-scale site plan consistent with Appendix A, Zoning, Article XIII, Section 1 to construct two (2), three (3)-story buildings with a total of 84 units for senior living and associated amenities, such as swimming pool and cabana. The property is located on the east side of Clearlake Road, approximately 250 feet south of the Clearlake Rd./University Blvd. intersection and is identified by the Brevard County Property Appraiser's Office as Parcel ID No. 24-36-20-00-00258.0-0000.00.

IV. NEW BUSINESS:

A. PZ-16-02100001 – ZONING MAP AMENMENT (CLEARLAKE ROAD COMMERCIAL PARCEL)

An ordinance of the City Council of the City of Cocoa, Brevard County, Florida, changing the Zoning Map designation of one (1) parcel of real property totaling 1.77 acres, more or less, and one of the same lands of the proposed Clearlake Isles Subdivision, and generally located on the east side of Clearlake Road, approximately 250 feet south of the Clearlake Road/University Boulevard intersection, Cocoa, Florida, more particularly depicted on Exhibit "A" attached hereto, from RU-2-15 (Multiple Family Dwelling) to C-G (General Commercial); providing for the repeal of prior inconsistent ordinances and resolutions, severability, and an effective date. The Brevard County Property Appraiser's Office identifies the parcel as Parcel ID No. 24-36-20-00-00258.0-0000.00.

(Over)



B. PZ-16-02000001 – ZONING TEXT AMENDMENT (DIRTY OAR BEER COMPANY)

An ordinance of the City Council of the City of Cocoa, Brevard County, Florida, amending Appendix A, Zoning, of the City Code of Ordinances to include Bars, Lounges, Breweries, and Taprooms as Special Exceptions in the C-C (Core Commercial) Zoning District and setting forth definitions, standards and requirements for such uses; providing for the repeal of prior inconsistent ordinances and resolutions; incorporation into the Code; severability; and an effective date.

V. OTHER BUSINESS:

None

VI. NEXT MEETING DATE:

March 9, 2016

VII. ADJOURNMENT:

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 MINUTES
JANUARY 13, 2016

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

OPENING MATTERS:

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

MEMBERS PRESENT:

Michael Dobrin	Chairman
Al Washington	Vice-Chairman
Todd Anderson	Board Member
Billy Meyers	Board Member
Jake Williams Jr.	Board Member

MEMBERS ABSENT:

Jack Moore	Board Member
Russell Sengel	Board Member

OTHERS PRESENT:

Steven Belden, AICP	Community Services Director
Steven Biel	Senior Planner
John Titkanich	City Manager
Kim Kopp	Board Attorney
Joy Lombardi	Recording Secretary

APPROVAL OF AGENDA & MINUTES:

1. Approval of Agenda: January 13, 2016.

Motion by Mr. Anderson, seconded by Mr. Washington, to approve the agenda of January 13, 2016. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: October 14, 2015.

Motion by Mr. Washington, seconded by Mr. Williams, to approve the minutes of October 14, 2015, as written. Vote on the motion carried unanimously.

OTHER BUSINESS:

1. Election of Board Chair and Vice-Chair.

Motion by Mr. Anderson, seconded by Mr. Williams, to re-elect Michael Dobrin for Chairman and Al Washington for Vice-Chairman. Vote on the motion carried unanimously.

OLD BUSINESS:

None

NEW BUSINESS:

- A. **PZ-15-00200008 – LARGE-SCALE SITE PLAN – CLEARLAKE ISLES**
- B. **APPEAL ZONING CODE INTERPRETATION OF COMMUNITY SERVICES DIRECTOR**

In accordance with City of Cocoa Code, Art. XIII, Sec. 1, (H)(1), the Applicant's (PNG Properties, LLC) representative is requesting appeal to the Planning & Zoning Board of a zoning interpretation made by the Community Services Director of the City of Cocoa.

Assistant Attorney Kim Kopp provided the Board with an overview of their role in the decision of the appeal. Attorney Kopp explained that the hearing format will be de novo; meaning that the Board will hear all the evidence that is presented from both sides, consider the evidence, and made a decision.

Steven Belden, Community Services Director of the City of Cocoa, provided an overview and Exhibits for the Board's review. Mr. Belden stated the applicant is requesting an appeal to the Planning & Zoning Board of a decision made by the Community Services Director regarding the proposed use set forth in the applicant's small scale site plan application. Mr. Belden explained that there are two issues to consider: 1) the zoning interpretation of Section 12; C-G, General Commercial zoning district; and 2) the use determination; what is the proposed use of the property? Staff's opinion is that the proposed use is a transportation facility.

Mr. Belden provided the time line of events leading up to the appeal. On August 12, 2015, the applicant met with Community Services Department staff. During the preliminary discussion of the proposed use and review of the conceptual site plan, which labeled areas as "valet parking", the initial determination was made that the use was permitted in the C-G zoning district under the "storage garage, public and private automobile parking" use.

October 20, 2015, a formal site plan application was submitted to the Community Services Department. The site plan identified several areas as "storage lots" and the general statement on the site plan cover sheet described the use as "convert existing commercial site and building into short term vehicle storage." Further, the site plan application described the proposed use as a "transportation depot" which is a prohibited use in the C-G zoning district per Section 12(D)(1), "manufacturing activities, freight transportation terminals, storage, warehousing and other activities of a similar nature." However, the use is permitted in the M-2 zoning district per Section 19(A)(7), "transportation facilities; passenger and/or freight." Therefore, the determination was made that the use was not consistent with the permitted uses of the C-G zoning district.

November 3, 2015, Steven Biel, Senior Planner, submitted correspondence to the engineer, Steven Monroe, P.E., with the following site plan comments: Prior to site plan approval a Special Exception application must be submitted for review and approval by the City of Cocoa Board of Adjustment unless the storage/parking area is enclosed per Appendix A, Zoning, Article XI, Section 12(A)(9) and under Article XI, Section 12(C), Special Exceptions, (7) Any other use in keeping with the intent of the District.

November 17, 2015, a revised site plan application was submitted that changed the areas previously labeled as "storage lots" to "parking lot". Further, the general statement on the cover sheet described the use as "convert existing commercial site and building into short term vehicle parking."

November 21, 2015, City Manager John Titkanich sent an e-mail to Attorney Kim Rezanka outlining her client's options: 1) apply for a special exception; 2) provide the storage garage; or 3) appeal the determination of the Community Services Director to the Planning and Zoning Board.

December 15, 2015, an appeal was submitted to the City Clerk's office by Attorney Kim Rezanka on behalf of the applicant.

Mr. Belden stated that the appeal letter that was submitted specifically states the proposed use to "...operate a parking and transportation facility for cruise passengers traveling to Port Canaveral." In the M-2 zoning district, "Transportation facilities; passenger and/or freight" is a permitted use.

Mr. Belden concluded by stating that it was his determination that the parking of public and private automobiles must be contained within a storage garage as described in Section 12(D)(9) and the proposed use is a "transportation depot/facility" as described by the site plan application and the appeal letter and therefore is only permitted in the M-2 industrial zoning district.

Attorney Kim Rezanka, of the Dean Mead Law Firm, cross examined Mr. Belden regarding the Codes definition of intense use, long-term storage, and transportation facility. Mr. Belden's response was that the Code did not specifically state those definitions.

Attorney Rezanka inquired about the option to apply for a special exception.

John Titkanich, City Manager for the City of Cocoa, stated that the opportunity was provided to the applicant, and is still an option, to apply for a special exception arguing that the use is in keeping with the intent of the district; which is, "an area intended to be developed and preserved as a major commercial center serving the commercial needs of the community and region. The type of uses and other restrictions are intended to promote adequate protection from conflicts with adjacent residential and other noncommercial uses, and to minimize the interruption of traffic along adjacent thoroughfares."

Attorney Rezanka stated that all she is seeking is for the City to abide by the rules of fair play. An applicant should be able to rely on the assurances of a zoning authority, whether the assurances are acts, words, or omissions. On August 2015, Park 'N Go submitted a concept plan and was told by Mr. Belden and Mr. Biel that the proposed parking use was a permitted use. Based on the meetings and discussions with City staff, Park 'N Go made plans to open the business and entered into contracts, expended funds, hired experts and attorneys, and ordered eleven (11) buses for the Cocoa facility. If this were a permitted use, Park 'N Go could have been opened within two weeks. On November 3, 2015, Park 'N Go received a comment letter from Mr. Biel and learned that the parking use was going to require a storage garage. Finally, on December 15, 2015, the letter of appeal was submitted to the City.

Attorney Resenka stated that she will address both the storage issue, which was the subject matter of the appeal, and the new issue of whether or not they are a transportation facility.

Attorney Rezanka introduced the representatives of the company: John Bona, President of PNG Properties, LLC; Dan Williamson, Vice-President of Development; Rick Fairchild, Director of Technology; Matt Bona, Director of Operations; Steven Monroe, P.E.; Ken Stevens, Representative of Home Depot USA, Inc. (owner of the subject property).

She explained that Mr. Williamson will discuss the plan, the experience of the company, the expenses incurred, trip generation and parking at the facility, and the jobs this would bring to the City. Mr. Monroe will provide testimony regarding the site plan and the revisions that were submitted to the City. Brad Smith, AICP, will discuss the City staff report and why it is inconsistent with the intent of City Code.

Attorney Resenka stated that she will conclude the presentation addressing legal issues raised by the City staff report.

Dan Williamson, Vice-President of Development for Park 'N Go, testified that Park 'N Go is family company with approximate eleven (11) properties around the United States; with six (6) facilities that are currently operational and a few facilities that are in different stages of development. He stated that the company converts blighted or abandoned properties into productive operations that generate 40-50 jobs and that the economic impact is positive. Mr. Williamson further stated that Park 'N Go met with City staff in August and provided a drawing and discussed plans to open in phases, if approved, they would have been open in two weeks. Following the meeting, Mr. Williamson believed they had a verbal approval.

Mr. Williamson explained the concern regarding the trip count; having developed properties around the United States, he conducted a rough trip count analysis. He stated that the Port activity is a very short window, between 2 & 4 hours, during off peak times. The current parking lot and its design were much more excessive and the proposed use would not be close to exceeding the current design in trip counts. Traffic patterns are designed not to impact the intersection. The applicant moved forward with acknowledgement that the proposed use would be approved and purchased shuttle buses and expended \$150,000 dollars with other efforts in preparation of being open quickly. Other facilities have been opened within one week.

City Manager John Titkanich asked Mr. Williamson if it is common practice to have pre-application meetings that are followed by a formal application for staff to review. Mr. Williamson replied that some projects are a go from the start. Mr. Titkanich asked Mr. Williamson if he was a traffic engineer. Mr. Williamson stated that he was not.

The Board voiced concerns regarding traffic issues at that location and stated that the City of Cocoa did not give a formal approval for the proposed use.

Steve Monroe, P.E., Vice President of Engineering for M.E. Construction, Inc., provided a time line of events leading up to the site plan submittal. He stated that on August 19, 2015, he contacted Senior Planner Steven Biel regarding the items that would need to be provided with the site plan submittal and Mr. Biel informed him that the submittal would be a small scale site plan and provided Mr. Monroe with an application and a checklist to follow. August 20, 2015 Mr. Monroe contacted a surveyor and provided additional information for the site and on September 4, 2015 he received the revised survey. October 5, 2015, the site plan was delivered to the City. October 20, 2015, he contacted the City to inquire about the review. November 3, 2015, the comment letter was received that required a special exception or the storage parking area to be enclosed. November 17, 2015, a revised site plan was submitted to the City. Mr. Monroe stated that he contacted the City on December 4 & 9 to inquire about the review with no response.

Mr. Monroe stated that a traffic study will be required for concurrency and contracted with a traffic engineer to study the existing conditions and proposed conditions and the impact at the intersection. He explained that the study will identify peak hour trips and daily trips and compare existing to the proposed use. According to Mr. Monroe, it is the opinion of the traffic engineer, that the proposed use would be less of an impact than a home depot or retail store.

Mr. Monroe reviewed the site plans that were submitted to the City and explained the changes to the Board.

Brad Smith, Landscape Architect and Certified Planner, provided testimony stating that there are two issues to consider; how to classify the proposed use and to determine if the use is permitted in the C-G zoning district. Mr. Smith stated that the use is a parking lot and it is his determination that it is permitted in the C-G zoning district. Mr. Smith outlined and reviewed the City Code beginning with the intent of the Code and quoted Article XII, Section 1, Off-Street Parking, "to provide for the temporary storage of vehicles on-site for patrons, workers, or residents." He stated that is all that is being done here. Mr. Smith went on to review the definition of garages in the Code and stated that the proposed use did not seem to fit into either. Mr. Smith further stated that Section 12; C-G, General Commercial zoning district specifically states "storage garage, public and private automobile parking" are both permitted uses and parking cars is what the intended use is.

Mr. Smith reviewed the description of "transportation facilities" and stated that the definition in Section 15-22, concurrency, uses the phrase "transportation facilities" and the definition implied is "roadway". FDOT defines "facility" as a length of roadway; therefore, the proposed Park 'N Go is not a "transportation facility".

Mr. Smith stated that Park 'N Go is a parking facility using an existing parking lot to park cars. The proposed use is a parking lot used for "public automotive parking", a permitted use under the C-G, General Commercial zoning district.

Mr. Smith asked the Board to make a reasonable determination that the interpretation made by the City is incorrect and that this use is permitted in the C-G zoning district.

Attorney Rezanka requested a break. Chairman Dobrin stated that the meeting would resume in five (5) minutes. The meeting resumed at 8:26 p.m.

Attorney Rezanka stated that they are not requesting a change of use or a special exception because she believes the proposed use is a permitted use that only should require a small scale site plan to be approved by staff. She expressed that, if the Board upholds staff's determination, there needs to be legal findings. Attorney Rezanka further stated that the proposed use is not storage or a transportation facility but rather a parking lot; which is the reason for the appeal, to determine if this is a permitted use.

Attorney Rezanka reviewed the definitions of transportation facility again and determined that Park 'N Go is not a transportation facility.

To conclude, Attorney Rezanka asked the City to use common sense as to what a parking lot is. Park 'N Go is a service business at an existing parking lot. She stated that it would be unjust to allow the City to prevent what is clearly a permitted use; especially when Park 'N Go was given assurances that it was permitted. We request that you grant our appeal and allow the site plan to continue with parking to be considered a permitted use in the C-G zoning district.

John Titkanich, City Manager, expressed that the decision before the Board is whether this is a permitted use. Mr. Titkanich stated that a parking structure would be allowed; provided it was for public and private automobiles.

Mr. Titkanich explained that Mr. Smith stated it's a parking lot and quoted Article XII, Section 1, but in that section it discusses temporary parking for patrons, workers, or residents, and that is the intent, not for a regional facility that is nearly 10 miles away.

Mr. Titkanich further stated that in the zoning district regulations of Section 12, C-G, General Commercial District; the provisions of this district are intended to apply to an area intended to be developed and preserved as a major commercial center serving the commercial needs of the community and region.

Mr. Titkanich continued stating that Mr. Smith used the term derelict and blighted when describing the property and that is simply not true; it is a vacant commercial parcel that does not have any code violations.

Mr. Titkanich explained that the formal application that was submitted to the City was not the same as what was talked about in the initial pre-application meeting. He stated that the proposed use would be allowed in the M-2 zoning district; however, the applicant can apply for a special exception and argue their opinion that the use is in keeping with the intent of the C-G zoning district.

City Manager John Titkanich agreed with the determination of the Community Services Director that the proposed use is clearly prohibited in the C-G zoning district.

Motion by Mr. Anderson, seconded by Mr. Washington, to accept the Community Services Director's determination that the proposed use set forth in the Site Plan Application is not permitted in the C-G zoning district. Vote on the motion carried unanimously.

Based on the evidence and testimony presented at the hearing, it was the consensus of the Planning & Zoning Board that the proposed use is a transportation facility and is not a permitted use in the C-G zoning district.

OTHER BUSINESS:

None

NEXT MEETING DATE:

The Board members established that the next meeting of the Planning & Zoning Board would be held on Wednesday, February 10, 2016, at 6 P.M. in City Hall Council Chambers.

ADJOURNMENT:

There being no further business the meeting adjourned at 9:17 pm.

Approved on this ____ day of _____, 2016.

Mike Dobrin, Chairman

Joy Lombardi, Recording Secretary



**City of Cocoa
Planning & Zoning Board**

STAFF REPORT

Date:	February 4, 2016
Project Name:	Clearlake Isles Apartments
Project No:	PZ-15-00200008
Meeting Date:	February 10, 2016
Project Planner:	Steven Biel, Senior Planner
Applicant:	Clearlake Isles, LP Joseph F. Chapman, IV 1002 W. 23rd St., Suite 400 Panama City, FL 32405
Location:	The subject property is located on the east side of Clearlake Road, approximately 250 feet south of the Clearlake Rd./University Blvd. intersection, Cocoa, Florida and is identified by the Brevard County Property Appraiser's Office as Parcel ID No. 24-36-20-00-00258.0-0000.00.
Requested Action:	APPROVAL OF A LARGE-SCALE SITE PLAN consistent with Appendix A, Zoning, Article XIII, Section 1, to construct two (2), three (3)-story buildings with a total of 84 units for senior living and associated amenities, such as swimming pool and cabana.

I. Project Information

On October 14, 2015, the Planning & Zoning Board approved a preliminary subdivision request (PZ-15-00100001) by Clearlake Isles, LP, who is the same applicant as this site plan application. The approved preliminary subdivision request was for approximately 9.64 acres to be subdivided into two lots (Lot 1 is 1.77 acres and Lot 2 is 7.87 acres). The final subdivision plat is scheduled to be reviewed for approval at the February 9, 2016 City Council meeting.

The site plan currently under review is for the approval of an 84-unit apartment complex (2, 3-story buildings) for senior living with amenities, such as a swimming pool and dog park, to be constructed

on Lot 2. The current zoning of the 9.64 acre parcel is RU-2-15 (Multiple Family Dwelling) and is consistent with the proposed residential development. An application has also been submitted by the US 1 Corridor Community Redevelopment Agency to rezone Lot 1 to a commercial zoning designation in order to provide services to the residents of the proposed senior apartment complex as well as the surrounding area.

The RU-2-15 zoning district permits up to potentially 15 dwelling units per acre. Based on the acreage of Lot 2 (7.87 acres), 118 dwelling units could potentially be developed. The proposed development for 84 units calculates to 10.67 units per acre.

The proposed 84 units would consist of 51 one-bedroom units and 33 two-bedroom units. The one bedroom units would contain a minimum of 743 SF and the two-bedroom units would contain a minimum of 1,039 SF.

The subject property is located on the east side of Clearlake Road, across from the Eastern Florida State College campus. The proposed entrance to Clearlake Isles is directly across from the main entrance to the college and approximately 85 feet from the entrance to Longwood Apartments to the south. City staff is currently in discussions with FDOT and representatives for Longwood Apartments in order to close the existing entrance to Longwood Apartments and configure an entrance/exit that would meet FDOT requirements as well as providing access to Longwood Apartments (access easement), the proposed Clearlake Isles Apartments, and to the future commercial lot (Lot 1).

It should be noted that the US 1 Corridor Community Redevelopment Agency will be executing and recording a Declaration of Easement relative to the Property. This is a condition of Plat and Site Plan approval, as the City of Cocoa is requiring that the US 1 Corridor Community Redevelopment Agency provide for certain easements (ingress and egress, utility, stormwater drainage, sidewalk, temporary construction, and shared access for the benefit of adjacent property) so that the development of Lot 1 and Lot 2 is coordinated for efficient development and use. The easements, enumerated and further detailed in the Declaration of Easement, are summarized as follows:

1. Grant of Lot 2 Ingress-Egress Easement to Lot 1 (easement for access across road and sidewalk improvements located upon Lot 2)
2. Grant of Lot 2 Utility Easement to Lot 1 (easement for access to existing water, sewage, and drainage improvements located upon Lot 2)
3. Grant of Lot 2 Storm Water Easement to Lot 1 (easement for access to existing storm water improvements located upon Lot 2)
4. Grant of Lot 1 Sidewalk Easement to Lot 2 (easement for construction of and access to sidewalk improvement to be built upon Lot 1 by Owner of Lot 2)
5. Grant of Lot 1 Temporary Construction Easement to Lot 2 (easement for access over and across Lot 1 to allow Owner of Lot 2 to build improvements within Lot 2, and, Lot 1 Sidewalk Easement)
6. Grant of Lot 2 Ingress-Egress Easement to Adjacent Property to the South (easement for shared access over sidewalk and road improvements, located upon Lot 2 and in Lot 1 ingress-egress easement, in order to access Clearlake Road).

This Declaration of Easement is a condition of Plat and Site Plan approval, and same will be recorded just prior to Plat recordation. The Plat shall reference the recorded Declaration of Easement.

The proposed site plan notes there are 115 parking spaces provided. Based on the parking spaces required by code (1.5 spaces per 1 bedroom unit and 2 spaces per 2 bedroom unit), 143 parking spaces would be required. The applicant has applied for and received approval for an administrative waiver in order to reduce the required parking by 20%, for a total of 115 spaces including handicap spaces. The applicant's reasoning for the reduction in parking spaces is that the proposed residential units would serve senior citizens; therefore, there would be less demand for parking as for a typical multi-family residential development. The reduction in parking also increase areas for green space and amenities.

Future Land Use Designation: Commercial & Medium Density Residential

Zoning District: RU-2-15: Multiple Family Dwelling

Existing Land Use: Vacant

Council District: District 4 – Councilmember Furbish

Overview of Surrounding Area:

	Future Land Use Designations	Zoning Districts	Land Uses
North	Commercial & Medium Density Residential	RU-2-15	Multi-family (College Pines & College Club Condos)
South	Commercial & Medium Density Residential	RU-2-15	Multi-family (Longwood Apartments)
East	Low Density Residential & Institutional	RU-1-7	Vacant & Brevard County School Board (Cambridge Elementary)
West	Institutional	RU-1-7	Eastern Florida State College

II. Site Plan Analysis

The Department of Community Development's Planning & Zoning Division has reviewed this application.

Consistency with Code of the City of Cocoa

Consistent with Appendix A, Article XIII, Section 1(D), "All site plans shall be required to meet all current applicable code requirements."

City staff has reviewed the site plan and determined that it generally meets the minimum requirements of all applicable City Code requirements.

Consistency with Comprehensive Plan Policies and Objectives

Comprehensive Plan, Policy 1.1.2.4: Medium Density Residential (MDR)

Medium density residential areas shall be regarded as areas of 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 a higher functional classification.*

The subject property would be accessed from Clearlake Road. The City of Cocoa Comprehensive Plan 2010-2020, Volume 1 Goals, Objectives, & Policies, Map M-II-2: Functional Roadway Classification Map identifies Clearlake Road as an arterial road, which is a higher functional classification than a collector road.

- B. These areas should have convenient access to community services.*

Staff believes the proposed development is convenient to community services. There is a bus stop on the east side of Clearlake Road in the general vicinity of the proposed entrance to the subject property. In addition, the proposed development is across Clearlake Road from Eastern Florida State College.

- 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.*

The proposed site plan notes that of the 7.87 acres, 4.41 acres would remain as open space. The site plan also shows a 6-foot black vinyl chain link fence around the perimeter of Lot 2.

Comprehensive Plan, Policy 1.1.2.9: Commercial (COMM)

There is no commercial use proposed for the proposed residential development. Lot 1 will be evaluated when an application is submitted for rezoning and subsequent site plan approval.

Concurrency Management/Adequate Public Facilities

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

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

III. Recommendation

Staff recommends **approval** of the Large-Scale Site Plan for Clearlake Isles Apartments with the following conditions:

1. Any unresolved review comments from City of Cocoa staff shall be addressed as a condition of final site plan approval, including the configuration and design of the entrance/exit from Clearlake Road.
2. The US 1 Corridor Community Redevelopment Agency shall execute and record a Declaration of Easement relative to the Property as noted in the staff report.

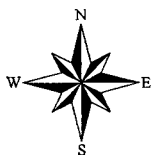


Location Map Clearlake Isles



Legend

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



0 0.1 0.2 Miles

Disclaimer: Maps are for reference purposes only and do not replace official documents.

CLEARLAKE ISLES APARTMENTS



HAMILTON

ENGINEERING & SURVEYING, INC.

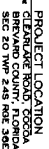
TEL (813) 250-3535
FAX (813) 250-3636

ENGINEER/SURVEYOR
HAMILTON ENGINEERING & SURVEYING, INC.

HAMILTON ENGINEERING & SURVEYING, INC.
3409 W. LEMON STREET
TAMPA, FLORIDA 33609
(813) 250-3535
(813) 250-3636 (FAX)

ARCHITECT

FORUM ARCHITECTURE & INTERIOR DESIGN, INC.
745 ORIENTA AVENUE, SUITE 1121
ALTAMONTE SPRINGS, FL 32701
(407) 830-1400

[illegible]

DRAWING INDEX

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|--------|--------------------------------------|
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| 2 or 2 | MAP OF BOUNDARY & TOPOGRAPHIC SURVEY |
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GENERAL STATEMENT

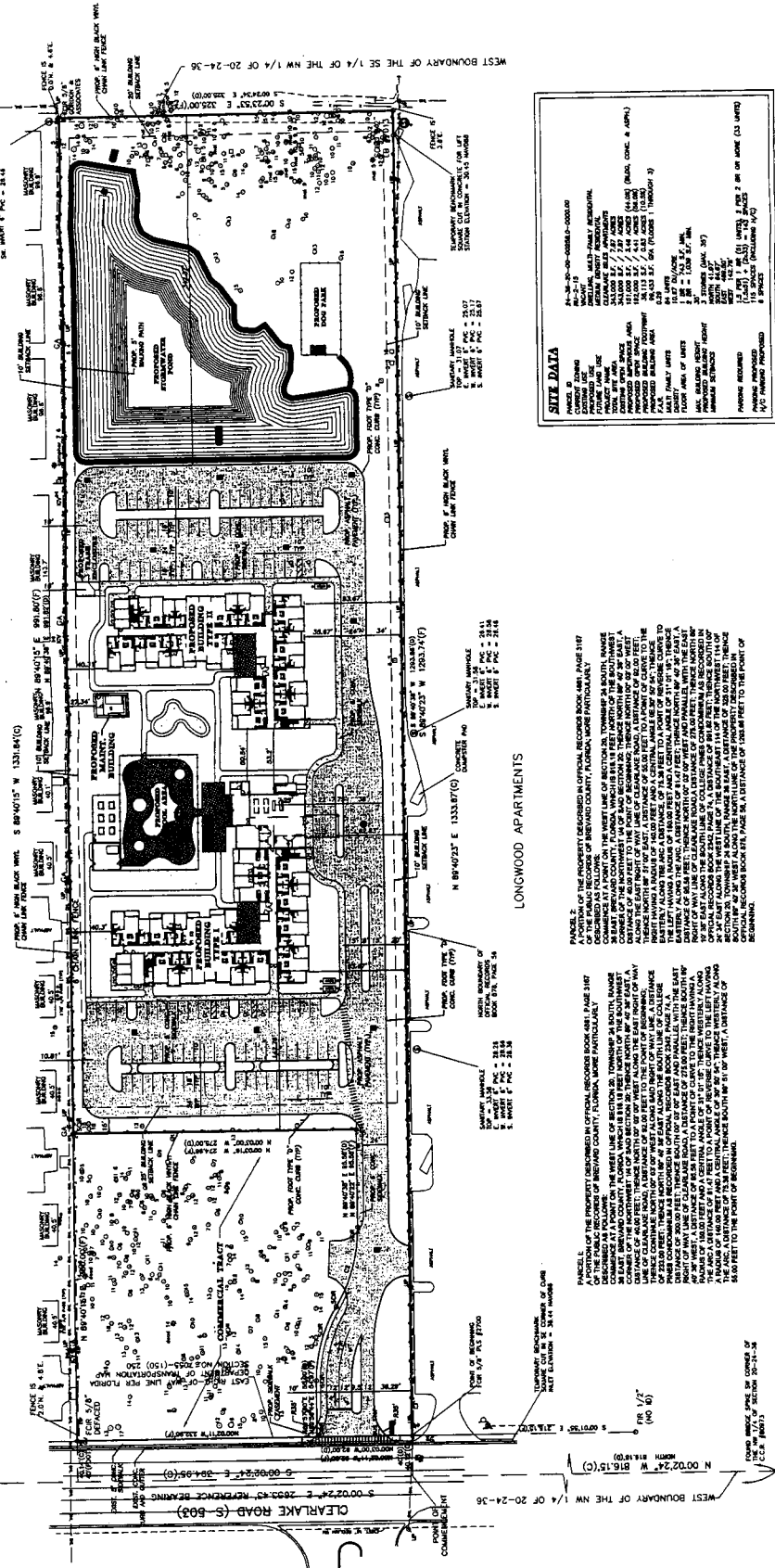
THE SITE IS PROPOSED TO BE AN APPROXIMATE 2000-2500-SQ-FT PROJECT. TWO BUILDINGS 3 STORIES HIGH WITH 10 UNITS EACH. THE DENSITY SHALL BE 16.67 UNITS PER ACRE WITH A MAXIMUM 19 UNITS PER ACRE. THE PROJECT MANAGER WILL PROVIDE A CLIMATE-CONTROLLED, OPEN SPACE AND A LANSING AND LANDSCAPE OFFICE. THE DEVELOPER SHALL PROVIDE A MINIMUM FORCE OF 100,000 AND MAY OBJECT TO GIVE THE RESEARCH, MONITOR

APPROVAL STAMP

CLEARLAKE ISLES APARTMENTS
PROJECT NO. 02022.0013



COLLEGE PINE CONDOS (CONDO #016, #432, #438 AND #748)



FILE NO. 100-105886-100000

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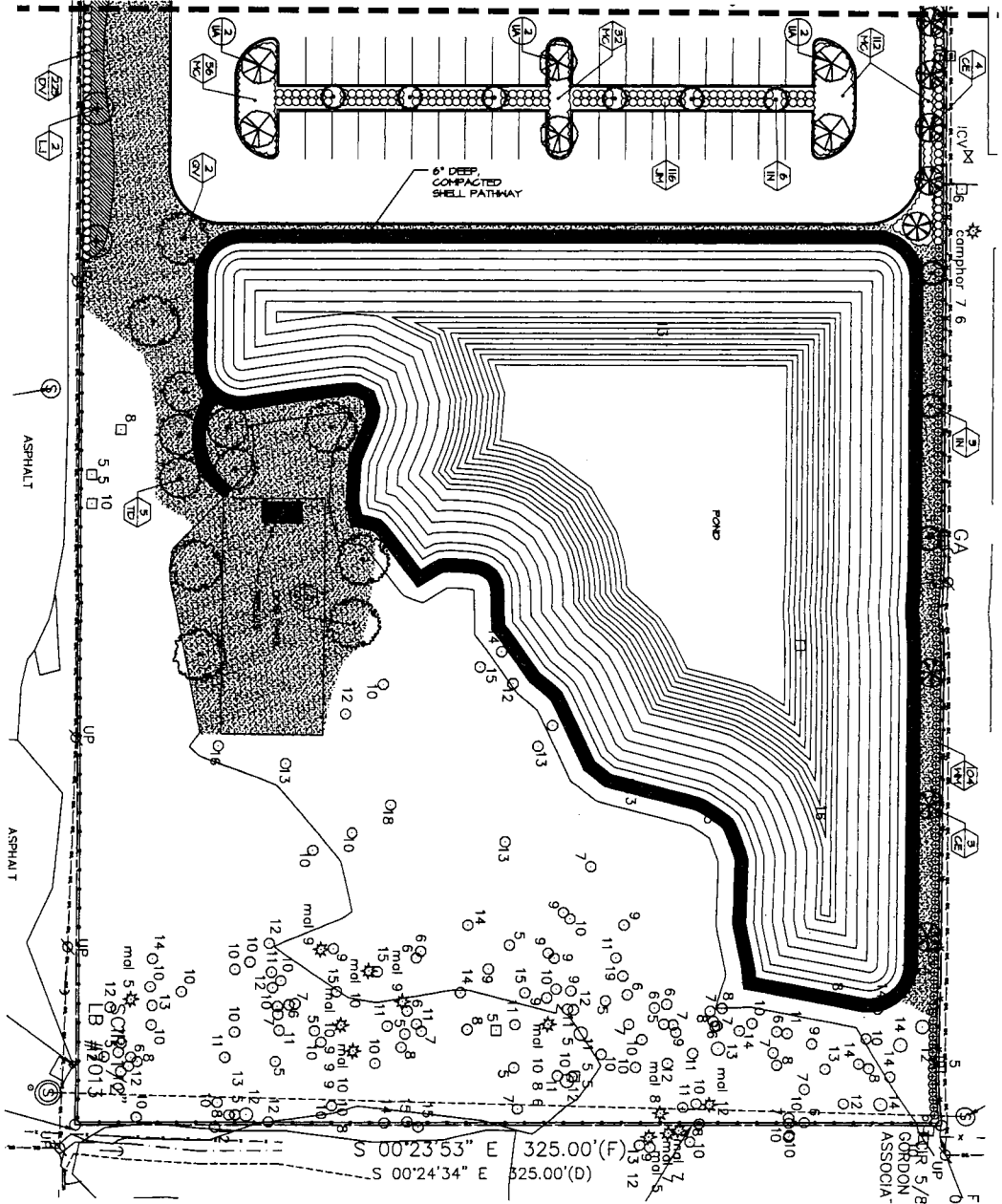
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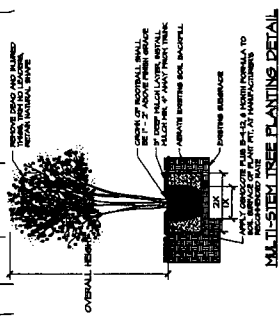
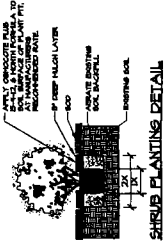
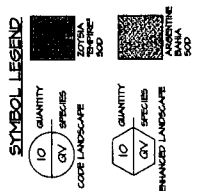
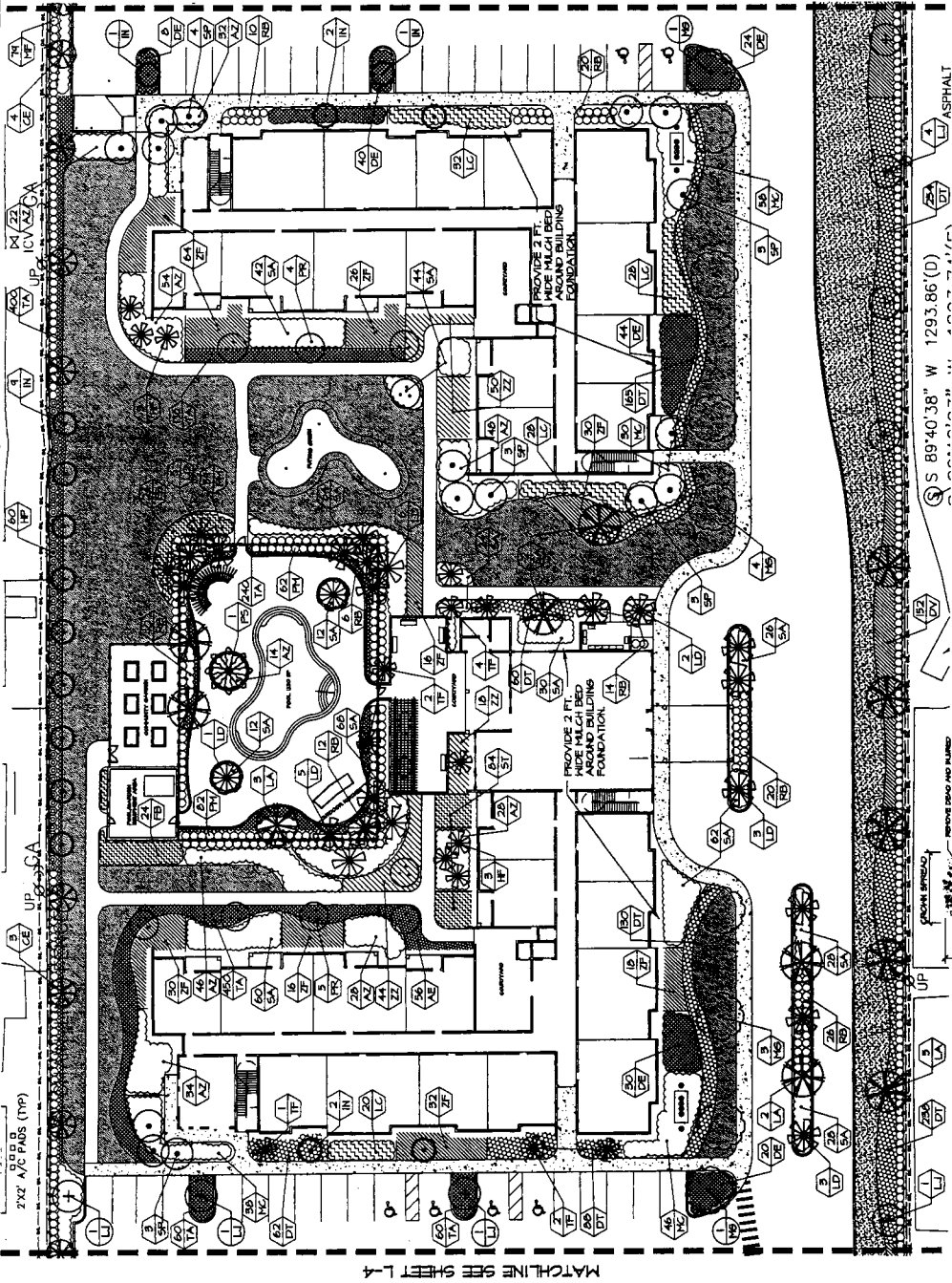
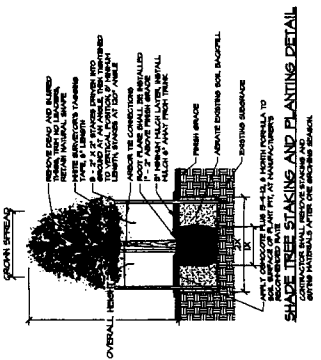
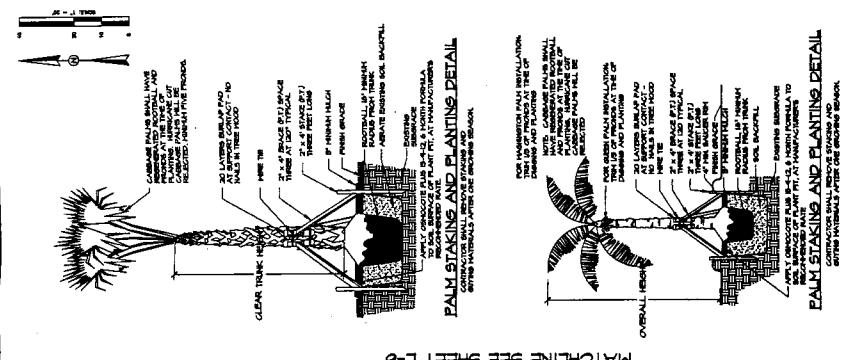
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L. ALYSON UTTER
PLA
NO. LA 0001168
12/30/15

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LANDSCAPE PLAN
CLEARLAKE ISLES APARTMENTS
CLEARLAKE ROAD, COCOA
BREVARD COUNTY, FLORIDA

ANDERSON LESNIAK LIMITED, INC.
LANDSCAPE ARCHITECTS
4921 S. WESTSHORE BOULEVARD
TAMPA, FLORIDA 33611
(813) 831-6626 FAX 831-5488
anderson.lesniak@earthlink.net
www.andersonlesniak.net
project no# 13170





City of Cocoa
Planning & Zoning Board
STAFF REPORT

Date:	February 4, 2016
Project Name:	US 1 CRA Rezoning (Clearlake Road Commercial Parcel)
Project No.:	PZ-16-02100001
Meeting Date:	February 10, 2016
Project Planner:	Steven Biel, Senior Planner
Applicant/Owner:	US 1 Corridor Community Redevelopment Agency 65 Stone Street Cocoa, FL 32922
Project Location:	The subject parcel is located on the east side of Clearlake Road, approximately 250 feet south of the Clearlake Rd./University Blvd. intersection.
Requested Action:	ZONING MAP AMENDMENT consistent with Appendix A Zoning, Article XXII, to rezone one (1) parcel totaling ±1.77 acres from RU-2-15 (Multiple Family Dwelling) to C-G (General Commercial).

I. Project Information

The applicant is requesting to amend the Zoning Map designation of the subject parcel from RU-2-15 (Multiple Family Dwelling) to C-G (General Commercial). The current Future Land Use Map (FLUM) designation is "Commercial" and would be consistent with the proposed C-G rezoning request.

This request is in conjunction with the proposed Clearlake Isles subdivision and proposed site plan for Clearlake Isles Apartments. The preliminary subdivision plat was reviewed by the P&Z Board on October 14, 2015, and the Board recommended approval to City Council. The final subdivision plat is scheduled to be heard by City Council on February 9, 2016.

Currently, the entire 9.64 parcel is owned by the US 1 Corridor Redevelopment Agency (US 1 CRA). If the proposed subdivision is approved by City Council, the US 1 CRA will own Lot 1 (1.77 acres) and Lot 2 (7.87 acres). Upon completion of the sale of the 2 lots by the US 1 CRA, DFP Enterprises, LLC will take ownership of Lot 1 (proposed commercial uses) and Clearlake Isles, LP will take ownership of Lot 2 (proposed Clearlake Isles Apartments).

The subject lot (Lot 1) of this rezoning request would have approximately 233 feet of frontage along Clearlake Road. Access to Lot 1 would be from Lot 2 by way of an access agreement granted by the US 1 CRA in accordance with an executed Declaration of Easement.

The intent of this rezoning request is to be able to provide commercial and retail services to the proposed Clearlake Isles Apartments as well as the surrounding area.

Future Land Use:	Current: Commercial Proposed: No Change		
Zoning District(s):	Current: RU-2-15 (Multiple Family Dwelling) Proposed: C-G (General Commercial)		
Existing Land Use:	Vacant		
Council District:	District 3 – Councilmember Furbish		
Overview of Surrounding Area:			
	Future Land Use Designations	Zoning Districts	Land Uses
North	Commercial	RU-2-15	Multi-family (College Pines & College Club Condos)
South	Commercial	RU-2-15	Multi-family (Longwood Apartments)
East	Low Density Residential	RU-2-15	Currently vacant (proposed Clearlake Isles Apartments)
West	Institutional	RU-1-7	Eastern Florida State College

II. Rezoning Analysis

Consistency with Code of the City of Cocoa

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

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

Applicant Response: *The rezoning will allow the property to be zoned in conformance with the Future Land Use designation.*

Staff Response: The established land use pattern along the portion of Clearlake Road that would be most likely affected by the rezoning request is a mix of residential, commercial/retail, and institutional uses. Clearlake Road is classified as an arterial road with a Level of Service designation of "C" (City of Cocoa Comprehensive Plan, Map M-II-2 and Map M-II-3).

Staff believes the proposed rezoning would not be contrary to the established land use patterns and would be consistent with the future land use designation of "Commercial".

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

Applicant Response: *There is consistent General Commercial use along Clearlake Road.*

Staff Response: The properties immediately to the north, south, and east are zoned RU-2-15. The property immediately to the west (across Clearlake Road) is zoned RU-1-7 and is the site of Eastern Florida State College. Furthermore, properties within a mile of the subject property are zoned C-N (Neighborhood Commercial) and C-R (Restricted Commercial). In addition, there are properties located within the County with commercial and residential zoning designations.

Staff believes the proposed rezoning to C-G would not create an isolated district unrelated to adjacent and nearby zoning districts. It should be noted that the C-G zoning district allows for many of the uses permitted in the P-S (Professional Services) and C-N zoning districts.

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

Applicant Response: *The proposed change is from residential to general commercial. This change would lower the population density along with an increase in the City tax base. Clearlake Road is existing and other than a driveway, no additional public roads are planned. The City has in place the means to adequately handle this change of use.*

Staff Response: The land use pattern along Clearlake Road is a mix of commercial/retail, residential, and institutional uses. The proposed rezoning would have no impact on population density patterns as there would be no residential use on Lot 1.

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

Applicant Response: *The boundaries are drawn logically with the use of the property.*

Staff Response: Staff believes the boundaries are logically drawn in relation to the existing commercial/retail and residential uses.

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

Applicant Response: *The rezoning from RU-2-15 to C-G is consistent with the Future Land Use.*

Staff Response: The FLUM designation for the subject lot is "Commercial". The current FLUM designation is consistent with the proposed rezoning to C-G and would not have an adverse effect on the Comprehensive Plan. The proposed rezoning would be consistent with the following Future Land Use Element of the Comprehensive Plan:

Policy 1.1.2.9: Commercial (COMM). The intent of the "Commercial" future land use designation is for areas that serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses.

- A. Commercial areas shall have direct access from a four-lane collector or two-lane arterial.
- B. New commercial uses shall be discouraged from linear development and shall be encouraged to develop in clusters, with coordinated parking facilities, and with frontage roads where practical.

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

Applicant Response: *There is a need on the corridor for more businesses in order to accommodate new residential uses.*

Staff Response: The intent of the rezoning request is to be able to provide services to the surrounding residential uses, including the proposed Clearlake Isles Apartments, as well as the college.

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

Applicant Response: *The site is less than 2 acres in size. The site will be improved to accommodate the surrounding residential area by providing necessary space for commercial use.*

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

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

Applicant Response: *The proposed change will not create or excessively increase traffic congestion.*

Staff Response: It is not anticipated that the proposed change would create or excessively increase traffic congestions or otherwise affect public safety. As noted above, Clearlake Road has a Level of Service designation of "C". A traffic study has been submitted to FDOT to analyze the potential impacts to address impacts to Clearlake Road. The study will determine most appropriate driveway access and traffic signalization with Eastern Florida State College whose entrance would be directly across from the entrance into the new development.

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

Applicant Response: *All necessary drainage permits will be obtained from the City and State agencies.*

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

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

Applicant Response: *Any future development on the site will be required to adhere to all City Building Codes and light and air requirements.*

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

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

Applicant Response: A commercial use for the property will add to the quality of life for the area and thus increase property values.

Staff Response: It is not anticipated that property values would be affected by the proposed rezoning.

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

Applicant Response: The change is consistent with adjacent properties.

Staff Response: As the subject property is one of the few remaining vacant properties in the immediate area, staff believes the proposed rezoning would not 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.

Applicant Response: No variances are being requested with the zoning change.

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

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

Applicant Response: There are none.

Staff Response: With the addition of the proposed Clearlake Isles Apartments on Lot 2, the proposed rezoning to C-G on Lot 1 would provide somewhat of a balance between the addition of residential uses and commercial/retail uses as well as providing additional commercial/retail uses for the surrounding area as a whole.

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

Applicant Response: The proposed change would provide needed business services to the area.

Staff Response: The proposed rezoning is not out of scale with the needs of the neighborhood and would provide needed commercial/retail uses to the surrounding residential uses.

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

Applicant Response: *The property was acquired by the US 1 CRA with the intent of developing this specific site as commercial.*

Staff Response: When the US 1 CRA acquired the property in 2003, the Request for Proposal indicated the front portion of the property would be developed for commercial uses.

Consistency with Comprehensive Plan Policies and Objectives

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

Concurrency Management/Adequate Public Facilities

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

III. Recommendation

Staff recommends that the Planning & Zoning Board recommend **approval** to City Council of the Zoning Map Amendment from RU-2-15 (Multiple Family Dwelling) to C-G (General Commercial).

ORDINANCE NO. 04-2016

AN ORDINANCE OF THE CITY COUNCIL OF COCOA, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPRTY TOTALING 1.77 ACRES, MORE OR LESS, GENERALLY LOCATED ON THE EAST SIDE OF CLEARLAKE ROAD, APPROXIMATELY 250 FEET SOUTH OF THE CLEARLAKE/UNIVERSITY BOULEVARD INTERSECTION, COCOA, FLORIDA, MORE PARTICULARLY DEPICTED ON EXHIBIT "A" ATTACHED HERETO, FROM RU-2-15 (MULTIPLE FAMILY DWELLING) TO C-G (GENERAL COMMERCIAL); 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 recommended approval of this Ordinance on February 10, 2016; and

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

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

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

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

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

Cocoa, as described in City of Cocoa Code, Appendix A, Article VIII, Section 1, is hereby amended to include a change of classification from "RU-2-15 (Multiple Family Dwelling) to C-G (General Commercial)," 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.

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

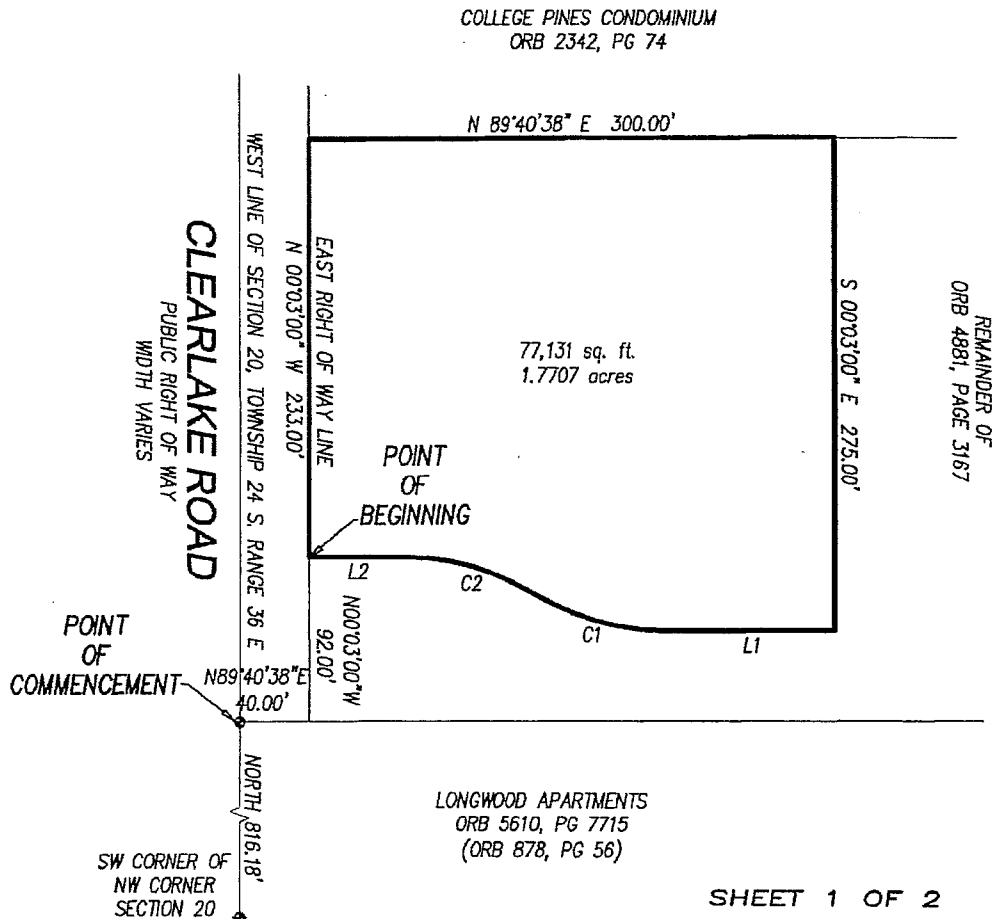
Henry U. Parrish, III, Mayor

ATTEST:

Carie Shealy, City Clerk

Exhibit "A"

MAP OF LEGAL DESCRIPTION NOT A BOUNDARY SURVEY



SHEET 1 OF 2

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°40'38"W	95.58'
L2	S89°57'00"W	55.00'

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	BEARING
C1	150.00'	31°07'16"	81.47'	80.48'	N74°45'44"W
C2	140.00'	30°50'54"	75.38'	74.47'	N74°37'33"W

NOTE:

ORB= OFFICIAL RECORDS BOOK

CERTIFIED TO:
ROYAL AMERICAN DEVELOPMENT

DESCRIPTION

DATE: 13 DEC 15

CERTIFICATION:

I HEREBY CERTIFY: THAT THE ATTACHED SURVEY WAS DONE UNDER MY DIRECTION AND MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472.027 FLORIDA STATUTES.

Earl K. Gordon

EARL K. GORDON PROFESSIONAL LAND SURVEYOR AND MAPPER
STATE OF FLORIDA NO. LS 5363

DRAWN BY: AEG

SCALE 1 INCH = 100 FEET



GAI Surveyors

L.B. No. 7928

A. EARL GORDON, JR, PSM No. LS 2866
EARL K. GORDON, PSM No. LS 5363
450 Barnes Blvd, Rockledge, FL 32955
(321) 806-3908 GAI@CFL.RR.COM

MAP OF LEGAL DESCRIPTION NOT A BOUNDARY SURVEY

LEGAL DESCRIPTION:

A PORTION OF THE PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 4881, PAGE 3167 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

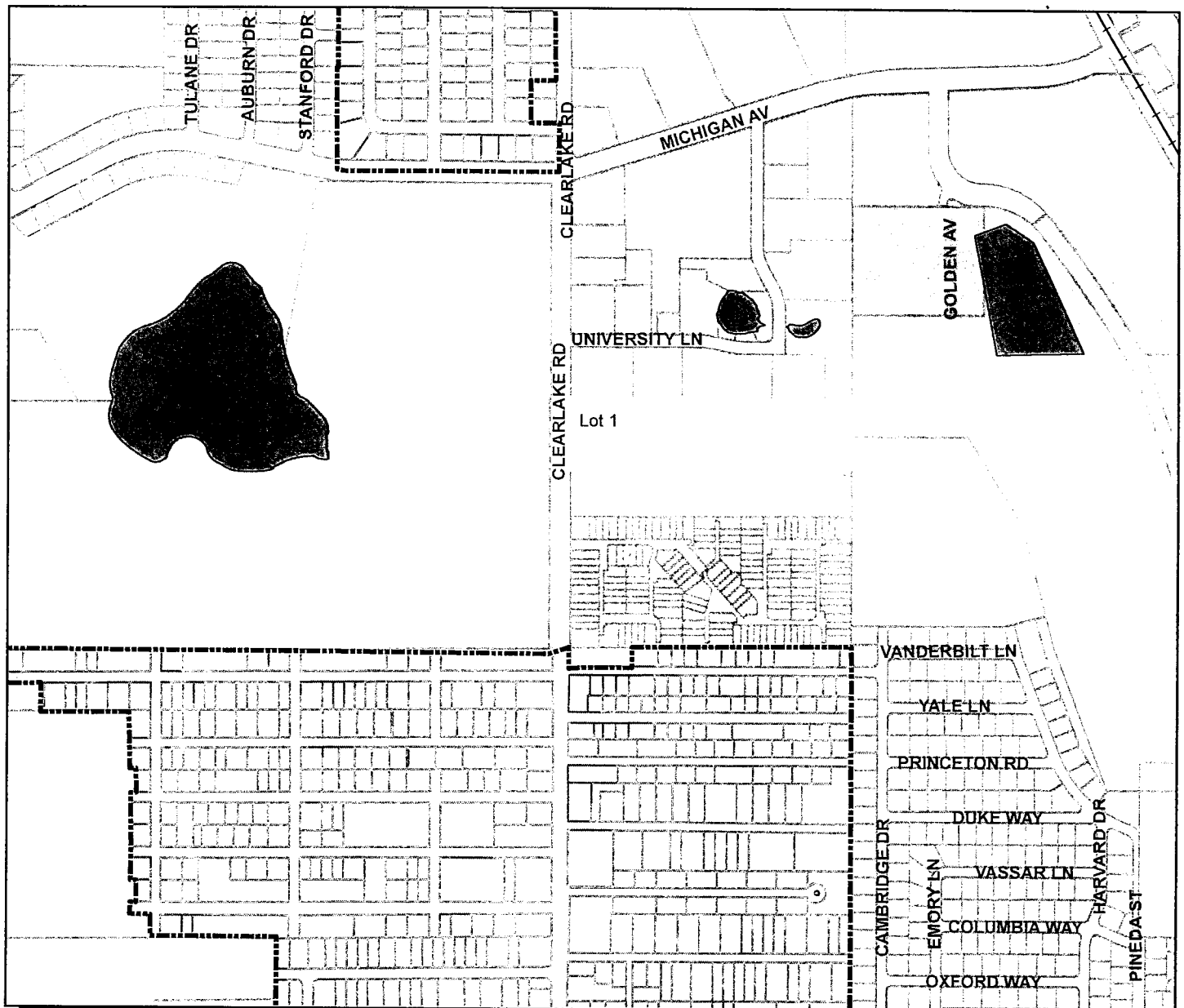
COMMENCE AT A POINT ON THE WEST LINE OF SECTION 20, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, WHICH IS 816.18 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 20; THENCE NORTH 89° 40' 38" EAST, A DISTANCE OF 40.00 FEET; THENCE NORTH 00° 03' 00" WEST ALONG THE EAST RIGHT OF WAY LINE OF CLEARLAKE ROAD, A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00° 03' 00" WEST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 233.00 FEET; THENCE NORTH 89° 40' 38" EAST ALONG THE SOUTH LINE OF COLLEGE PINES CONDOMINIUM AS RECORDED IN OFFICIAL RECORDS BOOK 2342, PAGE 74, A DISTANCE OF 300.00 FEET; THENCE SOUTH 00° 03' 00" EAST AND PARALLEL WITH THE EAST RIGHT OF WAY LINE OF CLEARLAKE ROAD, A DISTANCE OF 275.00 FEET; THENCE S89°40'38"W, A DISTANCE OF 95.58 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF 31°07'16"; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 81.47 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 140.00 FEET AND A CENTRAL ANGLE OF 30°50'54"; THENCE WESTERLY ALONG THE ARC, A DISTANCE OF 75.38 FEET; THENCE S89°57'00"W, A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING.

SHEET 2 OF 2

CERTIFIED TO: ROYAL AMERICAN DEVELOPMENT	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; text-align: center; font-size: small;">DESCRIPTION</td> <td style="width: 40%; text-align: center; font-size: small;">DATE: 13 DEC 15</td> </tr> <tr><td style="height: 20px;"> </td><td> </td></tr> <tr><td style="height: 20px;"> </td><td> </td></tr> <tr><td style="height: 20px;"> </td><td> </td></tr> </table>	DESCRIPTION	DATE: 13 DEC 15						
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CERTIFICATION: I HEREBY CERTIFY THAT THE ATTACHED SURVEY WAS DONE UNDER MY DIRECTION AND MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES. <i>Earl K. Gordon</i> EARL K. GORDON PROFESSIONAL LAND SURVEYOR AND MAPPER STATE OF FLORIDA NO. LS 5363	 GAI Surveyors L.B. No. 7928 A. EARL GORDON, JR, PSM No. LS 2866 EARL K. GORDON, PSM No. LS 5363 450 Barnes Blvd, Rockledge, FL 32955 (321) 806-3908 GAI@CFL.RR.COM								

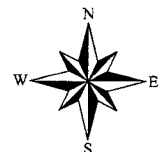


Propose Zoning US 1 CRA - Lot 1



Legend

- Publish.GISDL.CenterlineCocoa
- Subject Property
- Publish.GISDL.CityBoundary
- Water Bodies
- Parcels
- Publish.GISDL.Railroads
- Publish.DBO.ZoningCity
- Zoning
 - C-G
 - C-N
 - C-R
 - PUD
 - RU-1-7
 - RU-2-15
 - RU-2-25



0 0.1 0.2 Miles

CLEARLAKE ISLES SUBDIVISION

A SUBDIVISION LYING WITHIN SECTION 20, TOWNSHIP 24 SOUTH, RANGE 36 EAST, CITY OF COCOA, BREVARD COUNTY, FLORIDA

A PARCEL OF LAND LYING WITHIN SECTION 20, TOWNSHIP 24 SOUTH, RANGE 36 EAST, IN THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 20 AND PROCEED N 07°24' W ALONG THE WEST BOUNDARY OF SAID SECTION 20 A DISTANCE OF 118.13 FEET; THENCE N 89°40'33" E A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST BOUNDARY OF SAID SECTION 20; THENCE N 07°24' W ALONG SAID WEST BOUNDARY OF SAID SECTION 20 A DISTANCE OF 118.13 FEET TO THE POINT OF BEGINNING; THENCE N 07°24' W ALONG SAID WEST BOUNDARY OF SAID SECTION 20 A DISTANCE OF 118.13 FEET TO THE POINT OF BEGINNING; THENCE N 07°24' W ALONG SAID WEST BOUNDARY OF SAID SECTION 20 A DISTANCE OF 118.13 FEET TO THE POINT OF BEGINNING.

PLAT BOOK PAGE

SHEET 1 OF 1

SECTION 20, TOWNSHIP 24 SOUTH, RANGE 36 EAST, CITY OF COCOA, BREVARD COUNTY, FLORIDA

DEED RECORD NO. 177, PART 1, FLORIDA STATUTES, HEREBY CERTIFY THAT I HAVE REVIEWED THE FOREGOING PLAT AND FIND THAT IT COMPLETES IN FULL ALL THE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES, AND WAS FILED FOR RECORD ON

NOTARY PUBLIC
PRINTED NAME: RICHARD L. LOREN
TITLE: CHAIRMAN
SIGNED IN THE PRESENCE OF:
PRINT NAME: _____
TITLE: _____
SIGNED: _____
STATE OF FLORIDA
COUNTY OF _____
THIS IS TO CERTIFY THAT ON _____ BEFORE ME, THE NOTARY PUBLIC, _____ PERSONALLY APPEARED _____ KNOWN TO ME OR BY THE POSSESSION OF SUFFICIENT EVIDENCE TO BE THE INDIVIDUAL WHO EXECUTED THE FOREGOING PLAT, AND THAT HE OR SHE ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS OR HER FREE ACT AND DEED.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND SEAL ON THE ABOVE DATE.

NOTARY PUBLIC
PRINTED NAME: _____
COMMISSION # _____
COMMISSION EXPIRES: _____

CERTIFICATE OF APPROVAL BY MUNICIPALITY
THIS IS TO CERTIFY THAT ON _____ THE CITY COUNCIL OF THE CITY OF COCOA, FLORIDA APPROVED THE FOREGOING PLAT.

HENRY J. HARRIS, MAYOR
DAVID SHAW, CITY CLERK

CERTIFICATE OF SURVEY
I, _____, A LICENSED SURVEYOR, HAVE SURVEYED THE FOREGOING PLAT AND FIND THAT IT COMPLETES IN FULL ALL THE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES, AND WAS FILED FOR RECORD ON _____

GREGORY D. WHITE
FLORIDA PROFESSIONAL LAND SURVEYOR NO. 44668
COMMISSION EXPIRES: 12/31/2018
CERTIFICATE OF AUTHORIZATION NO. 187013

CERTIFICATE OF REVIEWING SURVEYOR
FOR THE CITY OF COCOA
I, HEREBY CERTIFY THAT I HAVE REVIEWED THE FOREGOING PLAT AND FIND THAT IT IS IN CONFORMITY WITH CHAPTER 177, PART 1, FLORIDA STATUTES.

ROBERT M. TAYLOR, P.E.
REGISTERED NO. 3867, STATE OF FLORIDA

CERTIFICATE OF CLERK
I, HEREBY CERTIFY THAT I HAVE REVIEWED THE FOREGOING PLAT AND FIND THAT IT COMPLETES IN FULL ALL THE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES, AND WAS FILED FOR RECORD ON _____

FILE NO. _____

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City of Cocoa
Planning & Zoning Board

STAFF REPORT

Date:	February 4, 2016
Project Name:	Zoning Text Amendment – Uses in the C-C Zoning District
Project No:	PZ-16-02000001
Meeting Date:	February 10, 2016
Project Planner:	Steven Biel, Senior Planner
Applicant/Owner:	Dirty Oar Beer Company, LLC Christopher Hughes 2310 Papaya Place Merritt Island, FL 32952
Requested Action:	ZONING TEXT AMENDMENT consistent with Appendix A, Zoning, Article XXII, Section 1(b), amending Appendix A, Zoning, of the City Code to allow craft breweries, with a bar and/or lounge area as an accessory use, in the C-C Zoning District.

I. Zoning Ordinance Amendment Analysis

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

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

Need and justification for change

Applicant Response: *Dirty Oar Beer Company, LLC has signed a lease at 331 King Street. This property is zoned as Core Commercial. Dirty Oar Beer Company will provide Cocoa Village with Cocoa's first craft brewery at the entrance to the Village on King St. Not only will we have fine craft beer from throughout Florida, we will specialize in brewing our own craft beer on site that our customers can enjoy in the tap room or take home in their own regulated containers. Our future business plans call for us to produce bottles of beer that can be purchased throughout Florida and would place Cocoa Village on many grocery store shelves. To meet this objective, we require a special exception written into the C-C zoning text that allows for bar/lounge or brewery/taproom.*

Staff Response: The City has been approached by Dirty Oar Beer Company, LLC as to establishing a craft brewery at 331 King Street. As the applicant has noted above, the proposed business would provide local citizens and tourists a destination to sample artisan craft beers brewed on location as well as a selection of other beers from Florida microbreweries. The proposed location is located in the C-C zoning district, in Cocoa Village.

Currently, City Code contains no provisions for the production of beer or the consumption of alcohol in a lounge or bar in the C-C Zoning District. Bars and lounges are permitted only as an accessory use to a restaurant. The C-C Zoning District specifically prohibits manufacturing uses, which the proposed brewery would fall under.

The applicant has informed staff that due to a Florida distribution law, in order for a craft brewery to distribute beer outside of their facility, such as bars or local retail shops, the preparation of food is not permitted on site. The applicant plans to provide fresh sandwiches by agreement with Merri Cakes located on Merritt Island as well as prepared foods from other food vendors..

Breweries in Florida produce a wide range of beer styles that are marketed locally, regionally, nationally, and which are exported. In 2012, Florida's 72 breweries employed more than 1,300 people directly in brewing activities and another 75,000 in related jobs such as wholesaling and retailing ("The Economic Impact of the Beer Industry – 2012 Data, Florida". The Beer Institute.).

Craft breweries are a growing trend in Florida, as well as across the country, and staff believes Cocoa Village is poised to benefit from the experiences associated with a local craft brewery. It should be noted that that applicant has indicated the proposed craft brewery would offer self-guided tours of the brewing process in addition to selling promotional items such as t-shirts.

The propose ordinance would allow for the production of craft beer only and for associated bar and lounge areas provided that these associated areas do not exceed 50 percent of the total square footage of the operation. The associated bar and lounge areas would be able to serve beer and wine only.

The Board of Adjustment would hold a public hearing for any applications that fall under the proposed ordinance and would potentially receive input from citizens. The Board of Adjustment could impose conditions as it sees appropriate.

Relationship and consistency with Comprehensive Plan Policies and Objectives

Applicant Response: *As Cocoa Village becomes an even larger destination for both tourists and locals, businesses that cater to these individuals are finding themselves with locations further from the CBD zoning district. We believe that bringing a craft brewery to Cocoa Village will contribute to the wealth of culture that the area already has to offer and ultimately attract more people to the Village. It is for this reason that we are requesting the additional special exception use of a bar/lounge or brewery/taproom usage in the C-C district, just as they are in the CBD district, while still allowing these businesses to become part of the Cocoa Village culture.*

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

- Future Land Use Element Goal 1.1: Create and maintain a broad range of land use activities that maximize the City's potential as a growth center while protecting the public health, safety, welfare, and appearance through the thoughtful planned use and development of the land and public facilities.
- Future Land Use Element Goal 1.3: The City of Cocoa shall enhance the quality of life and prosperity of its citizens through the retention and creation of a wide range of profitable business opportunities and jobs.

II. Recommendation

Staff recommends that the Planning and Zoning Board recommend **approval** to City Council of the requested amending Appendix A, Zoning, of the City Code to allow craft breweries, with a bar and/or lounge area as an accessory use, in the C-C Zoning District.

ORDINANCE NO. 03-2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ZONING, OF THE CITY CODE TO DEFINE CRAFT BREWERIES AND TO ALLOW CRAFT BREWERIES, WITH A BAR AND/OR LOUNGE AREA AS AN ACCESSORY USE, IN THE C-C ZONING DISTRICT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, INCORPORATION INTO THE CODE, AND AN EFFECTIVE DATE.

WHEREAS, the City of Cocoa 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 City anticipates that craft beer breweries will increase in popularity in the future and recognizes that the use is not yet explicitly addressed in the City's Code; and

WHEREAS, the City Council of the City of Cocoa finds that in order to encourage the location of these facilities, the City Code must be amended to provide for appropriate zoning categories for craft breweries; and

WHEREAS, the Planning and Zoning Board has reviewed these proposed amendments at a duly noticed public hearing held on February 10, 2016, and said Board has recommended approval of the amendment to the City Code; and

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

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

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

Section 2. **Amendment to Appendix A, Zoning.** Appendix A, Zoning, of the Code of Ordinances, City of Cocoa, Florida, is hereby amended as follows (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (***) indicate a deletion from this Ordinance of text existing in Appendix A, Zoning. It is intended that the text in Appendix A Zoning, denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance):

Appendix A - Zoning

* * *

Article V. – Definitions

* * *

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

* * *

CRAFT BREWERIES are entities that utilize the fermentation process to produce beer beverages.

* * *

Article XI. – Schedule of District Regulations

* * *

Sec. 18. – District and Intent – C-C, Core Commercial District.

* * *

(C) SPECIAL EXCEPTIONS.

* * *

(10) Craft breweries, with a bar and/or lounge area as an accessory use, subject to the following:

- a. Onsite production shall be limited to beer, only; and
- b. Bar and lounge areas associated with the brewery shall be permitted but shall not exceed 50 percent of the total square footage of the operation; and
- c. Bar and lounge areas associated with the brewery may serve beer and wine, only; and
- d. No alcohol consumption, other than that associated with the bar and lounge area, shall be permitted on-site; and
- e. All materials and supplies related to the brewery operation shall be stored in an enclosed structure.

* * *

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. Incorporation Into Code. This Ordinance shall be incorporated into the Cocoa City Code and any section or paragraph number or letter and any heading may be changed or

modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this Ordinance and the City Code may be freely made.

Section 5. **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.

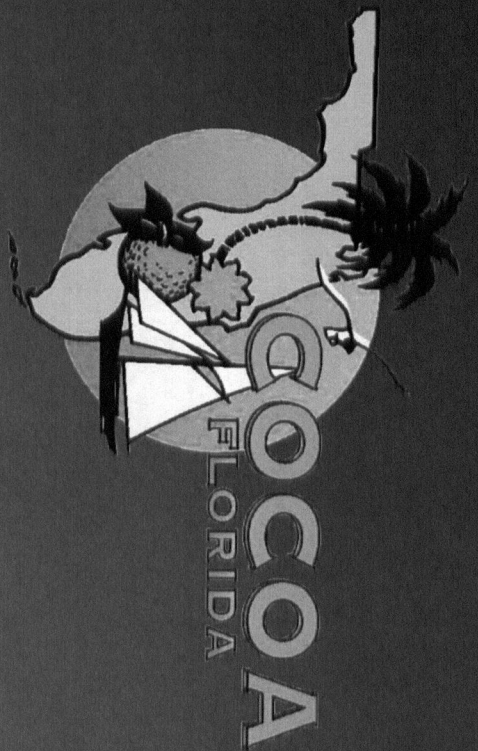
Section 6. **Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

ADOPTED, by the City Council of the City of Cocoa, Florida, this ____ day of _____, 2016.

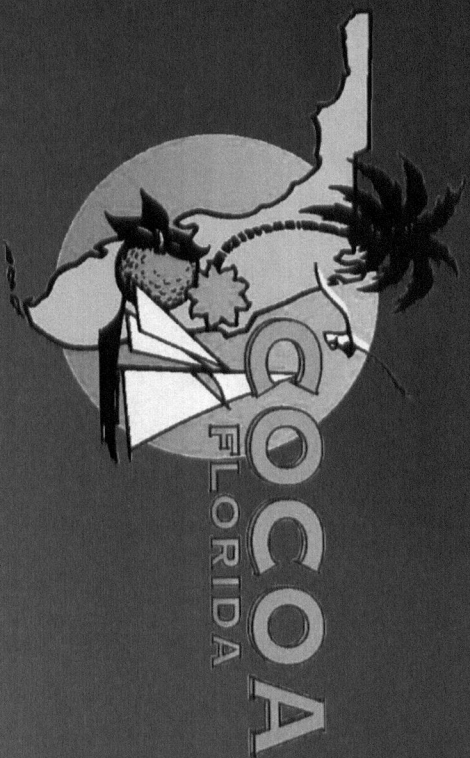
Henry U. Parrish, Mayor

ATTEST:

Carie Shealy, City Clerk



Planning & Zoning Board
February 10, 2016



Clearlake Isles, LP
Large-Scale Site Plan
PZ-15-00200008

Clearlake Isles Apartments Large-Scale Site Plan

Applicant:

Clearlake Isles, LP
1002 W. 23rd St., Suite 400
Panama City, FL 32405

Property Owner:

US 1 CRA
65 Stone St.
Cocoa, FL 32922

Requested Action:

APPROVAL OF A LARGE-SCALE SITE PLAN consistent with Appendix A, Zoning, Article XIII, Section 1, to construct two (2), three (3)-story buildings with a total of 84 units for senior living and associated amenities, such as swimming pool and cabana.

Location:

East side of Clearlake Rd., approximately 250 feet south of the Clearlake Rd./University Blvd. intersection

Future Land Use:

Low Density Residential & Neighborhood Commercial

Zoning District:

RU-2-25

Existing Use:

Vacant



Location Map

Clearlake Isles Apartments



Clearlake Isles Apartments Large-Scale Site Plan

- Approval of an 84-unit apartment complex (2, 3-story buildings) for senior living with amenities, such as a swimming pool, cabana, and dog park.
- City Council approved the final subdivision plat subdividing the 9.64-acre parcel (P&Z Board approved preliminary plat at its Oct. 2015 meeting) into 2 lots (Lot 1=1.77 ac. & Lot 2=7.87 ac.). Lot 2 is the subject lot for this site plan approval.
- RU-2-15 zoning permits up to 15 dwelling units/acre, which could allow 118 units. Proposed development is for 84 units (51 one-bedroom units & 33 two-bedroom units).



Clearlake Isles Apartments

Large-Scale Site Plan

- Proposed access would be directly across from the main entrance of the college. Discussions between Longwood Apartments, Clearlake Isles, and FDOT to close the Longwood entrance and provide new access from the proposed entrance to Clearlake Isles Apartments.
- US 1 CRA will execute & record a Declaration of Easement relative to the property & is a condition of Plat and Site Plan approval. The City is requiring the US 1 CRA provide for certain easements (ingress/egress, utility, stormwater drainage, sidewalk, temporary construction, and shared access for the benefit of adjacent property) so that the development of Lot 1 and Lot 2 is coordinated for efficient development and use.



Clearlake Isles Apartments Large-Scale Site Plan

- Applicant received an administrative waiver to reduce parking 20% from the required 143 parking spaces to 115 spaces due to less demand for senior residents as opposed to a typical multi-family development.
- Staff believes the proposed site plan meets the minimum requirements of the City Code.



Clearlake Isles Apartments

Large-Scale Site Plan

Recommendation:

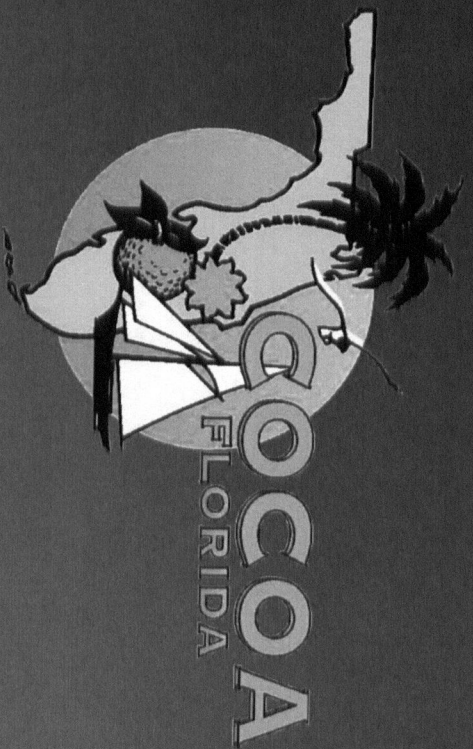
Staff recommends **approval** of the Large-Scale Site Plan for Clearlake Isles Apartments with the following conditions:

1. Any unresolved review comments from City of Cocoa staff shall be addressed as a condition of final site plan approval, including the configuration and design of the entrance/exit from Clearlake Road.
2. The US 1 Corridor Community Redevelopment Agency shall execute and record a Declaration of Easement relative to the Property as noted in the staff report.



Site Plan





**Zoning Map Amendment
PZ-16-02100001**

US 1 CRA

Clearlake Road Commercial Parcel

Project Summary

Applicant:

US 1 CRA
65 Stone St.
Cocoa, FL 32922

Property Owner:

US 1 CRA
65 Stone St.
Cocoa, FL 32922

Requested Action:

Zoning map amendment consistent with Appendix A Zoning, Article XXII, to rezone one (1) parcel totaling ± 1.77 acres from RU-2-15 (Multiple Family Dwelling) to C-G (General Commercial).

Location:

East side of Clearlake Rd., approximately 250 feet south of the Clearlake Rd./University Blvd. intersection

Future Land Use:

Commercial

Zoning District:

RU-2-15

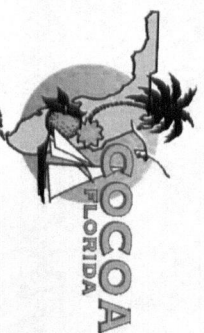
Existing Use:

Vacant



Project Summary Continued

- The Clearlake Isles subdivision was approved last night by City Council for Lot 1 & Lot 2. Lot 1 (1.77 acres) is the subject of this rezoning request.
- The Future Land Use is Commercial which would be consistent with the proposed C-G zoning designation.
- Intent of the rezoning is to provide commercial/retail services to the surrounding area including the proposed Clearlake Isles Apartments and the college.
- Lot 1 will have approx. 235 feet of frontage along Clearlake Rd. Access to Lot 1 will be from Lot 2 by way of an access agreement granted by US 1 CRA in accordance with an executed Declaration of Easement.



Project Summary Continued

- Upon completion of the sale of the 2 lots by the US 1 CRA, DFP Enterprises, LLC will take ownership of Lot 1 and Clearlake Isles, LP will take ownership of Lot 2 (proposed Clearlake Isles Apartments).



Location Map

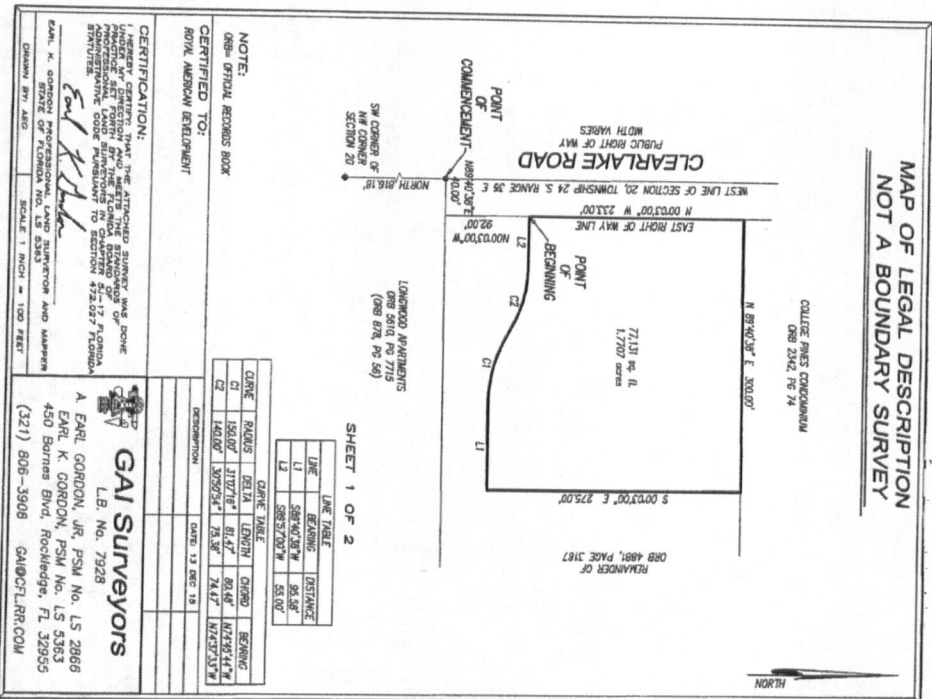


Proposed Zoning



Lot 1

Exhibit "A"



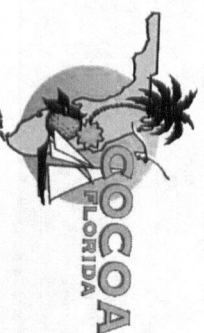
Zoning Map Amendment

Consistency with Comprehensive Plan Policies and Objectives

- Proposed C-G zoning designation is consistent with the allowable uses under the “Commercial” Future Land Use designation per the City of Cocoa Comprehensive Plan.

Consistency with the Code of the City of Cocoa

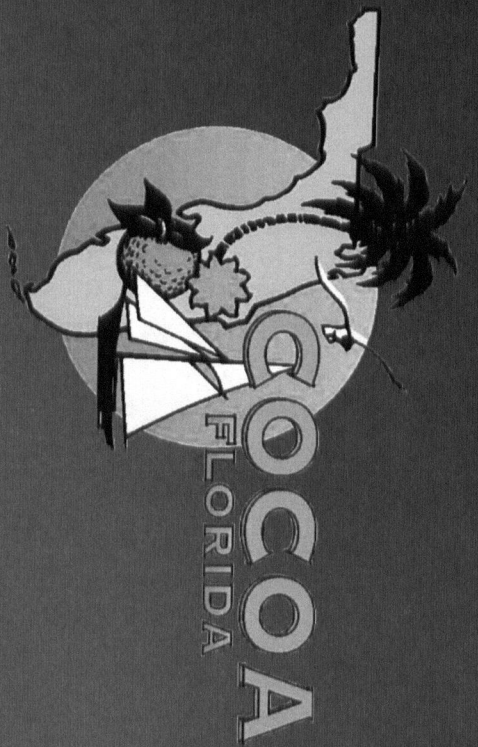
- Proposed Zoning Map Amendment meets the criteria established in Appendix A, Zoning, Article XXII of the City Code.
- Proposed C-G zoning district would be consistent with the uses of the surrounding area.



Recommendation

- In accordance with City Code Appendix A, Article XXII, Sec. 1(G) of the City Code, the proposed zoning amendment meets criteria a-p.
- Staff recommends that the Planning & Zoning Board recommend to City Council **approval** of the Zoning Map Amendment from RU-2-15 (Multiple Family Dwelling) to C-G (General Commercial).





**Zoning Text Amendment
PZ-16-02000001**

Dirty Oar Beer Company, LLC

Project Summary

Applicant:

Dirty Oar Beer Co., LLC
2310 Papaya Place
Merritt Island, FL 32952

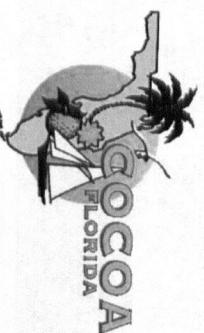
Requested Action: Zoning text amendment consistent with Appendix A, Zoning, Article XXII, Section 1(b), amending Appendix A, Zoning, of the City Code to allow craft breweries, with a bar and/or lounge area as an accessory use, in the C-C Zoning District.



Project Summary Continued

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

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



Project Summary Continued

Need and justification for change:

- The City has been approached by Dirty Oar Beer Company, LLC as to establishing a craft brewery at 331 King Street, which is zoned C-C.
- Currently, City Code contains no provisions for the production of beer or the consumption of alcohol in a lounge or bar in the C-C Zoning District. Bars and lounges are permitted only as an accessory use to a restaurant. The C-C Zoning District specifically prohibits manufacturing uses, which the proposed brewery would fall under.
- The proposed ordinance would allow for the production of craft beer only and for associated bar and lounge areas provided that these associated areas do not exceed 50 percent of the total square footage of the operation. The associated bar and lounge areas would be able to serve beer and wine only.



Project Summary Continued

Need and justification for change:

- The proposed business would provide local citizens and tourists a destination to sample artisan craft beers brewed on location as well as a selection of other beers from Florida craft breweries.
- Craft breweries are a growing trend in Florida, as well as across the country, and staff believes Cocoa Village is poised to benefit from the experiences associated with a local craft brewery.



Project Summary Continued

Relationship and consistency with Comprehensive Plan:

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

- Future Land Use Element Goal 1.3: The City of Cocoa shall enhance the quality of life and prosperity of its citizens through the retention and creation of a wide range of profitable business opportunities and jobs.

- Breweries in Florida produce a wide range of beer styles that are marketed locally, regionally, nationally, and which are exported. In 2012, Florida's 72 breweries employed more than 1,300 people directly in brewing activities and another 75,000 in related jobs such as wholesaling and retailing ("The Economic Impact of the Beer Industry – 2012 Data, Florida". The Beer Institute.).



Recommendation

- Staff recommends that the Planning and Zoning Board recommend **approval** to City Council of the requested amending Appendix A, Zoning, of the City Code to allow craft breweries, with a bar and/or lounge area as an accessory use, in the C-C Zoning District.



C-C Zoning

