



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

Cocoa City Hall
65 Stone Street
Cocoa, FL 32922

AGENDA

Regular Meeting
October 12, 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 October 12, 2016
2. MINUTES: Regular Meeting of August 10, 2016

III. OLD BUSINESS:

None

IV. NEW BUSINESS:

A. PZ-16-02100003 – ZONING MAP AMENDMENT (825 Forrest Ave.)

An ordinance of the City Council of the City of Cocoa, Brevard County, Florida, changing the Zoning Map designations of one (1) parcel of real property totaling 5.88 acres, more or less, and located at 825 Forrest Avenue in Cocoa, Florida, more particularly depicted on Exhibit "A", attached hereto, from RU-2-15 and RU-2-25 (Multiple Family Dwelling Districts) to INST (Institutional); providing for the repeal of prior inconsistent ordinances and resolutions, severability, and an effective date.

V. OTHER BUSINESS:

None

VI. NEXT MEETING DATE:

November 9, 2016

VII. ADJOURNMENT:

(Over)



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
August 10, 2016

A regular meeting of the Planning & Zoning Board of the City of Cocoa was held on Wednesday, August 10, 2016 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Michael Dobrin called the meeting to order at 6:20 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Michael Dobrin	Chairman
Al Washington	Vice-Chairman
Todd Anderson	Board Member
Aleck Greenwood	Board Member
Jack Moore	Board Member
Russell Sengel	Board Member

MEMBERS ABSENT:

Jake Williams	Board Member
---------------	--------------

OTHERS PRESENT:

Steven Belden, AICP	Community Services Director
Steven Biel	Senior Planner
Kim Kopp	Board Attorney- via phone
Rachel Unruh	Board Secretary

APPROVAL OF AGENDA & MINUTES:

1. Approval of Agenda: August 10, 2016.

No motion made to approve the agenda.

2. Approval of Meeting Minutes: May 11, 2016.

Motion, by Al Washington, seconded by Todd Anderson, to approve the minutes of May 11, 2016, as written. Vote on the motion carried unanimously.

OLD BUSINESS:

None

NEW BUSINESS:

A. PZ-16-02100003 ZONING MAP AMENDMENT (825 Forrest Ave.)

The applicant is requesting a change to the Zoning Map amendment consistent with Appendix A, Zoning, Article XXII, to rezone the subject parcel from RU-2-15 and RU-2-25 (Multiple Family Dwelling Districts) to INST (Institutional). The subject parcel consists of 5.88 acres, more or less, and is identified by the Brevard County Property Appraiser's Office as Tax Account No. 2421181.

Applicant not present.

City Staff recommended that the item is tabled since the Applicant was not present.

Motion by Todd Anderson, seconded by Al Washington, to table the item until September 14th meeting. Vote on the motion carried unanimously.

OTHER BUSINESS:

None

NEXT MEETING:

The Board members established that the next meeting would be held on September 14, 2016.

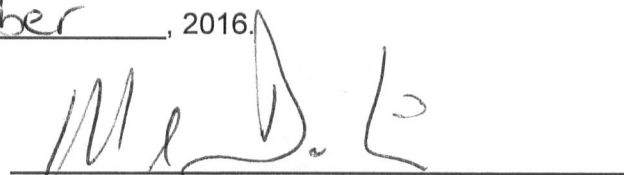
ADJOURNMENT:

There being no further business the meeting adjourned at 6:24 P.M.

Approved on this 12th day of October, 2016.



Rachel Unruh, Board Secretary



Michael Dobrin, Chairman

CITY OF COCOA
PLANNING & ZONING BOARD
MEETING MINUTES
August 10, 2016

A regular meeting of the Planning & Zoning Board of the City of Cocoa was held on Wednesday, August 10, 2016 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Michael Dobrin called the meeting to order at 6:20 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Michael Dobrin	Chairman
Al Washington	Vice-Chairman
Todd Anderson	Board Member
Aleck Greenwood	Board Member
Jack Moore	Board Member
Russell Sengel	Board Member

MEMBERS ABSENT:

Jake Williams	Board Member
---------------	--------------

OTHERS PRESENT:

Steven Belden, AICP	Community Services Director
Steven Biel	Senior Planner
Kim Kopp	Board Attorney- via phone
Rachel Unruh	Board Secretary

APPROVAL OF AGENDA & MINUTES:

1. Approval of Agenda: August 10, 2016.

No motion made to approve the agenda.

2. Approval of Meeting Minutes: May 11, 2016.

Motion by Al Washington, seconded by Todd Anderson, to approve the minutes of May 11, 2016, as written. Vote on the motion carried unanimously.

OLD BUSINESS:

None

NEW BUSINESS:

A. PZ-16-02100003 ZONING MAP AMENDMENT (825 Forrest Ave.)

The applicant is requesting a change to the Zoning Map amendment consistent with Appendix A, Zoning, Article XXII, to rezone the subject parcel from RU-2-15 and RU-2-25 (Multiple Family Dwelling Districts) to INST (Institutional). The subject parcel consists of 5.88 acres, more or less, and is identified by the Brevard County Property Appraiser's Office as Tax Account No. 2421181.

Applicant not present.

City Staff recommended that the item is tabled since the Applicant was not present.

Motion by Todd Anderson, seconded by Al Washington, to table the item until September 14th meeting. Vote on the motion carried unanimously.

OTHER BUSINESS:

None

NEXT MEETING:

The Board members established that the next meeting would be held on September 14, 2016.

ADJOURNMENT:

There being no further business the meeting adjourned at 6:24 P.M.

Approved on this _____ day of _____, 2016.

Michael Dobrin, Chairman

Rachel Unruh, Board Secretary



City of Cocoa
Planning & Zoning Board
STAFF REPORT

Date:	October 4, 2016
Project Name:	825 Forrest Ave. – The Open Door (A United Methodist Community)
Project No.:	PZ-16-02100003
Meeting Date:	October 12, 2016
Project Planner:	Steven Biel, Senior Planner
Applicant/Owner:	First Methodist Church of Cocoa 825 Forrest Ave. Cocoa, FL 32922
Requested Action:	ZONING MAP AMENDMENT consistent with Appendix A, Zoning, Article XXII, to rezone the subject parcel from RU-2-15 and RU-2-25 (Multiple Family Dwelling Districts) to INST (Institutional). The subject parcel consists of 5.88 acres, more or less, and is identified by the Brevard County Property Appraiser's Office as Tax Account No. 2421181.

I. Project Information

Update: This item was scheduled to be heard by the Planning & Zoning Board at its August 10, 2016 meeting. The applicant did not have a representative at the meeting; therefore, the item was tabled to the September 14, 2016 meeting. However, there was a conflict with a previously scheduled City Council meeting and the Planning & Zoning Board meeting was cancelled. Due to the cancellation the meeting had to be re-advertised for the October 12, 2016 meeting. There are no other changes to this rezoning application

The applicant is requesting to amend the Zoning Map designation of the subject parcel from RU-2-15 and RU-2-25 (Multiple Family Dwelling Districts) to INST (Institutional). The Open Door, A United Methodist Community (formerly First United Methodist Church of Cocoa) owns the 5.88-acre parcel with approximately 32,000 SF of building area that makes up the church campus at 825 Forrest Avenue. The church was founded in 1885 on Brevard Avenue and relocated to its present location in the late 1960s.

The church recently contacted City staff regarding the replacement of an existing ground-mounted sign with a ground-mounted LED sign. The property is zoned RU-2-15 and RU-2-25 (portion of property where proposed LED sign to be located is RU-2-25), which does not permit LED signage. Furthermore, per Chapter 3, Article II, Section 3-23(i)(9), LED signs are only permitted in the CBD, C-C, C-G, C-N, C-P, C-W, INST, M-1, M-2, and UMD zoning districts where not located within 150 feet of residentially zoned properties. The proposed sign location would be approximately 180 feet from the nearest residential property.

The intent of the INST zoning district is to provide for areas which serve the needs of the community for public and semipublic facilities of religious, educational, health, or of a cultural nature. The INST zoning district would be consistent with the church and its accessory uses.

The Future Land Use Map designates the subject property as “Commercial”, which supports a church use. Therefore, a Future Land Use Map amendment is not necessary in order to rezone the subject property to INST.

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

Future Land Use:	Current: Commercial Proposed: No Change		
Zoning District(s):	Current: RU-2-15 & RU-2-25 (Multiple Family Dwelling districts) Proposed: INST (Institutional)		
Existing Land Use:	Church		
Council District:	District 2 – Councilmember Warner		
Overview of Surrounding Area:			
	Future Land Use Designations	Zoning Districts	Land Uses
North	Commercial	C-N	Bank
South	Commercial	RU-2-15	Residential (south side of Hillcrest Dr.)
East	Commercial	C-N	Institutional, Commercial & Residential (east side of Forrest Ave.)
West	Commercial	C-W	Self-Storage (west side of US 1)

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 is being made so the "Open Door" can have a LED sign placed close to US 1 (replacing existing "static" sign on the western side of the property).*

Staff Response: The land use pattern to the north, east, and west is a mix of commercial, institutional, and residential uses. The land use pattern to the south of Hillcrest Dr. is residential. Staff does not believe the proposed rezoning is contrary to the established land use pattern.

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

Applicant Response: *No, it would not create an isolated district.*

Staff Response: The proposed INST zoning district would be consistent with the zoning of the surrounding area, particularly to the north (C-N), east (C-N), and west (C-W).

- 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: *It should not.*

Staff Response: The proposed rezoning would have no impact on the pattern of population density as there is no residential use proposed. It should also be noted that by virtue of residential uses not being noted as a permitted use or use by special exception, residential uses are not permitted in the INST zoning district.

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

Applicant Response: *No they would not.*

Staff Response: Over the years the subject property has been reconfigured to its current configuration. The 1959 Zoning Map shows the area as containing at least 22

lots, which were zoned R2 (One & Two Family Dwelling) and R4 (Multiple Family). It appears the current zoning boundary between the RU-2-15 and RU-2-25 matches the 1959 zoning boundary between the R4 and R2. Over the years it appears the lots were combined into the current configuration.

- 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: It should not.

Staff Response: The proposed rezoning from RU-2-15 & RU-2-25 to INST is consistent with the Future Land Use Map and the Comprehensive Plan, more specifically with the following Future Land Use Element of the Comprehensive Plan:

Policy 1.1.10.7: Existing land uses which are incompatible or inconsistent with the City's Future Land use Map will continue to be identified and addressed.

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

Applicant Response: To allow "The Open Door" placement of a LED sign.

Staff Response: If the rezoning is approved by City Council, the inconsistency between the current zoning and the Future Land Use would be addressed as required by state law and would be consistent with the Comprehensive Plan. Furthermore, if the rezoning request is approved by City Council, the church would then be able to install an LED sign.

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

Applicant Response: It would not.

Staff Response: The proposed rezoning would not adversely influence living conditions in the neighborhood.

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

Applicant Response: It would not.

Staff Response: It is not anticipated that the proposed rezoning would create or excessively increase traffic congestion or otherwise affect public safety.

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

Applicant Response: It will not.

Staff Response: It is not anticipated the rezoning would create a drainage problem.

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

Applicant Response: It will not.

Staff Response: Any future use associated with the proposed rezoning would be required to meet the requirements of 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: It should not.

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: We see it as an upgrade.

Staff Response: It is not anticipated that the proposed rezoning would be a deterrent to the improvement or development of adjacent property.

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

Applicant Response: We hope not.

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: Existing zoning does not allow LED signage.

Staff Response: As previously noted, the proposed rezoning would be consistent with the Future Land Use Map and the Comprehensive Plan and to allow the church to apply for a building permit to install an LED sign.

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

Applicant Response: *It will not.*

Staff Response: The proposed rezoning is not out of scale with the needs of the neighborhood.

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

Applicant Response: *N/A*

Staff Response: There are no proposed uses for the subject property other than to apply for a building permit to install an LED sign.

Consistency with Comprehensive Plan Policies and Objectives

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

III. Recommendation

Staff recommends that the Planning & Zoning Board recommend **approval** to City Council of the Zoning Map Amendment from RU-2-15 and RU-2-25 (Multiple Family Dwelling Districts) to INST (Institutional).

ORDINANCE NO. 14-2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING MAP DESIGNATIONS OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 5.88 ACRES, MORE OR LESS, AND LOCATED AT 825 FORREST AVENUE IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED ON EXHIBIT "A", ATTACHED HERETO, FROM RU-2-15 AND RU-2-25 (MULTIPLE FAMILY DWELLING DISTRICTS) TO INST (INSTITUTIONAL); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

WHEREAS, the Planning and Zoning Board and City Staff of the City of Cocoa recommended approval of this Ordinance on August 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 dual classifications from "RU-2-15 (Multiple Family Dwelling District)" and "RU-2-25 (Multiple Family Dwelling District)" to "INST (Institutional)", 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"

LEGAL DESCRIPTION:

(825 Forrest Avenue, Cocoa, FL 32922)

BLK A LOTS 1, 2, 3, 4, LOTS 23 TO 36 EX HWY R/W PT OF VAC DYAL RD AS DES IN ORB 618 PG 1049 ALSO PT OF TRACT 1 AS DES IN ORB 720 PG 366 & ALL TRACT 2 AS IN PB 8 PG 25 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:

FROM THE N.W. CORNER OF GOV'T. LOT 4, SECTION 28, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, RUN SOUTH $0^{\circ} 29' 00''$ EAST ALONG THE WEST LINE OF SAID GOV'T. LOT 4 A DISTANCE OF 398.7 FT.; THENCE SOUTH $89^{\circ} 40' 20''$ WEST, 112.50 FT. TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH $89^{\circ} 40' 20''$ EAST, 385.77 FT. TO THE WEST RIGHT OF WAY OF FORREST AVE.; THENCE SOUTH $21^{\circ} 20'$ EAST ALONG THE WEST RIGHT OF WAY LINE OF SAID FORREST AVE. A DISTANCE OF 587.26 FT. TO THE P.C. OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25 FT. AND A CENTRAL ANGLE OF $110^{\circ} 57'$, AN ARC DISTANCE OF 48.41 FT.; THENCE SOUTH $89^{\circ} 37'$ WEST ALONG THE NORTH RIGHT OF WAY OF GRIMES ST. A DISTANCE OF 177.33 FT. TO THE P.C. OF A CIRCULAR CURVE TO THE RIGHT; THENCE NORTHWESTERLY ALONG SAID CURVE HAVING A RADIUS OF 25 FT. AND A CENTRAL ANGLE OF $69^{\circ} 03'$, AN ARC DISTANCE OF 30.13 FT.; THENCE NORTH $21^{\circ} 30'$ WEST, 277.26 FT.; THENCE SOUTH $89^{\circ} 37'$ WEST, 278.05 FT.; THENCE NORTH $0^{\circ} 29' 00''$ WEST A DISTANCE OF 307.76 FT. TO THE POINT OF BEGINNING.

PARCEL 2:

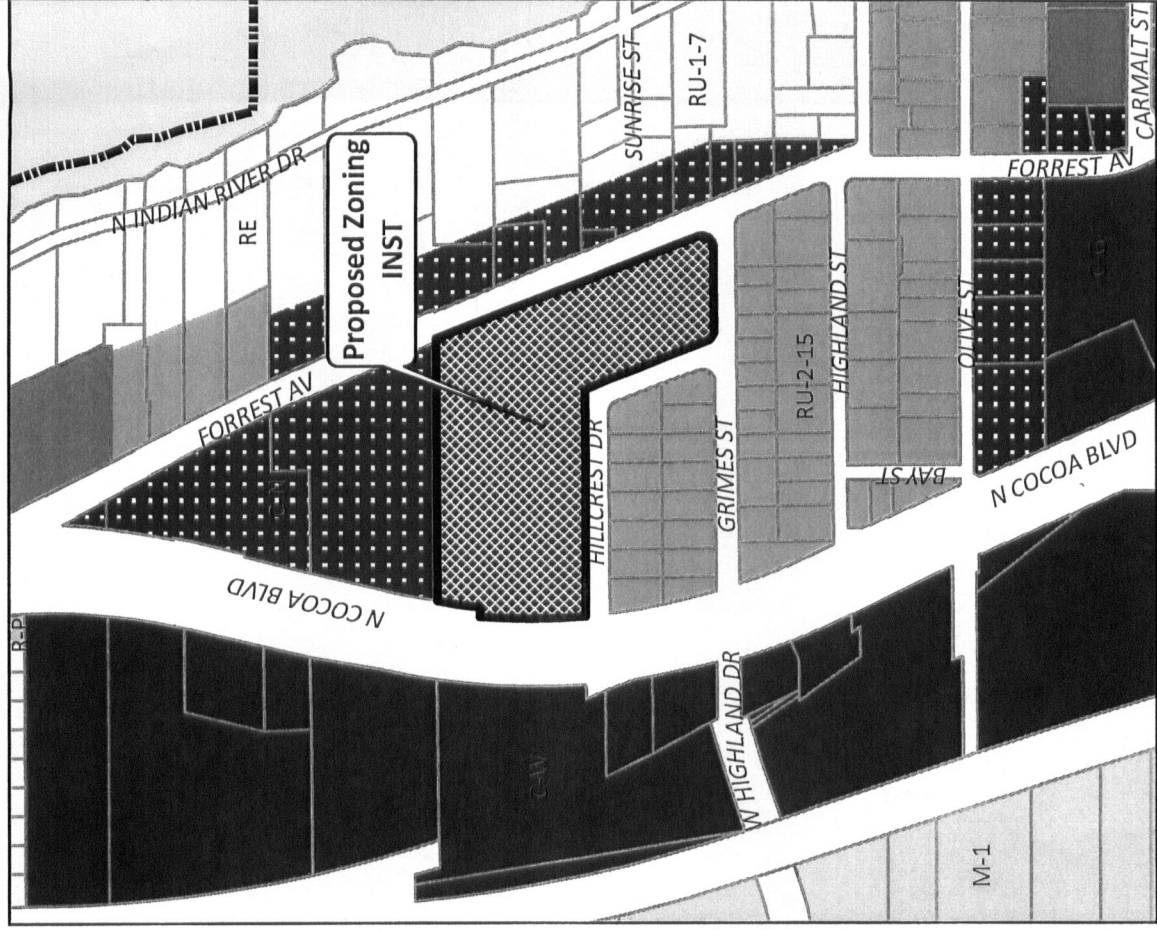
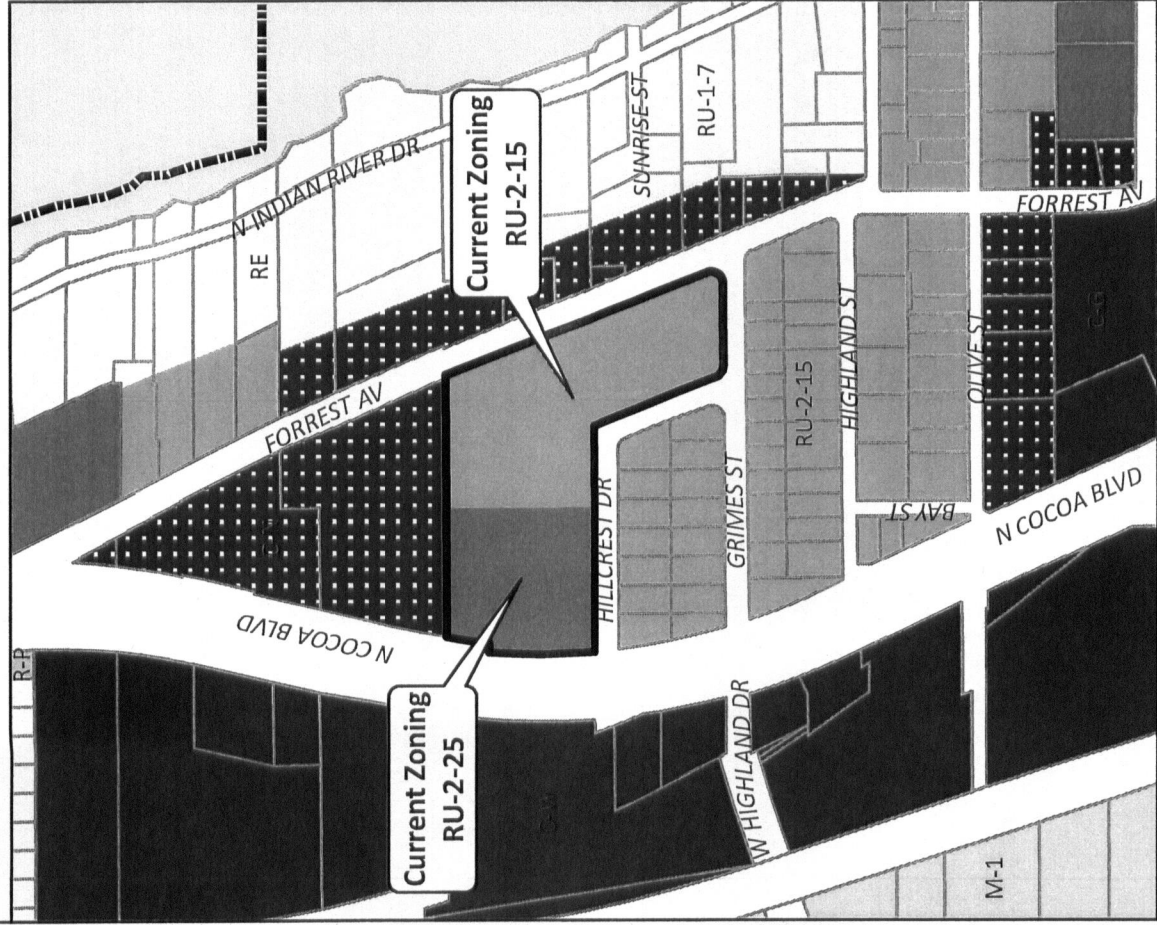
FROM THE N.W. CORNER OF GOV'T LOT 4, SECTION 28, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, RUN SOUTH $0^{\circ} 29' 00''$ EAST ALONG THE WEST LINE OF GOV'T LOT 4 A DISTANCE OF 398.7 FT.; THENCE SOUTH $89^{\circ} 40' 20''$ WEST A DISTANCE OF 112.50 FT. TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE SOUTH $0^{\circ} 29' 00''$ EAST A DISTANCE OF 307.76 FT.; THENCE SOUTH $89^{\circ} 37'$ WEST A DISTANCE OF 191.40 FT. TO THE EAST RIGHT OF WAY LINE OF U.S. HWY. NO. 1; THENCE NORTHERLY ALONG THE EAST LINE OF U.S. HWY. NO. 1 ALONG A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 1,357.69 FT. AND A CENTRAL ANGLE OF $9^{\circ} 58' 29''$, AN ARC DISTANCE OF 236.36 FT.; THENCE SOUTH $84^{\circ} 50' 02''$ EAST, 20 FT.; THENCE NORTHERLY ALONG THE EAST LINE OF U.S. HWY. NO. 1, ALONG A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 1,337.69 FT. AND A CENTRAL ANGLE OF $3^{\circ} 11' 11''$, AN ARC DISTANCE OF 74.39 FT.; THENCE NORTH $89^{\circ} 40' 20''$ EAST, 159.38 FT. TO THE POINT OF BEGINNING.

City of Cocoa Zoning Map

Exhibit "A"

Current and Proposed Zoning Map for 825 Forrest Ave.

From: RU-2-15 and RU-2-25 (Multiple Family Dwelling Districts) To: INST (Institutional)



INST: Institutional

RU-2-25: Multiple Family Dwelling

RU-2-15: Multiple Family Dwelling



Location Map 825 Forrest Avenue



Legend

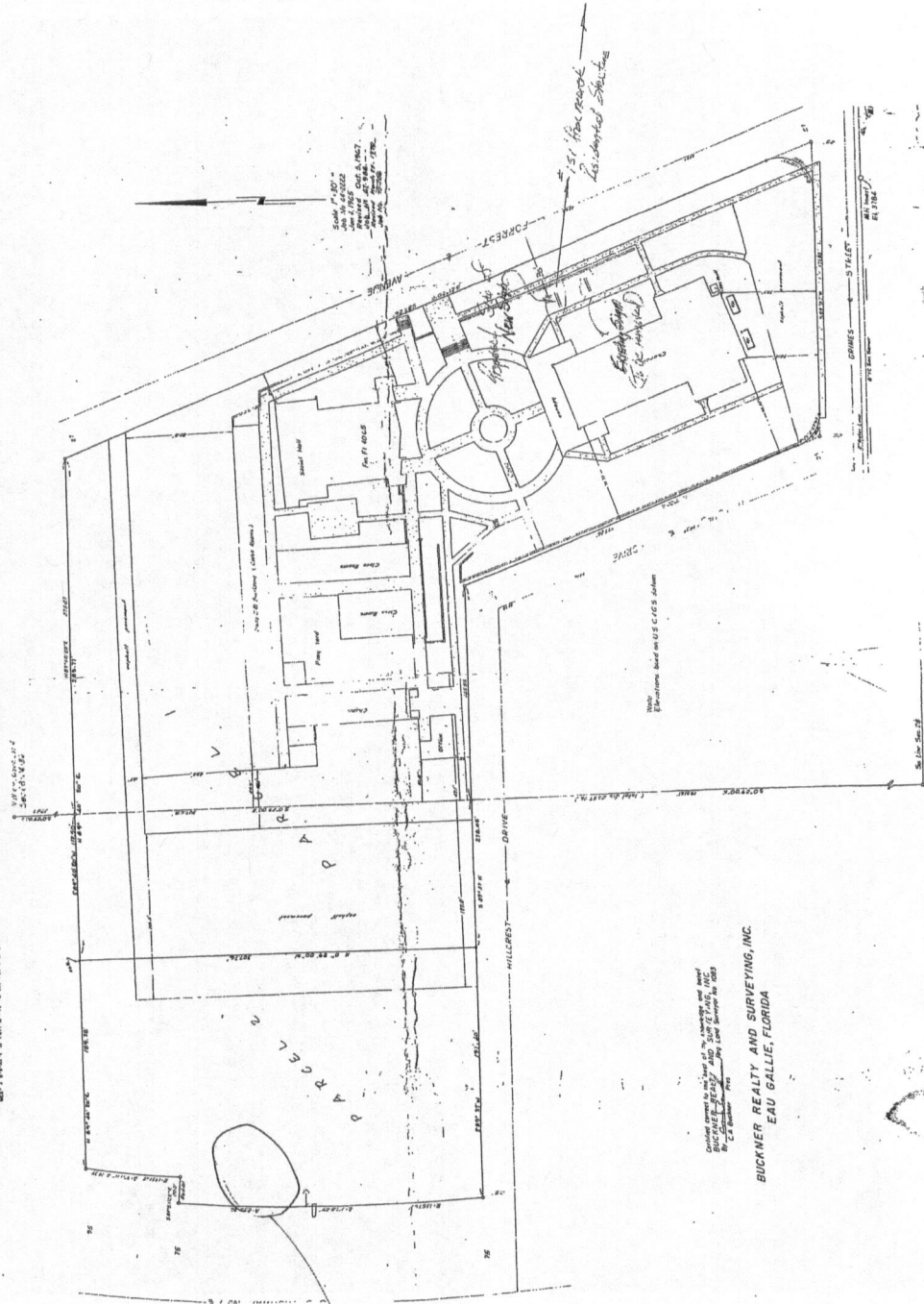
-  Subject Property
-  Water Bodies
-  Publish.GISDL.CityBoundary



0 0.05 0.1 Miles

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

City of Cocoa GIS - 2016

[illegible][illegible][illegible]

Certified correct to the best of my knowledge and belief
 BUCKNER REALTY AND SURVEYING, INC.
 By Charles E. Buckner Reg. Land Surveyor No. 10083
 C. A. Buckner PWS

BUCKNER REALTY AND SURVEYING, INC.
EAU GALLIE, FLORIDA

GENERAL ~~AREA~~
OF NEW SIGN
LOCATION
OUT
6-22-16