

**MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
SPECIAL MEETING
August 16, 2023**

A Special meeting of the Planning & Zoning Board Local Planning Agency was held on August 16, 2023 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noted.

I. CALL TO ORDER:

Chairperson Simpson called the meeting to order at 6:03 PM.

ROLL CALL:

Justin Simpson	Chairperson
Michael Dobrin	Vice Chairperson
Todd Anderson	Board Member
Ron Chabot	Board Member
Aleck Greenwood	Board Member
Veronica Lopez	Board Member
Wesley Park	Board Member
Marcus Wheeler	Board Member
Merrybeth Burgess	Alternate Member
Katherine Stewart	Alternate Member

PRESENT:

Justin Simpson	Chairperson
Michael Dobrin	Vice Chairperson
Ron Chabot	Board Member
Aleck Greenwood	Board Member
Veronica Lopez	Board Member
Wesley Park	Board Member
Marcus Wheeler	Board Member
Merrybeth Burgess	Alternate Member

ABSENT:

Todd Anderson	Board Member
Katherine Stewart	Alternate Member

STAFF PRESENT:

City Manager, Stockton Whitten, Kristin Eick, Board Attorney and Lori Chabot, Recording Secretary.

Chairperson Simpson led the assembly in the Pledge of Allegiance.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of August 16, 2023

- * **MOTION BY BOARD MEMBER PARK; SECONDED BY VICE CHAIR DOBRIN TO APPROVE THE AUGUST 16, 2023 SPECIAL MEETING AGENDA AS WRITTEN.**

AYES: SIMPSON, DOBRIN, CHABOT, GREENWOOD, LOPEZ, PARK, WHEELER, BURGESS

MOTION PASSED UNANIMOUSLY (8-0)

2. MINUTES: Meeting of June 7, 2023

- * **MOTION BY BOARD MEMBER CHABOT; SECONDED BY VICE CHAIR DOBRIN TO APPROVE THE JUNE 7, 2023 MINUTES AS WRITTEN.**

AYES: SIMPSON, DOBRIN, CHABOT, GREENWOOD, LOPEZ, PARK, WHEELER, BURGESS

MOTION PASSED UNANIMOUSLY (8-0)

Lori Chabot, Recording Secretary, swore all speakers in at once.

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

A. PZ 23-02100007 Vacant Lot N Range Road Zoning Map Amendment Ordinance 15-2023

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 6.61 ACRES, MORE OR LESS, AND GENERALLY LOCATED EAST OF THE INTERSECTION OF NORTH RANGE ROAD AND KATHI KIM STREET, AND WEST OF CLEARLAKE ROAD IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY MEDIUM-DENSITY MULTIPLE-FAMILY RESIDENTIAL (RU-2-10) TO CITY OF COCOA MULTIPLE-FAMILY

DWELLING (RU-2-15); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE. Tax Parcel ID 24-36-30-00-256.

Stephen Noto introduced the item through a presentation¹.

Applicant proposes to amend the zoning category of the subject property from Brevard County RU-2-10, Medium-Density Multiple-Family Residential, to City of Cocoa RU-2-15, Multiple Family Residential.

The Future Land Use of the subject property is LDR, Low Density Residential, which allows a maximum residential density of 7 dwelling units per acre.

The subject property is +/- 6.61 acres in size. Of the +/- 6.61 acres, +/- 2.52 acres are upland from the wetlands on site. The remaining +/- 4.19 acres of wetland are not proposed to be disturbed.

The subject property was annexed into the City of Cocoa from unincorporated Brevard County via Ordinance No. 03-2007 at the request of the property owner. While a City of Cocoa Future Land Use Designation of LDR was given to the property, a Zoning Category was not.

The subject property previously had the Brevard County RU-2-10 zoning district category. This is the same zoning category as the subdivision to the west on Kathi-Kim St. and Delys St., Sabal Lakes Estates. It is also the same zoning district as the subdivision to the south, Space Coast Gardens.

Both subdivisions consist of a mixture of single-family detached homes, and duplex buildings.

The applicant has provided a conceptual plan for a future project to create a four-lot subdivision which would allow for four (4) duplex buildings to be built. This would create 8 new dwelling units.

- The applicant has agreed to cap this residential density as a condition of approval, and it will be recorded as such in the adopted Ordinance.

Access would occur from the public rights-of-ways of Kathi-Kim St. and Delys St. Both streets are the only legal form of access to the subject property. As shown in the concept plan, two buildings would access from Kathi-Kim St., and two would access from Delys St.

¹ Exhibit A: 08/16/2023 P&Z Presentation

The full review of the subdivision plan will occur at a later date when an applicant submits a proper engineering and subdivision plan.

The full staff analysis is provided on pages 3-6 of the staff report. The analysis shows that all 16 findings have been met for support of the request. The request provides for a City of Cocoa Zoning Category. The requested zoning district is consistent with the existing LDR FLU designation of the subject property, per the Comprehensive Plan.

Transportation:

- Per the Space Coast Transportation Planning Organization (TPO) Transportation data Management System, 2-way data collected on N. Range Rd. adjacent to Oak Haven Ln., showed 5,970 average annual daily trips in 2022 on N. Range Rd. The adopted LOS for N. Range Rd., is 'E', and is identified as an Urban Major Collector.
- As of the most recent AADT count, there are roughly 10,000 AADT's available on the roadway within its adopted LOS (Space Coast TRP 'Segments Functional Classification, Maximum Acceptable Volume – MAV – and Levels of Service – LOS, 2020).
- If the property were developed at its maximum density of 7 du/acre, irrespective of the zoning district, the 47 dwelling units built would generate approximately 344 average annual daily trips. However, that maximum is not proposed. The current proposal being only 8 dwelling units, approximately 59 average annual daily trips would be generated.

Of note is that the FLU designation of LDR is more restrictive, density wise, than the RU-2-15 zoning district.

Staff has determined this rezoning request is consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives

Staff recommends **APPROVAL** of the requested Zoning Map Amendment to change the Zoning Map designation from Brevard County RU-2-10 (Medium-Density Multiple-Family Residential) to City of Cocoa RU-2-15 (Multiple Family Dwelling) on one parcel totaling ±6.61-acres, which has Parcel ID number 24-36-30-00-256, with the condition that Ordinance 15-2023 shall be amended to include a maximum density of 4 du/acre on the parcel.

Chairperson Simpson asked about the cul-de-sac in the area and Board Member Wheeler asked for clarification on the number of units and if it accommodates for wetlands. In response, Mr. Noto provided an answer and Attorney Eick added that would be assuming there is not wetland impact. Mr. Noto also added there is one access point.

Jim McKnight, the applicant, spoke stating that there is no development plan at this time. The latest survey shows both cul-de-sacs intrude into property and 4.9 acres are wetlands.

The development of that property is uncertain however, it needs a zoning designation change in order to do anything.

Ms. Cynthia, a Cocoa resident, lives on the cul-de-sac at Kathy Kim Street. Her main concern is flooding and traffic, and right now it is currently peaceful. The additional duplexes will create a hassle getting in and out. She stated she is also concerned about wild life in the area. She has gopher turtles and worries about them.

Ms. Tabitha of Cocoa stated she has spoken with Mr. Noto and, asked several questions. One regarding whether there would there be a new wetlands delineation. She asked if there had been an environmental study. She wants to be sure this has been addressed through the phase. She mentioned the encroachment of the cul-de-sac and asked if there had been a new traffic plan. Will the studies be made available to public prior to subdivision process? Will there be a stormwater assessment? In response, Mr. Noto replied, explaining that the dwelling units were 4 units per buildable acre. Roughly 2 ½ usable acres, not including the wetlands. The studies or reports would be made public record.

Chairperson Simpson added this parcel needs a designation.

Ms. Mary Parker of Cocoa spoke with planning staff who were very helpful. She doesn't have a problem with building duplexes, however, will watch to see what occurs after that. Her concerns were stormwater drainage, sewage, the adjoining building and the additional impacts. She discussed the current restrictive covenants. She provided a written letter.

Chairperson Simpson explained that when Council meets and when Town Hall meetings take place, it's a good idea to attend those meetings and show a presence. She realizes tonight is not about the actual building, that would come later.

Board Member Wheeler clarified the purpose of the board and there are many other steps they don't participate in. In 2007 the land did not receive property classification. It needs to be classified and that is the role of the board today. There will be other submissions. RU-2-10 is a county designation not a city. Attorney Eick added the City RU-2-10 in the City is reserved for the Consent Decree area. Audience asked for Attorney Eick to clarify. The zoning code RU-2-10 language states it is specifically for the Consent Decree area which is in the downtown area of Cocoa. The RU-2-10 standards are specifically written to address the Federal Decree requirement.

* **MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY VICE CHAIR DOBRIN TO RECOMMEND A ZONING MAP AMENDMENT consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of one parcel totaling 6.61 acres from Brevard County RU-2-10 (Medium-Density Multiple-Family Residential) to City of Cocoa RU-2-15 (Multiple Family Dwelling). To include Maximum density 4 units per acre.**

**AYES: SIMPSON, DOBRIN, LOPEZ, PARK, CHABOT, GREENWOOD,
WHEELER, BURGESS**

MOTION PASSED UNANIMOUSLY (8-0)

B. PZ 23-02000005 Pint & Pistol, LLC Zoning Text Amendment | Ordinance No. 16-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 19, OF THE ZONING ORDINANCE OF THE CITY OF COCOA TO AMEND THE LIST OF PERMITTED USES RELATED TO RESTAURANTS IN THE M-2 DISTRICT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Stephen Noto introduced the item through a presentation.

Applicant has requested that the Land Development Code (LDC) be updated to allow restaurants to service liquor, in addition to beer and wine, in the M-2 Zoning District.

Pint & Pistol currently operates at 2911 Oxbow Circle as a shooting range and restaurant, which serves beer and wine.

Pursuant to Appendix A, Zoning, Article XXI, Amendment, Section 1(G)(2), the planning board shall consider and study

a. The need and justification for the change.

b. The relationship of the proposed amendment to the purposes and objectives of the comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this zoning code and other codes, regulations, and actions designed to implement the comprehensive plan.

Currently, the code allows restaurants in the following zoning districts:

- C-N
- C-G
- CBD
- C-C
- PUD
- UMD
- M-2

Each zoning district has their own unique standards related to restaurants, less the CBD. However, none of the districts, aside from M-2, restrict sales to only beer and wine.

The LDC currently defines a Restaurant as “Any building or structure or portion thereof, in which food is prepared and served for pay to any person not residing on the premises.”

This request supports both Goal 1.1 and Objective 1.1.1. of the Future Land Use Element.

The Comprehensive Plan encourages flexibility of uses via the states Goal and Objective above, as well as via Figure FLU-1 of the FLU Element.

Staff has determined this rezoning request is consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives as outlined in the Staff Analysis in the staff report.

Staff recommends that the Planning & Zoning Board recommend APPROVAL to City Council to amend the list of permitted uses related to restaurants in the M-2 District, as outlined in the Land Development Code.

Mr. Noto stated applicant has requested an amendment to the code in order to serve beer wine and liquor.

Chairperson Simpson mentioned a church and how it is registered. In response, Mr. Noto replied and he believes it is beyond the 500 distance. Attorney Eick stated this is a text amendment, not just to apply to Pint Pistol.

Vice Chair Dobrin asked how long the Pint and Pistol has been in business. The Applicant, Bob Stole, replied a year in October. Vice Chair Dobrin asked if they intended to wait to add liquor when they opened. Mr. Stole replied the intention to add liquor has occurred over time.

Chairperson Simpson added it is likely easier to get a license for just beer wine.

Board Member Greenwood stated he didn't understand a place to have hard liquor and shoot guns and asked if had any incidents with beer and wine or if they had ever had to trespass anyone. Mr. Stole replied they have not had an incident and had not had to trespass anyone. He reiterated that they have very strict protocols.

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MOTION BY BOARD MEMBER PARK; SECONDED BY BOARD MEMBER CHABOT TO RECOMMEND THE LAND DEVELOPMENT CODE AMENDMENT to amend the list of permitted uses related to restaurants in the M-2 District

AYES: SIMPSON, DOBRIN, LOPEZ, PARK, CHABOT, GREENWOOD, WHEELER, BURGESS

MOTION PASSED UNANIMOUSLY (8-0)

C. PZ 23-00500004 915 Florida Ave Comp Plan Text Amendment | Ordinance No. 17-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; ADOPTING A LARGE SCALE COMPREHENSIVE PLAN TEXT AMENDMENT; AMENDING A POLICY IN THE FUTURE LAND USE ELEMENT AUTHORIZING THE CITY COUNCIL TO APPROVE BY DEVELOPMENT AGREEMENT RESIDENTIAL DENSITIES OF UP TO 125 DWELLING UNITS PER ACRE RELATED TO VERTICAL MIXED-USE PROJECTS; EXPANDING THE VERY LIMITED GEOGRAPHICAL AREA TO WHICH THE POLICY APPLIES TO INCLUDE A PARCEL OF CITY-OWNED LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF ROSA L. JONES DRIVE AND FLORIDA AVENUE AND WHICH IS MORE PARTICULARLY DESCRIBED HEREIN BY PARCEL INFORMATION AND MAP THAT CONSISTS OF APPROXIMATELY 4.32 ACRES, MORE OR LESS, AND IS DESIGNATED MIXED-USE FUTURE LAND USE ON THE FUTURE LAND USE MAP AND WHICH IS DESIGNATED SOUTH END (SE) SUBDISTRICT WITH A COMMERCIAL/MIXED-USE LARGE (CL) BUILDING TYPE ON THE COCOA WATERFRONT OVERLAY DISTRICT REGULATING PLAN; REQUIRING A DEVELOPMENT AGREEMENT BY THE CITY COUNCIL TO APPROVE SUCH PROJECTS ON SUCH REAL PROPERTY UNDER CERTAIN TERMS AND CONDITIONS DEEMED NECESSARY AND ACCEPTABLE TO THE CITY COUNCIL; FOR THE REPEAL OF PRIOR INCONSISTENT.

Stephen Noto introduced the item through a presentation (attached to these minutes).

The applicant is the City of Cocoa.

The purpose of the requests is to allow for greater redevelopment opportunities on City owned land located at 915 Florida Ave. The adoption of the proposed ordinances, in combination, would allow for up to an 8-story, 125 du/acre, vertical mixed-use building located at 915 Florida Avenue, conditional upon the City Council approving a development agreement in its discretion after considering multiple factors.

While no concepts for such a project have been received, the City is taking a proactive approach by setting forth the regulations for such a project to encourage a public-private partnership for a new gateway project into the Cocoa Village and Downtown area of Cocoa and in anticipation of releasing a new RFP seeking redevelopment of the City-owned parcel.

These proposed updates are part of a larger plan to continue offering unique redevelopment solutions within the Downtown/Cocoa Village area.

Comprehensive Plan Amendment:

- Summary: Allows up to 125 du/acre, conditioned upon and subject to City Council approving a development agreement after consideration of facts outlined in Policy 1.1.2.6 of the Comprehensive Plan
- Update to Note 9 of Figure FLU-1
- "...the maximum density may be increased by the City Council for certain approved redevelopment projects on properties designated Cocoa Village and South End Subdistrict with a Commercial/Mixed Use Large (CL) building type on the Cocoa Waterfront Overlay District Regulating Plan pursuant to Policy 1.1.2.6."
- Update to Policy 1.1.2.6 Mixed-Use (MU), (b)(A) including the South End Subdistrict as part of the 125 du/acre policy, as well as showing the location of the 125 du/acre map.
- Adding South End Subdistrict to 1.1.2.6 Mixed-Use (MU) (b)(C)(iv)
- Updates Figure FLU-2 to add 915 Florida Avenue as eligible for up to 125 du/acre

Ordinance No. 17-2023 details the proposed technical updates to the Comprehensive Plan.

- The subject property has the Mixed-Use (MU) FLU designation.
- Existing policies in FLU Element Figure FLU-1 Note 9 and Policy 1.1.2.6 are being adjusted to include, generally, the addition of the "South End Subdistrict" portion of the Cocoa Waterfront Overlay District Regulating Plan, to accommodate 915 Florida Avenue as being part of the 125 du/acre density program.
- These changes are outlined further in the Ordinance and Staff Report.
- Existing Figure FLU-2 is amended to add 915 Florida Avenue as property eligible for up to 125 du/acre, conditioned upon and subject to development agreement:
 - City Council will consider density increases when a particular project is proposed and will consider the same factors as previously established for other 125 du/acre eligible properties:
 - Economic and social benefits to City and CRA
 - Aesthetic quality and character, architectural design, physical and visual scale
 - Proposed enhancements that will significantly bring the overall quality of the development above and beyond the minimum requirements set forth in the City Code
 - Compatibility and harmony with the character of the Cocoa Village and subdistrict
 - Impact on public facilities
 - Adequacy of on-site parking and impact on off-site parking
 - Consistency with the CRA Redevelopment Plan and Waterfront Master Plan

- Proven first-hand experience of the developer to complete the project
- Development Schedule
- Incorporate of “green” community designs
- Recommendation of CRA
- Compliance with the LDC and Comprehensive Plan policies

Staff report covers the full LOS analysis as a result of the request for potable water, solid waste, stormwater, transportation, police, fire, school, and park services. Sewer LOS analysis since updated with additional modeling.

Sewer LOS will likely be impacted by the project.

- If a project is developed at the very maximum density allowed, the threshold allowed by the Sewer Master Plan and Capital Facility Plan likely will be exceeded for gravity sewer lines in the Cocoa Village should other sites eligible for 125 du/acre program also be constructed at maximum density. The additional flows would likely also impact existing Lift Station #2, requiring modifications to the Station to meet LOS.
- As a result, upgrades to the sewer system would likely be necessary to achieve maximum density.

Note that when a site plan is submitted, all required studies (environmental, transportation, etc.) will be reviewed as part of the site plan review process.

The proposal complies with all aspects of the Comprehensive Plan, and furthers many of the Goals, Objectives, and Policies outlined in the FLU and Housing elements, as well as the East Central Florida Comprehensive Regional Policy Plan.

The City of Rockledge was notified about the request due to the subject property being adjacent to City of Rockledge jurisdictional limits.

This is an Expedited State Review Amendment.

- Process: City Council for Transmittal Hearing
- Transmittal to State for DEO Review
- Adoption by the City Council

Staff has determined that the request for an Expedited State Review Comprehensive Plan Amendment complies with all relevant sections of the City of Cocoa Code of Ordinances and Comprehensive Plan.

Staff recommends **APPROVAL** of the requested Expedited State Review Comprehensive Plan Text Amendment to expand the very limited geographic area by which vertical mixed-use projects may be built at 125-units per acre, to include a +/- 4.32 acre parcel of City-owned land located at 915 Florida Ave., Cocoa, Florida (Brevard County Parcel ID 24-36-33-80-23)

Stephen Noto introduced the item through a presentation.

He stated Items C and D are related but will be presented separately. This is a redevelopment strategy brought by the City to allow for up to 8 stories to eventually issue an RFP for developers. This is the first step and is setting the stage for a larger review. This opens potential for use of the property. This would not change map designation but would allow to build 125 units per acre. He wants to outline the benefits and impacts and stated the sewer level service would likely be updated to achieve maximum density.

Board Member Greenwood asked if other properties have been designated. Mr. Noto stated the hotel site, the Chase site and Bank of America have already been designated.

Board Member Greenwood stated this would clean it up the RFP. This would not set anything in stone, and if approved would go to the next level.

Alternate Member Burgess asked for clarification. Mr. Noto replied stating her questions are related to the next item. Attorney Eick explained the RFP process and that it would come back to this board via a site plan or DA, but this board would see that. Alternate Member Burgess asked, if approved, can anyone build 8 stories. Attorney Eick replied the 8 stories is the next item. This item is about the density, not the height. This sets the table for the density and will go to Council. She also stated this is not an approval of a particular project.

Board Member Wheeler asked a question regarding specific verbiage on page 5. Attorney Eick explained the verbiage and where it came from and the Cocoa CRA Redevelopment Plan that covers that area.

Board Member Greenwood stated this property is in line with the hotel that is being looked at. He added they are running out of property to do this.

Board Member Greenwood asked for a copy of Item C PowerPoint.

City Manager Whitten explained this property is a catalytic property. It previously was a mobile-home lot. The Consent decree area has boundaries. When you say to encourage affordable, low density, the consent decree is limited. It is also about the properties in and around the site. Board Member Wheeler replied there is a default mechanism that is supposed to take place to conceptualize the area, and to include the historical piece. City Manager Whitten stated, what would bring those who lived in consent decree back to the area? He continued, nice properties in and around the area, and this the intent. That is a redevelopment plan statement. Board Member Greenwood added, when the project gets built, it creates a nicer area and improves property values. Discussion continued.

Rudy Barrios, owner of 916 Florida Ave., formerly known as El Charros, asked for clarification as to what the City has in mind for the area. In response, City Manager Whitten replied that eventually there will be an RFP. It could be mixed use, condos, apartments, or

a hotel. The RFP will be geared to the market and best use. Ultimately, an RFP for a mixed use and the market place will determine the best proposal. Board Member Greenwood added the public can be involved when it gets to that point.

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MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY BOARD MEMBER CHABOT TO RECOMMEND APPROVAL FOR AN EXPEDITED STATE REVIEW COMPREHENSIVE PLAN TEST AMENDMENT to expand the very limited geographic area by which vertical mixed-use projects may be built at 125-units per acre to include a +/- 4.32 acre parcel of City-owned land located at 915 Florida Avenue, Cocoa, Florida (Brevard County Parcel ID 24-36-33-80-23).

AYES: SIMPSON, DOBRIN, LOPEZ, PARK, CHABOT, GREENWOOD, WHEELER; BURGESS

MOTION PASSED UNANIMOUSLY (8-0)

D. PZ 23-00500004 CWOD Zoning Text Amendment | Ordinance No. 18-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 22 OF THE ZONING ORDINANCE OF THE CITY OF COCOA TO ALLOW LARGE-SCALE COMMERCIAL/MIXED-USE BUILDINGS ON CERTAIN PROPERTIES WITHIN THE COCOA WATERFRONT OVERLAY DISTRICT AS MORE PARTICULARLY DEPICTED ON EXHIBIT "A" ATTACHED HERETO; CHANGING THE LIST OF PERMITTED AND SPECIAL EXCEPTION USES IN APPENDIX A, ARTICLE XI, SECTION 22, OF THE ZONING ORDINANCE OF THE CITY OF COCOA FOR THE WATERFRONT OVERLAY DISTRICT, SOUTH END SUBDISTRICT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Stephen Noto introduced the item through a presentation.

The applicant is the City of Cocoa.

The purpose of the request is to allow for greater redevelopment opportunities on City owned land located at 915 Florida Ave. The adoption of the proposed ordinances, in combination, would allow for up to an 8-story, 125 du/acre, vertical mixed-use building located at 915 Florida Avenue, conditional upon the City Council approving a development agreement in its discretion after considering multiple factors.

While no concepts for such a project have been received, the City is taking a proactive approach by setting forth the regulations for such a project to encourage a public-private partnership for a new gateway project into the Cocoa Village and Downtown area of Cocoa

and in anticipation of releasing a new RFP seeking redevelopment of the City-owned parcel.

These proposed updates are part of a larger plan to continue offering unique redevelopment solutions within the Downtown/Cocoa Village area.

The project request has two parts:

- Summary: Changes uses allowed in the South End and allows buildings up to 8 stories in height, conditioned upon and subject to City Council approval of a development agreement after consideration of certain factors
- Update Waterfront Overlay District Regulating Plan to allow Commercial/Mixed-Use Large (CL) Building types on 915 Florida Ave.
- Update Section 22, F, to include C-C, Core Commercial, in the South End (SE) column of uses.
- Permitting certain Office and Commercial uses.
- Adding Commercial/Mixed Use Large (CL) to South End in the Design Districts and Building Types Table
- Adding clarifying language to Note 3 of said Table.

Ordinance No. 18-2023 details the proposed technical updates to the LDC.

The staff report provides analysis for the following pursuant to Appendix A, Zoning, Article XXI, Amendment, Section 1(G)(2), the planning board shall consider and study:

- The need and justification for the change.
- The relationship of the proposed amendment to the purposes and objectives of the comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this zoning code and other codes, regulations, and actions designed to implement the comprehensive plan.

The need and justification for the change:

- Currently, the largest building allowed on 915 Florida Avenue is 5 story, Commercial/Mixed-Use Medium building
- The proposed updates will allow for great flexibility of growth on the subject property by providing for building heights that promote vertically mixed-use buildings.
- The City will maintain an interest and say in how the subject property is developed as not only is the City the owner of the land, but a Developer's Agreement is required for these types of projects.
- City Council will consider factors such as economic and social benefits to City and CRA, aesthetic quality and character, architectural design, physical and visual scale, compatibility with the Cocoa Village and South End when a particular development project is proposed.

- On-going market trends show that in downtown areas, these types of projects maximize tax base, services, housing and economic opportunities, and transportation.
- Uses to be added to the South End to promote a vertical mixed-use project
- Professional offices, studios, clinics, labs, general offices
- Bar or lounge (SE)
- Cultural centers, museums, galleries, community centers (commercial)
- Gym and Fitness Facilities of less than 7500 square feet
- Package store, beer and wine (SE)
- Pharmacy, Optical Services
- Recreation structures, theaters, driving ranges, bowling alleys (not drive in theaters) (SE)
- Retail stores (except automotive)

The relationship of the proposed amendment to the purposes and objectives of the comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this zoning code and other codes, regulations, and actions designed to implement the comprehensive plan.

- A companion FLU amendment is being processed to allow for the density of up to 125 dwelling units per acre.
- The subject property is already Mixed-Use (MU), as such, the proposed LDC amendment continues to comply with the Comprehensive Plan, as well as furthers the Goals, Objectives, and Policies, as outlined in the Staff Report.

Staff has determined that the request for the Land Development Code Amendment complies with all relevant sections of the City of Cocoa Code of Ordinances and Comprehensive Plan.

Staff recommends **APPROVAL** of the requested Land Development Code Amendment to Appendix A, Article XI, Section 22 of the Zoning Ordinance of the City of Cocoa to allow Large Scale Commercial/Mixed-Use Buildings on certain properties within the Cocoa Waterfront Overlay District and to amend the list of permitted and special exception uses in the South End Subdistrict of the Cocoa Waterfront Overlay District.

Mr. Noto continued that this item is shifting gears from density to building height. He continued, much like prior item, this item is to set the max height in the code, and then prepares it for the RFP to go out. The language changes the uses and is in compliance with the goals in comp plan. Photos shown are comparing existing heights to and 8 story bldg. vs 5 story and tower.

Alternate Member Burgess asked about the 8-story building in the photo and if it was at the southeast of King Street. Clarification was given as to the location.

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MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY BOARD MEMBER CHABOT TO RECOMMEND A LAND DEVELOPMENT CODE AMENDMENT TO APPENDIX A, ARTICLE XI, SECTION 22 of the Zoning Ordinance of the City of Cocoa to allow Large Scale Commercial/Mixed-Use Buildings on certain properties within the Cocoa Waterfront Overlay District and to amend the list of permitted and special exception uses in the South End Subdistrict of the Cocoa Waterfront Overlay District.

AYES: SIMPSON, DOBRIN, LOPEZ, PARK; CHABOT, GREENWOOD, WHEELER, BURGESS

MOTION PASSED UNANIMOUSLY (8-0)

E. PZ 23-02000006 Zoning Text Amendment | Ordinance 19-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE ZONING ORDINANCE OF THE CITY OF COCOA RELATING TO HEIGHT OF VISUAL SCREENS, INCLUDING FENCES AND WALLS, FOR CERTAIN RESIDENTIAL USES; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Stephen Noto introduced the item through a presentation.

Consideration of a Zoning Text Amendment regarding visual screening regulations, as required in Appendix A, Zoning, Article XIII, Supplementary District Regulations, Section 5.

Various complaints to the Planning and Zoning Department led to a discussion between staff and the City Manager of the setback and height requirements for fences and walls in the city. The Assistant City Attorney recommended a revision to the city code to increase readability and comprehension of the visual screening requirements.

The main changes related to this ordinance are:

- Remove the specific requirement in fence and wall bulk regulations described as “in front of a principal structure”.
- Clarify the height maximum requirement for fences located behind the front building as 6’.
- Eliminate the 4’ max requirement for fences located on the side corner setback.
- Provide for a fence to be located with a minimum of 5’ from the nearest edge of a sidewalk within the side corner setback, or at the property line within the side corner setback on properties with no sidewalk.
- Provide direction that the site visibility triangle must be maintained.

Staff has determined this amendment to be consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives

Staff recommends the Planning & Zoning Board recommend **APPROVAL** to the City Council of Ordinance 19-2023.

Mr. Noto stated this item is a form up of cleanup and clarification. Staff received a number of calls regarding height requirements of fences and walls, many as corner lots. Specifically, an old fence that the homeowner wants to rebuild but the current code doesn't allow. This will be a little more in favor of the homeowner.

Board Member Greenwood asked if approved, how does it affect those that have been in place for years. Mr. Noto replied that those would be grandfathered. Board Member Greenwood asked about stem walls, and how it affect that. Mr. Noto replied that it is based on where the measure is taken.

Chairperson Simpson asked where would the height start for the fence. At the level ground? Attorney Eick replied that where height is measured from is not being changed, explaining the tallest fence is 6 feet.

Board Member Greenwood asked about a fence in the front of the house and if the height restriction was still 4 feet, to which Attorney Eick replied yes. He also asked for clarification on what this applies to and she stated it is more for a corner lot.

* **MOTION BY BOARD MEMBER PARK; SECONDED BY BOARD MEMBER GREENWOOD TO RECOMMEND A ZONING TEST AMENDMENT regarding height and placement of Visual screens including fences and walls for certain residential uses.**

AYES: SIMPSON, DOBRIN, BANKHEAD, LOPEZ, PARK, CHABOT, GREENWOOD, WHEELER, BURGESS

MOTION PASSED UNANIMOUSLY (8-0)

V. TREE BOARD

None

VI. OTHER BUSINESS:

1. Planning and Zoning Board Open Discussion

Chairperson Dobrin asked about the status of old Bank of America Building. Board Member Greenwood replied there is a contract on the property and it is contingent on what they can work out.

Attorney Eick stated there may not be any items for the September meeting, but will keep everyone posted.

VII. NEXT MEETING DATE:

The next scheduled meeting for the Planning and Zoning Board will be held on Wednesday, September 6, 2023 at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

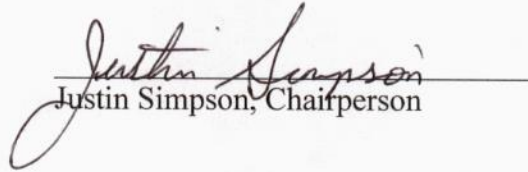
VIII. ADJOURNMENT:

MEETING WAS ADJOURNED AT 8:03 PM.

Respectfully Submitted By:



Lori Chabot, Recording Secretary


Justin Simpson, Chairperson