



City of Cocoa

65 Stone Street
Cocoa, FL 32922

Meeting Agenda

Planning and Zoning / Local Planning Agency

Wednesday, January 20, 2021

6:00 PM

Cocoa City Council Chambers

I. OPENING MATTERS:

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA AND MINUTES:

AGENDA:

[21-91](#) Planning & Zoning Board Agenda for January 20, 2021

Attachments: [PZ Short Agenda 1-20-21.pdf](#)

MINUTES:

[21-90](#) Minutes of the Planning & Zoning Board Meeting of December 15, 2020

Attachments: [PZ Minutes 12-15-2020 DRAFT.pdf](#)

III. ELECTION OF OFFICERS AND PRESENTATION:

Election of Chair

Election of Vice-Chair

Presentation by Larry Koss on Low Impact Development

IV. OLD BUSINESS:

A. PZ-20-00300003 - Cirrus Mixed-Use PUD

Consideration of several applications for one project – Final PUD (Rezoning) / Preliminary Subdivision / Site Plan. The project is a mixed-use planned unit development with a 280 unit apartment complex with amenities as the first phase and a future commercial component.

(Requesting Items to be Tabled to February 3, 2021)

- B.** [21-89](#) Consideration of an Ordinance of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Zoning, Article XI, Sections 4A, 5 and 6 of the Zoning Ordinance of the City of Cocoa; limiting the future application of the RU-2-10 zoning district and the regulations therein pertaining to the construction of Single-Family Dwellings; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the Code, severability, and an effective date.

Attachments: [Ordinance re RU 2-10 Single-Family.pdf](#)
 [Legal Ad Proof.pdf](#)

V: NEW BUSINESS:

None

VI. UPDATES AND STAFF REPORTS:

Workshop - accessing meeting agendas

Board Discussion

VII. NEXT MEETING DATE:

Wednesday, February 3, 2021

VIII. ADJOURNMENT

NOTICE TO THE PUBLIC:

Public Participation and Special COVID-19 Information:

Members of the public may view the meeting agenda, ordinances, project applications, supporting documents, and staff reports on the City's website at the following link prior to attending or commenting:

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

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

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

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

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

City of Cocoa

Attn: Dodie Selig, Planning and Zoning Manager

65 Stone Street

Cocoa, FL 32922

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

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

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

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

General Notice Information:

This is a public meeting. Interested parties are hereby advised that they may appear at said meeting and be heard. The facility wherein this public meeting will be held is accessible to the physically handicapped. In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Carie Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@cocoafl.org.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the P&Z Board/LPA or City Council with respect to any matter considered at its meeting or hearing, that person will need a record of the proceedings and for such purpose, affected persons may need to assure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals otherwise not allowed by law.

The PZ Board/LPA meeting may include the attendance of one (1) or more members of the Cocoa City

Council who may or may not participate in the Board discussions held at this public hearing. The Local Planning Agency and City Council reserve the right to continue or postpone hearings to a date certain without re-advertising.



Legislation Details (With Text)

File #: 21-91 **Version:** 1 **Name:**

Type: Agenda **Status:** Agenda Ready

File created: 1/15/2021 **In control:** Planning and Zoning / Local Planning Agency

On agenda: 1/20/2021 **Final action:**

Title: Planning & Zoning Board Agenda for January 20, 2021

Sponsors:

Indexes:

Code sections:

Attachments: [PZ Short Agenda 1-20-21.pdf](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------



Community Services
Planning and Zoning Division
65 Stone Street, Cocoa, FL 32922
Phone: (321) 433-8535 Fax: (321) 321-433-8543

AGENDA
Special Meeting
January 20, 2021
6:00 p.m.

I. OPENING MATTERS:

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

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of January 20, 2021
2. MINUTES: Meeting of December 15, 2020

III. ELECTION OF OFFICERS AND PRESENTATION:

1. Election of Chair
2. Election of Vice-Chair
3. Presentation by Larry Koss on Low Impact Development

IV. OLD BUSINESS:

A. PZ-20-00300003 – (Cirrus Mixed-Use PUD)

Consideration of several applications for one project – Final PUD (Rezoning) / Preliminary Subdivision / Site Plan. The project is a mixed-use planned unit development with a 280 unit apartment complex with amenities as the first phase and a future commercial component.

(Requesting Items to be Tabled to February 3, 2021)

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

(Item Tabled from December 15, 2020)

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

V. NEW BUSINESS: None

VI. OTHER BUSINESS:

1. Workshop – accessing meeting agendas
2. Board Discussion

VII. NEXT MEETING DATE:
Wednesday, February 3, 2021

VIII. ADJOURNMENT

Public Participation and Special COVID-19 Information:

Members of the public may view the meeting agenda, ordinances, project applications, supporting documents, and staff reports on the City's website at the following link prior to attending or commenting:

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

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

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

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

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

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

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

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

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

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

General Notice Information:

This is a public meeting. Interested parties are hereby advised that they may appear at said meeting and be heard. The facility wherein this public meeting will be held is accessible to the physically handicapped. In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Carie Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@cocoafl.org.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the P&Z Board/LPA or City Council with respect to any matter considered

at its meeting or hearing, that person will need a record of the proceedings and for such purpose, affected persons may need to assure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals otherwise not allowed by law.

The PZ Board/LPA meeting may include the attendance of one (1) or more members of the Cocoa City Council who may or may not participate in the Board discussions held at this public hearing. The Local Planning Agency and City Council reserve the right to continue or postpone hearings to a date certain without re-advertising.



Legislation Details (With Text)

File #: 21-90 **Version:** 1 **Name:**

Type: Minutes **Status:** Agenda Ready

File created: 1/15/2021 **In control:** Planning and Zoning / Local Planning Agency

On agenda: 1/20/2021 **Final action:**

Title: Minutes of the Planning & Zoning Board Meeting of December 15, 2020

Sponsors:

Indexes:

Code sections:

Attachments: [PZ Minutes 12-15-2020 DRAFT.pdf](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

**MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
December 15, 2020**

A Special meeting of the Planning & Zoning Board Local Planning Agency was held on December 15, 2020 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noted.

I. CALL TO ORDER:

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

ROLL CALL:

Michael Dobrin	Chairperson
Al Washington	Vice Chairperson
Todd Anderson	Board Member
Jeri Blanco	Board Member
Sherry Ervin	Board Member
Trina Gilliam	Board Member
Marilyn Green	Board Member
Susan Mock	Board Member
Russell Sengel	Board Member
Ariel Glass	Alternate Member
Aleck Greenwood	Alternate Member
Debbie Joyce	School Board Representative
Kristin Eick	Assistant City Attorney

PRESENT:

Michael Dobrin	Chairperson
Al Washington	Vice Chairperson
Todd Anderson	Board Member
Jeri Blanco	Board Member
Sherry Ervin	Board Member
Trina Gilliam	Board Member
Marilyn Green	Board Member
Susan Mock	Board Member
Russell Sengel	Board Member
Aleck Greenwood	Alternate Member
Debbie Joyce	School Board Representative
Kristin Eick	Assistant City Attorney

ABSENT:

Ariel Glass	Alternate Member
-------------	------------------

STAFF PRESENT:

Dodie Selig, Planning & Zoning Manager, Alix Bernard, Senior Planner, Bryant Smith, Public Works Director and Monica Arsenault, Recording Secretary.

Chairperson Dobrin led the assembly in the Pledge of Allegiance.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of December 15, 2020

- * **MOTION BY BOARD MEMBER ERVIN; SECONDED BY BOARD MEMBER GREEN TO APPROVE THE DECEMBER 15, 2020 AGENDA AS WRITTEN.**

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

MOTION PASSED UNANIMOUSLY (10-0)

2. MINUTES: Meeting of October 7, 2020

- * **MOTION BY VICE CHAIRPERSON WASHINGTON; SECONDED BY BOARD MEMBER GREEN TO APPROVE THE MINUTES AS WRITTEN.**

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

MOTION PASSED UNANIMOUSLY (10-0)

3. MINUTES: Meeting of October 22, 2020

- * **MOTION BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER BLANCO TO APPROVE THE MINUTES AS WRITTEN.**

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

MOTION PASSED UNANIMOUSLY (10-0)

III. NEW BUSINESS:

A. PZ-20-013 – Zoning Text Amendment (RU-2-10 District Regulations) **Tabled**

- * **MOTION BY BOARD MEMBER BLANCO; SECONDED BY BOARD MEMBER ERVIN TO TABLE ITEMS A & B UNTIL THE END OF THE MEETING IN ORDER TO DETERMINE A TIME CERTAIN TO POSTPONE THE ITEMS TO.**

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

MOTION PASSED UNANIMOUSLY (10-0)

B. PZ-20-00300003 – (Cirrus Apartments) Tabled

C. PZ-20-00500002 – Future Land Use Map Amendment – Gem Industries

Ms. Selig provided background information on the item and the application that prompted the request. Currently, the subject parcel is covered by a Brevard County Future Land Use of Community Commercial. Pursuant to Section 171.062 Florida Statutes, Brevard County land use plan and zoning or subdivision regulations will remain in effect until the City of Cocoa adopts City zoning for the area.

Additionally, Ms. Selig explained the consistency with the City of Cocoa's Code and provided insight on staff's findings.

Board member Ervin asked when this was annexed. In response, Ms. Selig stated October 15, 2020.

Chairperson Dobrin opened the hearing to the public. There being no response, the public portion of the hearing was closed.

- * **MOTION BY VICE CHAIRPERSON WASHINGTON; SECONDED BY BOARD MEMBER ANDERSON TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE FUTURE LAND USE MAP (FLUM) AMENDMENT CONSISTENT WITH FLORIDA STATUTE CHAPTER 163, FOR AN APPLICANT INITIATED REQUEST TO CHANGE THE FUTURE LAND USE MAP DESIGNATION OF ONE PARCEL FROM BREVARD COUNTY "COMMUNITY COMMERCIAL" TO CITY OF COCOA "INDUSTRIAL".**

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

MOTION PASSED UNANIMOUSLY (10-0)

D. PZ-20-003 – Binding Development Agreement (M&R United, Inc.)

Ms. Selig shared that the property has an unoccupied building, built in 1959, which was the former site of the SunTrust bank lobby and office.

The property owner desires to redevelop the site by constructing a single-story commercial building consisting of two retail spaces and a Quick Serve Restaurant space with a drive-thru facility, which must be limited to a nationally recognized coffee shop chain.

Ms. Selig pointed out that the applicant has submitted a concept plan showing the proposed single-story commercial building with a drive-thru facility. Furthermore, a “drive thru facility” use requires approval of a Special Exception by the Board of Adjustment (BOA). The applicant has submitted a Special Exception application which will be heard by the BOA on December 16, 2020. Approval of the Special Exception for the drive-thru use will be conditioned upon City Council approval of the Development Agreement.

Lastly, Ms. Selig shared the project summary and explained the consistency with the City of Cocoa’s Code.

Ms. Selig read e-comments¹ from:

- Lois Boxer
- Amy Peters
- Francesca Meccariello
- Gail Johnson
- James O’Malley
- Laurene McKillop
- Tracy Kickbusch

Board member Greenwood inquired about the square footage. In response, Ms. Selig shared she did not have the number.

Board member Greenwood talked about the advantage of the concrete barrier in that it would slow traffic coming up from off the bridge coming from Merritt Island. He added that his only concern is the look of the shop as it does not blend well with the Village just as the SunTrust that was there before did not blend with the Village. He does not think this business would take away from businesses in the Village.

Board member Green pointed out that her concerns are related to the traffic along SR 520. She added that she also has concerns for the merchants in the Village and she would like to support the locally owned businesses, however, on the other hand she thinks this is a better option than some of the other businesses that have been considered.

Board member Ervin shared she also has concerns with the traffic but also with the impact it may have on the character of the Village.

¹ Citizen E-comments

Summit Shaw and Mike Shaw, the applicants, spoke on behalf of the project and noted that while this project is a nationally recognized coffee shop, this will be a locally owned business. He shared he understands the concerns of the merchants being a local business owner himself. In regard to the traffic concerns, he noted that they are trying to enhance safety rather than create hazards, one of the changes being adding a deceleration lane on both sides of SR 520. He also added that he does not feel this business will affect other coffee shops in the Village and if anything will help draw people to the Village and increase the City's tax base. He pointed out that the gentleman that put together their traffic study previously worked for FDOT so they are confident the study was done correctly.

Chairperson Dobrin opened the hearing to the public.

Allan Chapman, Executive Director for HCVA, stated that he does not feel that a drive-thru is appropriate for this location. He shared his concerns regarding the traffic flow along SR 520.

Janne Etz, spoke on behalf of HCVA and also as a longtime business owner in Cocoa Village. She explained that she is terrified of the actuality of what will happen on SR520 and pointed out that she noticed the traffic study was conducted in October 2019 and she is not sure how relevant it is now. She referred to Winter Park as an example and expressed her concerns that rent will go up in Cocoa Village.

Emma Kirkpatrick also spoke on behalf of HCVA. She expressed that she had serious concerns about how this was brought before the Board and to the public as the full agenda was only released on the City's website the day before the meeting. She also feels that this was brought forth at a time when people are focused on the holidays and not on what is happening in their city and pointed out that this looks like bad business on the City's part. In regards to the coffee shop, she is worried that this will pull customers away from the Village.

David Lightholder, mentioned that he owns property on SR520 and shared that in sometime between 2022-2025 the east bound lane of SR520 will be re-done by FDOT and he feels this will alleviate traffic concerns.

There being no further comments, Chairperson Dobrin closed the public hearing to the public.

Vice Chairperson Washington asked for clarification about what the Board of Adjustment will be approving. In response, Ms. Selig explained that they are only considering the approval of the drive-thru use.

Board member Green added that while she is a supporter of Cocoa Village and the merchants she also has a responsibility to consider all parts of this project, including the permissible zoning and other aspects that are tied to it brought forward by staff. In response,

Chairperson Dobrin added that the Board must consider all aspects, including public safety and the impact this will have on the Village.

Board member Mock asked for clarification as to whether this is two-story or single-story. In response, Mr. David Lightholder noted that this was changed to single-story.

Board member Blanco asked the applicants if they had considered any other businesses for this location. In response, Mr. Shaw shared that it was deemed, when looking at the real estate, that this would be the best use for this particular location.

Board Liaison Hearn asked what the speed limit is on SR520. In response, it was stated that the speed limit is 35mph. Board Liaison Hearn added that he only asked because there are ways to reduce the number of speeders such as adding additional police enforcement in the area.

*

MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY BOARD MEMBER GILLIAM TO RECOMMEND APPROVAL TO CITY COUNCIL OF A BINDING DEVELOPMENT AGREEMENT BETWEEN THE CITY OF COCOA, FLORIDA AND M&R UNITED, INC. CONSISTENT WITH APPENDIX A ZONING OF THE CITY CODE, TO APPROVE A CONCEPTUAL DEVELOPMENT PLAN FOR A SINGLE-STORY COMMERCIAL BUILDING TYPE WITH RETAIL DEVELOPMENT AND A DRIVE-THRU USE FOR A NATIONALLY-RECOGNIZED COFFEE SHOP CHAIN ON A PARCEL OF LAND IN THE WATERFRONT SUB-DISTRICT OF THE COCOA WATERFRONT OVERLAY DISTRICT.

AYES: WASHINGTON, BLANCO, GILLIAM, GREENWOOD, MOCK, SENDEL

NAYES: DOBRIN, ANDERSON, ERVIN, GREEN

MOTION PASSED (6-4)

E. PZ-20-00200006 – Large Scale Site Plan – Quail Ridge Apartments

Ms. Selig explained that the applicant is proposing to develop a 40-unit apartment project with amenities on the subject property which consists of one vacant parcel of land totaling 2.7 acres. The proposed apartment project would consist of two-bedroom units, 28 units will have 971 sq. ft. and the remaining twelve units will have 1056 sq. ft. Ms. Selig noted that the amenities for the property will include a fitness room, two racquetball courts, a dog park and an exercise path.

Ms. Selig discussed the consistency with the City of Cocoa's Code and added that staff is recommending approval of the large-scale site plan for Quail Ridge Apartments with the following condition:

- The landscape sheet needs to be revised to provide a minimum diameter at breast height measurement for new trees to be planted at three inches.

The engineer of record, Z. Sid Chehayeb, PE spoke in regard to the project and discussed the landscaping and amenities the apartment complex will have.

Board member Gilliam asked what the rent will be. In response, he stated that a market study will need to be done and they have not determined what the rent will be at this time.

Board member Mock asked if any meetings have been held with surrounding property owners. In response, he stated no they have not.

Alternate member Greenwood asked if these will be wood framed with concrete siding to give a “cottage-type” feel. In response, he stated that it was his understanding but unfortunately the architect is not present to provide more details. Additionally, Alternate member Greenwood verified that the majority of these units will be two bedrooms. In response, he stated yes.

Board member Gilliam asked if they will be building a wall and providing some landscaping to provide a buffer between the single family homes abutting these apartments. In response, he stated that they will be constructing a wall and he explained the way it would be constructed as the apartment buildings and the single-family homes are on different elevations.

Chairperson Dobrin opened the public hearing for public comment.

Jennifer Kenny, 1917 Quail Ridge Dr., asked about when the traffic study was done. She explained that Clearlake Road is only two lanes with no opportunity to expand and this project will bring a lot more traffic. Additionally, she wants to ensure that dust and debris will not impact the surrounding area as she lives very close to this potential project and she lives with an elderly relative that has health issues that she is concerned about. She further asked what the hours of construction will be and what other impacts will entail.

Deanna Drake, 1922 Quail Ridge Ct., Cocoa, shared she is very concerned about the traffic that will impact their isolated neighborhood. She is also concerned about the amount of people that will come and go from these rental homes.

Terrence Williams, 1917 Quail Ridge Ct., Cocoa, shared he is a previous truck driver and pointed out his concerns about semi-trucks delivering to Aldi’s and Dunkin Donuts, especially in the mornings and afternoons. He also added that FPL needs to have access and this is going to create issues. He explained that his wife has MS and is in a wheel chair and he is worried about the influx of people coming and going as she travels the neighborhood.

Nick Patel, an investor in the subject property, explained that this will be a gated property with nice amenities and it will also be fenced. He does not feel these apartments will create the nuisances that the surrounding property owners are concerned about.

Board member Gilliam strongly encouraged that more trees be added to the landscaping. She also requested that the dumpsters be moved to a different location so they aren't abutting up to the other residences. In response, Mr. Patel stated they could address these concerns.

Mr. Chehayeb wished to point out that several other locations for the dumpster were considered before settling on this particular location. He added that this location will allow easy access for the garbage trucks and ensured that it would be enclosed. The enclosure will also blend in with the apartment buildings.

Fran Alman, former president of Quail Ridge Condominiums Association, asked if this project will impact their exit road and if it will have to be moved. In response, it was explained that this project will not impact the exit road.

Mr. Alman further suggested that a stone wall be put up in place of the decorative fencing that is included on the plans. In response, Ms. Selig explained the deciding factors for what requires a buffer wall and what requires a fence and provided the details of the Code. She added that this is not required by the Code but pointed out that if Quail Ridge feels this is an issue they have the option to build a wall on their property.

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

* **MOTION BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER GREEN TO RECOMMEND APPROVAL TO CITY COUNCIL OF THE LARGE-SCALE SITE PLAN FOR QUAIL RIDGE APARTMENTS.**

AYES: DOBRIN, WASHINGTON, ANDERSON, ERVIN, GILLIAM, GREEN, GREENWOOD, SENDEL

NAYES: BLANCO, MOCK

MOTION PASSED (8-2)²

F. PZ-20-00200003 – Large Scale Site Plan – Arbours at Cocoa Landings

Ms. Selig explained that the applicant is proposing to develop a 280-unit apartment project with amenities on the subject property which consists of three parcels of vacant land on the south side of SR 524 across from Pinyon Dr.

² A recess was taken at 8:10pm & ended at 8:15pm

The proposed 280 units would consist of 102 one-bedroom units at a minimum of 800 sq. ft., 151 two-bedroom units at a minimum of 900 sq.ft., and 27 three-bedroom units at a minimum of 1,000 sq. ft. Amenities for the property will include a clubhouse with gathering area, business center, fitness room, changing rooms, outdoor pool, and grill area. Additional amenities include a dog park, walking trail, car wash with dog washing area, playground with a tot-lot next to it and a community garden space.

Ms. Selig shared the consistency with the City of Cocoa's Code and noted that staff is recommending approval of the large-scale site plan for Arbours at Cocoa Landing.

Jeff Iravani, JHI Consulting Engineers, shared a history of the project and he provided a presentation³.

Board member Sengel asked if they will be installing a traffic light. In response, Mr. Iravani explained that FDOT did a study and there is no requirement for a traffic light, however they will be adding turning lanes.

Alternate member Greenwood asked if the landscaping will match what is shown in the plans. In response, Mr. Iravani stated yes.

Gabe Ehrenstein, Arbour Valley Development LLC, shared they have been working on this project for two years and it is a big project and there have been a lot of complications that they've had to overcome. He also reiterated that the landscaping will match what is shown on the plans and oak trees will be planted.

Alternate member Greenwood asked about the materials being used for construction. In response, Mr. Ehrenstein shared that it will be wood frame with some vinyl and some stucco and the roof will be pitch roof with shingles.

Alternate member Greenwood pointed out that the property owner is purchasing this property from the Shaw family, who spoke earlier regarding the coffee shop project.

Additionally, Alternate member Greenwood asked about rent costs. In response, Mr. Ehrenstein explained it will be based on a market study and no subsidiaries will be involved, however the rent will probably be a little on the higher end, similar to Viera, but they are offering a healthy style living with a lot of greenspace which will help them stand out from other apartment communities.

Mr. Ehrenstein also shared that they manage their own properties and do not hire third parties to manage the communities.

³ Presentation given by Jeff Iravani

Board member Blanco asked if there will be on-sight security. In response, Ehrenstein explained that while they don't have a "roving-type" officer, they usually have a live-in security person that is on-sight to assist when needed.

Furthermore, Board member Blanco asked if this will be a gated community. In response, Mr. Ehrenstein answered affirmatively.

Adrian Kellgren, one of the business owners of Kel-Tec CNC, Cocoa, shared that he just wanted to state for the record that they run a gun manufacturing business and ship 5,000 guns a week and also fire their products every day from 8am-4pm. He encouraged the developers to come out and visit the plant so they can get an idea of what they do there and the type of volume they produce. He stressed that he is not trying to encourage anyone how to vote one way or the other but he wanted to make sure the developers were aware ahead of time as they are building residential homes.

Donald Carlton, 2155 Cox Rd., shared that he has lived in Cocoa for many years and is concerned about the storm drainage. He pointed out that over the years, especially after Cocoa North and Walmart were developed, the drainage has continued to get worse. He urged the City to do something about the issue.

A resident of Cocoa Pines shared that he is concerned about the traffic along SR524. In response, Mr. Smith shared details of what is going to be done before the summer of next year.

Gregg Stoll, asked to speak about the City's Comprehensive Plan and pointed out a section that states that all un-native plants be removed and asked how the developers will address this. He wanted to know, long-term, how the developers will handle invasive species between the development and the conservation area. In response, Mr. Smith explained that the City will do what it can to control and manage the invasive growths on our side.

* **MOTION BY ALTERNATE MEMBER GREENWOOD; SECONDED BY BOARD MEMBER ANDERSON TO RECOMMEND APPROVAL TO CITY COUNCIL OF THE LARGE-SCALE SITE PLAN FOR ARBOURS AT COCOA LANDING.**

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

MOTION PASSED UNANIMOUSLY (10-0)

IV. OLD BUSINESS:

None.

VI. OTHER BUSINESS:

A. Tree Board: Tree-City USA Application Status

Ms. Selig shared that the City's application was approved.

B. Presentation by Larry Koss on Low Impact Development – Postponed

C. Board Discussion

- * **MOTION BY BOARD MEMBER ERVIN; SECONDED BY BOARD MEMBER GREEN TO POSTPONE NEW BUSINESS ITEMS A & B TO THE JANUARY 20, 2021 MEETING.**

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

MOTION PASSED UNANIMOUSLY (9-0)

VII. NEXT MEETING DATE:

The next meeting for the Planning and Zoning Board will be held on Wednesday, January 20, 2021 at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VIII. ADJOURNMENT:

- * **MOTION BY BOARD MEMBER WASHINGTON; SECONDED BY BOARD MEMBER GILLIAM TO ADJOURN THE SPECIAL MEETING OF DECEMBER 15, 2020.**

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

MOTION PASSED UNANIMOUSLY (10-0)

MEETING WAS ADJOURNED AT 9:10 PM.

Michael Dobrin, Chairperson

Respectfully Submitted By:

Monica Arsenault, Recording Secretary



Legislation Details (With Text)

File #:	21-89	Version:	1	Name:	
Type:	Ordinance	Status:		Agenda Ready	
File created:	1/15/2021	In control:		Planning and Zoning / Local Planning Agency	
On agenda:	1/20/2021	Final action:			
Title:	Consideration of an Ordinance of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Zoning, Article XI, Sections 4A, 5 and 6 of the Zoning Ordinance of the City of Cocoa; limiting the future application of the RU-2-10 zoning district and the regulations therein pertaining to the construction of Single-Family Dwellings; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the Code, severability, and an effective date.				

Sponsors:

Indexes:

Code sections:

Attachments: [Ordinance re RU 2-10 Single-Family.pdf](#)
[Legal Ad Proof.pdf](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: January 15, 2021
Agenda Date: January 20, 2021
Prepared By: Dodie Selig, Planning & Zoning Manager
Through: Nancy A. Bunt, Community Services Director
Requested Action:

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

BACKGROUND:

I. Zoning Text Amendment Analysis

The Planning & Zoning Division staff have addressed the criteria contained in Appendix A. Zoning, Article XXI, Section 1 (G)(2) as follows:

a) *Need and justification for change*

Staff Finding: The City has identified an issue related to the construction of single-family dwellings under the RU-2-10, Low Density Single-Family and Multiple-Family zoning district regulations.

This district allows for single-family dwellings to be constructed on lots with a minimum area of 5,000 square feet

and no required open space or community amenities, due to the close proximity of the Cocoa Village area's many such spaces and amenities.

The RU-2-10 zoning district applies to an area bound by State Road 520 on the north, Florida Ave. on the east, Rosa L. Jones Dr. on the south and US1 on the west, which is known as the Heart of Cocoa neighborhood, and which is subject to the Substitute Consent Decree as ordered on January 28, 2009.

There are two other zoning districts which allow the construction of dwelling units under the provisions of the RU-2-10 zoning district. These are the RU-2-15 (Multiple Family Dwelling District) and the RU-2-25 (Multiple Family Dwelling District). The RU-2-15 district allows "Single-family and multi-family dwellings of not more than three (3) units per building as regulated by section 4A, RU-2-10" and the RU-2-25 district allows "Single-family and Multi-family dwellings of not more than four (4) units per building as regulated by section 4A, RU-2-10".

However, the Substitute Consent Decree specifically limits the application of the RU-2-10 zoning district regulations to the lands subject to the decree. In addition, the City Council has expressed the desire to limit building of dwelling units on small parcels of land without accompanying amenities.

It is therefore necessary that the City revise both the RU-2-15 and RU-2-25 zoning districts to remove reference to the RU-2-10 district and provide new zoning regulations for such dwelling unit construction.

The proposed changes to the RU-2-15 regulations will allow the construction of single-family, and multi-family of not more than 3 units per building, under a choice of two options. Development would have the option to build under the RU-1-7 (Single Family Dwelling District) regulations, which require a minimum lot size of 75 feet by 100 feet, without amenities. Or to build under the RU-2-15 regulations which allow a minimum lot size of 50 feet by 100 feet, but require the developer to provide a percentage of the gross acreage as open space/recreation amenities.

The proposed changes to the RU-2-25 regulations will allow the construction of single-family under a minimum lot area, lot width and setbacks that are comparable to those under the RU-2-15 district.

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

Staff Finding: The following Comprehensive Plan policy supports the proposed zoning text amendment:

- **Objective 1.1.10: Plan Implementation.** The City shall maintain, amend and develop land development regulations that guide future growth and development, discourage the proliferation of urban sprawl and implement the goals, objectives and policies of this comprehensive plan.
- **Policy 1.1.10.2:** Future development and redevelopment activities shall be directed toward appropriate areas considering the topography, soil conditions and availability of facilities and services, and consistent with sound planning principles, minimal natural constraints, and the goals, objectives, and policies provided in the Comprehensive Plan.

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

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

ORDINANCE NO. ____-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTIONS 4A, 5 AND 6 OF THE ZONING ORDINANCE OF THE CITY OF COCOA; LIMITING THE FUTURE APPLICATION OF THE RU-2-10 ZONING DISTRICT AND THE REGULATIONS THEREIN PERTAINING TO THE CONSTRUCTION OF SINGLE-FAMILY DWELLINGS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

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

WHEREAS, currently, the primary area of the City zoned RU-2-10, Low Density Single-Family and Multiple-Family District, is the Heart of Cocoa neighborhood, which is subject to the Substitute Consent Decree as ordered on January 28, 2009 and located close to the core commercial center of the Cocoa Village and waterfront amenities; and

WHEREAS, the RU-2-10 zoning district allows for single-family dwellings to be constructed on lots with a minimum area of 5,000 square feet and no required open space or community amenities; and

WHEREAS, currently, the RU-2-15 and RU-2-25 zoning districts also cross-reference the standards in RU-2-10 for single-family dwelling construction, thereby also allowing small, 5,000-square foot lots with no required amenities to be constructed in these zoning districts; and

WHEREAS, the City Council desires to limit the proliferation of small residential lots without accompanying community amenities, such as open and gathering spaces, in areas of the City that are not zoned RU-2-10; and

WHEREAS, the Zoning Ordinance of the City of Cocoa already provides an opportunity for the construction of small-lot, single-family dwellings through the application of the Planned Unit Development district (PUD), which also requires common open space and additional amenities to be provided; and

WHEREAS, for the foregoing reasons, the City Council desires to limit the future rezoning of property in the City to the RU-2-10 district and the RU-2-15 and RU-2-25 districts for the purpose of constructing small-lot, single-family housing without corresponding amenities in the

City; and

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

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

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

Section 2. **Code Amendment.** The City of Cocoa Code of Ordinances, Appendix A, Article XI, Sections 4A, 5, and 6, are hereby amended as follows (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (* * *) indicate a deletion from the Ordinance of text existing in Appendix A, Article XI, Sections 4A, 5 and 6. It is intended that the text in Appendix A, Article XI, Sections 4A, 5 and 6 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 XI. – SCHEDULE OF DISTRICT REGULATIONS

* * *

Sec. 4A. – District and intent – RU-2-10, Low Density Single-Family and Multiple-Family District.

The provisions of this district are intended to apply to an area of mixed, low density multifamily and single-family residential development in close proximity to major collector and arterial streets and, after February 1, 2021, shall be specifically limited to the real property subject to the Substitute Consent Decree as ordered on January 28, 2009, and a portion of the real property located on State Road 524 zoned to RU-2-10 on August 12, 1986 via Ordinance 15-86.

* * *

Sec. 5. – District and intent – RU-2-15, Multiple-Family Dwelling District

The provisions of this district are intended to apply to an area of medium density residential development with a variety of housing types. Lot sizes and other restrictions are intended to promote and protect medium density residential development, maintaining an adequate amount of

open space for such development. Paragraphs (A) through (O) below shall not apply to construction meeting the definition of "townhouse" in article V. Paragraphs (P) through (BB) shall apply only to construction meeting the definition of "townhouse" contained in article V.

(A) PRINCIPAL USES AND STRUCTURES.

- (1) Multiple-family dwellings (four (4) or more units per building) not more than fifteen (15) dwelling units per acre (two thousand nine hundred (2,900) square feet of lot per dwelling unit) for ~~two-story~~ multi-storied structures. Multiple-family dwellings (four (4) or more units per building) of not more than ten (10) units per acre (four thousand three hundred fifty (4,350) square feet of lot per dwelling unit) for single-story structures. For the purpose of computing density allowed, property divided by a public road shall be considered as separate parcels (refer to article XIII, Supplementary District Regulations, section 2, Designation of lesser maximum density.)
- (2) Single-family and multi-family dwellings of not more than three (3) units per building ~~as regulated by section 4A, RU-2-10~~ as regulated by Section 3, RU-1-7, or in accordance with this Section 5.
- (3) Townhouse residential subdivisions as regulated in this section.

* * *

(E) BULK REGULATIONS.

- (1) *Minimum lot area* —Seven thousand five hundred (7,500) square feet; five thousand (5,000) square feet for single-family and multi-family dwellings of not more than three (3) units per building.
- (2) *Minimum lot width* —Seventy-five (75) feet.
- (3) *Minimum lot depth* —One hundred (100) feet.
- (4) *Maximum lot coverage* —Forty percent (40%).
- (5) *Maximum height* —Thirty-five (35) feet.

(F) MINIMUM LIVING AREA.

Single-family dwellings – One thousand two hundred (1,000) square feet.

Duplex —Seven hundred fifty (750) square feet each unit.

Efficiency apartments —Five hundred (500) square feet.

One-bedroom apartments —Eight hundred (800) square feet.

Two-bedroom apartments —Nine hundred (900) square feet, plus one hundred (100) square feet for each additional bedroom.

(G) MINIMUM YARD REQUIREMENTS.

Front setback —Twenty-five (25) feet.

Side interior lot setback —Ten (10) feet, eight (8) feet for single-family and multi-family dwellings of not more than three (3) units per building.

Side corner lot setback —Fifteen (15) feet.

Rear setback —Twenty (20) feet, fifteen (15) feet for single-family and multi-family dwellings of not more than three (3) units per building.

(H) [OPEN AIR SPACE.] Multiple-family buildings (more than two (2) units) located on the same lot shall have an open air space of not less than fifteen (15) feet between exterior walls of buildings.

(I) PRESERVATION OF TREES. During the development of the property, all trees of six (6) inches in diameter or larger shall be preserved unless they exist within:

- (1) A proposed public or private easement or drainage facility.
- (2) Proposed structure dimensions.
- (3) Ten (10) feet of a proposed structure.
- (4) A proposed driveway or designated parking area.

(J) UTILITIES. All utilities distribution systems, including TV cable, telephone and electrical systems shall be installed underground for multifamily buildings located on a lot one (1) acre or larger in size. Primary facilities providing service to the site may be exempted.

(K) [MAXIMUM BUILDING LENGTH.] The maximum length and/or width of any building shall be two hundred (200) feet.

(L) [PERPETUAL MAINTENANCE.] Provisions satisfactory to the city council, City of Cocoa, shall be made to assure that nonpublic areas and common open space shall be perpetually maintained in a satisfactory manner, without expense to the City of Cocoa.

(M) COMMON USABLE OPEN SPACE AND RECREATIONAL FACILITIES.

- (1) Twenty percent (20%) of the gross acreage of the site shall be set aside and specifically delineated on the site plan as common usable open space. The twenty percent (20%) requirement may be reduced to ten percent (10%) if the major recreational facilities such as swimming pool, or two (2) tennis courts, or two (2) racquet ball courts or any combination, are provided for each forty (40) units for common use of the development's residents.

(N) CURBING. A four-inch concrete curb shall be provided as a separation between paved parking areas and open green islands.

- (O) [UNDERGROUND IRRIGATION.] An underground irrigation (sprinkler) system shall be provided for all landscaped areas within multiple-family residential projects of ten (10) units or more.

* * *

Sec. 6. – District and intent – RU-2-25, Multiple-Family Dwelling District

The provisions of this district are intended to apply to several areas of the city adjacent or proximate to the Central Business District and primarily within the redevelopment area as designated on the city's adopted redevelopment plan. Uses are based upon the city comprehensive plan and redevelopment plan and are intended to accommodate medium-high density residential multi-family development in areas proximate to commercial and office development or to the waterfront and on or near major collector or arterial streets. The permitted uses and design and development standards are intended to promote major developments of high quality including townhouse and multiple-family residential development, hotels and motels and single-family development. It is intended that "performance standards" control the permissible type, density or intensity, mix of development and design and development criteria.

All development in the RU-2-25 Multiple-Family Dwelling District, except for the construction of an individual single-family dwelling unit on a single lot, shall be required to submit a site plan and obtain approval pursuant to article XIII, section 1 of this zoning ordinance.

(A) PRINCIPAL USES AND STRUCTURES.

- (1) Multiple-family dwellings (five (5) or more units per building). For the purpose of computing density allowed, property divided by a public road shall be considered as separate parcels (refer to article XIII, Supplementary District Regulations, section 2, Designation of lesser maximum density).
- (2) Single-family and Multi-family dwellings of not more than four (4) units per building ~~as regulated by section 4A, RU-2-10 and this section.~~
- (3) Townhouse residential subdivision (as regulated by section 5, RU-2-15 and this section).

* * *

- (E) PERFORMANCE STANDARDS REQUIREMENT. No building, structure or land shall be used or occupied except in conformance with the performance standards as set forth herein. All minimum performance standards applicable to a use must be met, unless a variance or special exception is granted pursuant to article XVII, sections 2 and 3 of this ordinance. The performance standards set forth herein shall be implemented through the site plan approval process set forth in article XIII, section 1 of the zoning ordinance, which shall apply to all uses in this zoning district, except for the construction of a single-family dwelling unit on a single lot.

(F) TABLE OF PERFORMANCE STANDARDS.

	Performance Standard	Minimum Requirement
(1)	Minimum Lot Area	15,000 square feet; <u>5,445 square feet for single-family dwellings</u>
(2)	Minimum Lot Width	150 feet; <u>50 feet for single-family dwellings</u>
(3)	Minimum Lot Depth	100 feet
(4)	Maximum Lot Coverage	40 percent
(5)	Minimum yards	
	Front	30 feet; <u>25 feet for single-family dwellings</u>
	Side (Interior)	10 feet; <u>8 feet for single-family dwellings</u>
	Side (Corner)	25 feet; <u>15 feet for single-family dwellings</u>
	Rear	25 feet; <u>15 feet for single-family dwellings</u>
(6)	Maximum Building Height	45 feet, except as provided by special exception
(7)	Maximum Density	
	Single-Family	8 Units/acre
	Townhouse	15 Units/acre
	Multi-Family	25 Units/acre
(8)	Minimum Floor Area Per Living Unit	
	(a) For Units Not Qualified and Approved for HUD Programs,	

		section 202 or 811	
		Efficiency multi-family unit	600 square feet
		1 Bedroom multi-family unit	900 square feet
		2 Bedroom multi-family unit	1,000 square feet plus one hundred (100) square feet for each additional bedroom
	(b)	For Units Qualified and Approved for HUD Programs, section 202 or 811 Only	
		Efficiency multi-family unit	400 square feet
		1 Bedroom multi-family unit	520 square feet
		2 Bedroom Manager's unit	780 square feet
		Each of the above units shall have a maximum <u>minimum</u> of one bath.	
		Said projects shall be exempt from Appendix A, article XI, section 6(F)(9).	
		<u>Single-family dwelling units</u>	<u>1,000 square feet</u>
(9)		Minimum Average Floor Area Per Living Unit	
	(a)	For Units Not Qualified and Approved for HUD Programs, section 202 or section 811	1,000 square feet
	(b)	For Units Qualified and Approved for HUD Programs, section 202 or	Said units shall be exempt from the Minimum Average Floor Area Requirement

		section 811 Only	
(10)	Minimum Floor Area Per Sleeping Unit for Hotel/Motel Development	400 square feet	
(11)	Minimum Parking Requirement	Pursuant to article XII, Off-Street Parking and Loading Regulations	
(12)	Fencing	Pursuant to article XIII, section 5 and other applicable provisions of the Zoning Ordinance	
(13)	Landscaping	Pursuant to article XIV, Landscape Requirements and other applicable provisions of the Zoning Ordinance	
(14)	Pedestrian Access	All developments must provide pedestrian access to the front of each building by sidewalk	
(15)	Vehicular Access	Pursuant to article XIII, section 4	

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 City Code of Cocoa 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, in a regular meeting assembled on the _____ day of _____, 2021.

Michael C. Blake, Mayor

ATTEST:

CARIE SHEALY, MMC
City Clerk

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

CITY OF COCOA

NOTICE OF PUBLIC HEARING AND ZONING MAP AMENDMENT

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

For "Arbours at Cocoa Landings":

- A. APPROVAL OF A LARGE SCALE SITE PLAN (Arbours at Cocoa Landings) consistent with Appendix A Zoning, Article XIII, Section 1, of the City Code to construct a total of 280 apartment units in thirteen (13) apartment buildings, along with a clubhouse with pool, maintenance building, playground and dog park on three (3) parcels located on the south side of State Road 524, and 0.25 miles east of Cox Road. Parcel ID number: 24-35-24-00-250.1 and 24-35-24-00-255 and 24-35-24-00-252.

For "Quail Ridge" Apartments:

- B. APPROVAL OF A LARGE SCALE SITE PLAN (Quail Ridge Apartments) consistent with Appendix A Zoning, Article XIII, Section 1, of the City Code to construct a total of 40 apartment units in one (1) apartment building, along with racquetball court, walking trail and dog park on one (1) parcel located on the south side of Otterbein Drive, and 0.25 miles west of Clearlake Road. Parcel ID number: 24-36-18-00-765.

For "100 Delannoy Ave.":

- C. APPROVAL OF A DEVELOPMENT AGREEMENT, consistent with Appendix A Zoning of the City Code, to approve a conceptual development plan for a Single-Story Commercial Building type with retail development and a drive-thru use, on a parcel of land in the Waterfront Sub-district of the Cocoa Waterfront Overlay District. The subject property is located at 100 Delannoy Ave. and is further identified as Parcel ID number: 24-36-33-06-* -7.

For "Gem Industries":

Ordinance No. XX-2020

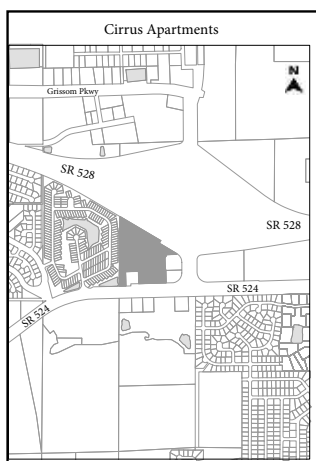
- D. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; RELATING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE MAP FOR ONE (1) PARCEL OF REAL PROPERTY WITHIN THE CITY OF COCOA, CONSISTING OF APPROXIMATELY 0.60 ACRES, MORE OR LESS, GENERALLY LOCATED ON STATE ROAD 520, WEST OF COX ROAD AND EAST OF TOWNSEND ROAD, BEING LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; CHANGING THE FUTURE LAND USE MAP DESIGNATION OF THE REAL PROPERTY FROM BREVARD COUNTY COMMUNITY COMMERCIAL TO CITY OF COCOA INDUSTRIAL; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE COMPREHENSIVE PLAN, SEVERABILITY, AND AN EFFECTIVE DATE AND LEGAL STATUS OF THE PLAN AMENDMENT. The subject parcel is located at 4050 W King St, Cocoa, FL and further identified as Parcel ID number 24-35-26-00-763.1.



For "Cirrus" Apartments:

Ordinance No. XX-2020

- E. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 15.74 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON STATE ROAD 524, DIRECTLY SOUTH OF STATE ROAD 528 AND WEST OF EAST INDUSTRY ROAD, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM GENERAL COMMERCIAL (CG) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.
- F. APPROVAL OF A PRELIMINARY SUBDIVISION / LARGE SCALE SITE PLAN (Cirrus Apartments) consistent with Chapter 18 Subdivisions and Appendix A Zoning of the City Code. The property owner desires to develop a mixed-use planned unit development project containing 280 apartment units and future commercial uses. The subject property is generally located on State Road 524, directly south of State Road 528 and west of East Industry Road, in Cocoa, FL. The property is identified as Parcel # 24-36-18-27-* -1.



Ordinance No. XX-2020

- G. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTIONS 4A, 5 AND 6 OF THE ZONING ORDINANCE OF THE CITY OF COCOA; LIMITING THE FUTURE APPLICATION OF THE RU-2-10 ZONING DISTRICT AND THE REGULATIONS THEREIN PERTAINING TO THE CONSTRUCTION OF SINGLE-FAMILY DWELLINGS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY PUBLIC HEARING WILL BE HELD ON

December 15, 2020

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

CITY COUNCIL WILL CONSIDER ALL ITEMS (EXCEPT THE LARGE SCALE SITE PLANS FOR ITEMS A, B and F) ON
January 12, 2021

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

Public Participation and Special COVID-19 Information:

Members of the public may view the meeting agenda, ordinances, project applications, supporting documents, and staff reports on the City's website at the following link prior to attending or commenting:

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

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

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

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

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

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

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

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

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

Special Information for Quasi-Judicial Hearings:

Any person that (1) can demonstrate that they may suffer special damages different in kind and degree from that of the general public at large; and (2) wishes to present factual or expert witnesses and/or evidence at a quasi-judicial hearing is highly encouraged to immediately contact Dodie Selig, Planning and Zoning Manager, at (321) 433-8510 or dselig@cocoafl.org, to make proper arrangements for presentation of witnesses and/or evidence. All witnesses must be identified and all evidentiary documents and exhibits that are intended to be distributed to the P&Z/LPA and City Council must be submitted to Ms. Selig via email or mail prior to the hearing.

General Notice Information:

This is a public meeting. Interested parties are hereby advised that they may appear at said meeting and be heard. The facility wherein this public meeting will be held is accessible to the physically handicapped. In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Carle Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@cocoafl.org.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the P&Z Board/LPA or City Council with respect to any matter considered at its meeting or hearing, that person will need a record of the proceedings and for such purpose, affected persons may need to assure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals otherwise not allowed by law.

The PZ Board/LPA meeting may include the attendance of one (1) or more members of the Cocoa City Council who may or may not participate in the Board discussions held at this public hearing. The Local Planning Agency and City Council reserve the right to continue or postpone hearings to a date certain without re-advertising.