

City of Cocoa

*65 Stone Street
Cocoa, FL 32922*



Meeting Agenda

Wednesday, August 3, 2022

6:00 PM

Cocoa City Council Chambers

Planning and Zoning / Local Planning Agency

I. CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA AND MINUTES:

AGENDA:

[22-427](#) Approval of the August 3, 2022 Planning and Zoning Agenda

Attachments: [PZ August 3, 22 Short Agenda.pdf](#)

MINUTES:

[22-368](#) Approval of the minutes of the May 4, 2022 Planning and Zoning Meeting.

Attachments: [05-04-2022.pdf](#)

[22-431](#) Approval of the minutes of the July 6, 2022, Planning and Zoning Meeting.

Attachments: [07-06-2022.pdf](#)

III. OLD BUSINESS

IV. NEW BUSINESS:

A. ORDINANCE NO. XX 2022

22-419

Recommendation to the City Council to adopt an amendment to APPENDIX A, ARTICLE XI, SECTION 13 of the Zoning Ordinance of the City of Cocoa; adopting conforming amendments to the Central Business District Regulations consistent with Ordinance 07-2022 adopting 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 within a very limited area which is generally located along Brevard Ave. The affected parcels in the geographical area depicted on the map are ##s: 2426072, 2426071, 2426074, 2426037, 2426228, 2426229, and 2426230.

Attachments:

[Ord 10-2022 CBD Conforming Amendments 125 DU Acre.docx](#)

[125 DU lots.pdf](#)

[CWOD Regulating Plan Map 4-13-2021.pdf](#)

[FL Today Public Notice OrderConf.pdf](#)

V. OTHER BUSINESS:

VI. NEXT MEETING DATE

The next regularly scheduled meeting of the Planning and Zoning Agency is September 7, 2022.

VII. ADJOURNMENT



Legislation Details (With Text)

File #: 22-427 **Version:** 1 **Name:**
Type: Agenda **Status:** Agenda Ready
File created: 7/22/2022 **In control:** Planning and Zoning / Local Planning Agency
On agenda: 8/3/2022 **Final action:**
Title: Approval of the August 3, 2022 Planning and Zoning Agenda
Sponsors:
Indexes:
Code sections:
Attachments: [PZ August 3, 22 Short Agenda.pdf](#)

Date	Ver.	Action By	Action	Result
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PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: July 22, 2022
Agenda Date: August 3, 2022
Prepared By: Sandra Leone, City Planner
Through: Angela Essing, Growth and Economic Development Director
Requested Action:
Approval of the August 3, 2022 Planning and Zoning Agenda

BACKGROUND:

N/A

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Approval of the August 3, 2022, Planning and Zoning Agenda



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

Cocoa City Hall
65 Stone Street
Cocoa, FL 32922

AGENDA
Regular Meeting
August 3, 2022
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 August 3, 2022
2. MINUTES: Meeting of May 4th and July 6, 2022

III. OLD BUSINESS: None

IV. NEW BUSINESS:

A. ORDINANCE NO. XX-2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 13 OF THE ZONING ORDINANCE OF THE CITY OF COCOA; ADOPTING CONFORMING AMENDMENTS TO THE CENTRAL BUSINESS DISTRICT REGULATIONS CONSISTENT WITH ORDINANCE XX-2022 ADOPTING 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 WITHIN A VERY LIMITED GEOGRAPHICAL AREA WHICH IS GENERALLY LOCATED ALONG BREVARD AVENUE NEAR CITY HALL AS DESCRIBED THEREIN; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

V. OTHER BUSINESS:

None

VI. NEXT MEETING DATE:

The next regularly scheduled meeting of the Planning and Zoning Agency is September 7, 2022.

VII. ADJOURNMENT

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 BOA, 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 BOA or 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 BOA, PZ Board/LPA and City Council reserve the right to continue or postpone hearings to a date certain without re-advertising.

Public Participation 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>

Documents pertaining to the above may also be inspected at the Community Services Department, between 8:00 a.m. and 5:00 p.m., Monday through Friday, or by phoning (321) 433-8535.

Interested persons may submit their written comments or questions prior to the meeting through Email at meetings@cocoafl.org, or via E-comments through the online agenda at the link above. Any electronic comments submitted will be made part of the meeting record.

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

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

However, the City is not responsible for technical difficulties that may occur while attempting to view or listen to the meeting on the internet.



Legislation Details (With Text)

File #: 22-368 **Version:** 1 **Name:**
Type: Minutes **Status:** Agenda Ready
File created: 6/21/2022 **In control:** Planning and Zoning / Local Planning Agency
On agenda: 8/3/2022 **Final action:**
Title: Approval of the minutes of the May 4, 2022 Planning and Zoning Meeting.
Sponsors:
Indexes:
Code sections:
Attachments: [05-04-2022.pdf](#)

Date	Ver.	Action By	Action	Result
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PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: July 26, 2022
Agenda Date: August 3, 2022
Prepared By: Sandra Leone, Planner
Through: Angela Essing, Growth and ED Director
Requested Action:
Approval of the minutes of the May 4, 2022 Planning and Zoning Meeting.

BACKGROUND:

N/A

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Approval of the minutes of the May 4, 2022 Planning and Zoning Meeting.

**MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
May 4, 2022**

A Regular meeting of the Planning & Zoning Board Local Planning Agency was held on May 4, 2022 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noted.

I. CALL TO ORDER:

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

ROLL CALL:

Russell Sengel	Chairperson
Marilyn Green	Vice Chairperson
Todd Anderson	Board Member
Jeri Blanco	Board Member
Michael Dobrin	Board Member
Veronica Lopez	Board Member
Justin Simpson	Board Member
Susan Mock	Board Member
Al Washington	Board Member
Aleck Greenwood	Alternate Member
Merrybeth Burgess	Alternate Member
Debbie Joyce	School Board Representative

PRESENT:

Russell Sengel	Chairperson
Marilyn Green	Vice Chairperson (via phone)
Jeri Blanco	Board Member
Michael Dobrin	Board Member
Veronica Lopez	Board Member
Justin Simpson	Board Member
Susan Mock	Board Member
Aleck Greenwood	Alternate Member
Merrybeth Burgess	Alternate Member
Debbie Joyce	School Board Representative

ABSENT:

Todd Anderson	Board Member
Al Washington	Board Member

STAFF PRESENT:

Stockton Whitten, City Manager; Angela Essing, Growth and Economic Development Director; Kristin Eick, Board Attorney; Cindy Thurman, Planning and Zoning Manager; Sandra Leone, Planner; Paul Body, Senior Planner; Lavander Hearn, Board Liaison; and Michael Blake, Mayor.

Chairperson Sengel led the assembly in the Pledge of Allegiance.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of May 4, 2022

- * **MOTION BY BOARD MEMBER DOBRIN; SECONDED BY BOARD MEMBER BLANCO TO APPROVE THE AGENDA FOR THE MAY 4, 2022 REGULAR PLANNING AND ZONING MEETING.**

AYES: SENDEL, GREEN, BLANCO, BURGESS, DOBRIN, GREENWOOD, LOPEZ, MOCK, SIMPSON

MOTION PASSED UNANIMOUSLY (9-0)

2. MINUTES: Meeting of April 6, 2022

- * **MOTION BY BOARD MEMBER BLANCO; SECONDED BY BOARD MEMBER SIMPSON TO APPROVE THE MINUTES FOR THE APRIL 6, 2022 REGULAR PLANNING AND ZONING BOARD MEETING WITH AMENDMENTS.**

AYES: SENDEL, GREEN, BLANCO, BURGESS, DOBRIN, GREENWOOD, LOPEZ, MOCK, SIMPSON

MOTION PASSED UNANIMOUSLY (9-0)

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

A. PZ - Comprehensive Plan Map Amendment (ModWash LLC.)

Ms. Essing shared a presentation¹ and explained that the Board is being asked to consider a Small-Scale Comprehensive Plan Amendment to change the Future Land Use Map designation of Mixed Use to Commercial on 1.38 acres at the southwest corner of SR520 and US1.

Ms. Essing provided the project information and discussed the lack of consistency with the City's existing Comp Plan policies and objectives. She pointed out that the request for the Commercial (COMM) future land use designation is not compatible with the land use pattern of the four corners of the 520 and US 1 intersection. The City believes the continuation of the land use pattern of the intersection is more important than the extension of the commercial corridor from the south. This is based on historical data from the 2010-2020 Comprehensive Plan and supporting studies like the Data and Analysis study from October of 2010 and the current Comprehensive Plan 2020-2030.

Additionally, the MU FLU was intentionally established in 2010 to run along 520 and throughout Cocoa Village in an effort to promote mixed-use developments. At the time of the change, the 520 and US 1 corridor were specifically mentioned. Thus, making the intersection of 520 and US 1 the center of the desired area for MU. For this reason, the proposed FLU amendment can be seen as incompatible with surrounding neighborhoods and land uses due to the creation of an inconsistent land pattern at the four corners of 520 and US 1.

Ms. Essing explained that for the reasons mentioned above, staff is recommending denial of the Small-Scale Comprehensive Plan Amendment to change the Future Land Use Map designation of Mixed Use (MU) to Commercial (COMM) on 1.38 acres at the southwest corner of SR 520 and US 1.

Ms. Kim Rezanka, 1290 US1, Rockledge, and legal counsel for the applicant, noted that this is a complicated issue and she understands that. She explained that they are here before the Board because the land use and the zoning are inconsistent. The process for this project began back in November, 2021 and ModWash and Damian Brink from Bowman Consulting met with city staff quite a bit which is what ultimately brought them before the Board this evening.

Ms. Rezanka pointed out that there is a vast amount of land to the east of the subject property that has inconsistent land use and zoning which can hopefully be addressed now that it has been brought to the City's attention. All of the zoning that has been in place was established in 1988.

She asked the Board to keep in mind that the ultimate goal is the ModWash LLC. She pointed out that a mixed-use center, meaning a mix of uses, is what that area already has and does not necessarily mean a mixed-use future land use.

¹ May 4, 2022 P&Z Regular Meeting Power Point Presentation

Ms. Rezanka asked that the Board consider whether the ModWash Carwash makes sense at this property based on what is there and what mixed-use really means, not just some designation on the map because the change is very similar to what is next to it in regard to both the zoning and the comp plan.

Mr. Damian Brink, Senior Planner with Bowman Consulting, gave a presentation² for the Comprehensive Plan Map Amendment & Zoning Map Amendment requests. He showed the location map and existing site conditions. He discussed the current future land use and zoning and the standards for future land use categories. Additionally, he shared several maps and the proposed site plan.

Mr. Brink explained that the applicant's request is a Small-Scale Comprehensive Plan (Minor) Map amendment from Mixed-Use (MU) to Commercial (COMM) and an official zoning map amendment (rezoning) from Commercial Parkway (C-P) to General Commercial (C-G).

Board member Green shared her feelings regarding the project and explained that after looking at the Comprehensive Plan and the Future Land Use, a carwash, a single use commercial business, would not enrich the community. A mixed-use center brings more value and in her humble opinion there are better options for this site.

Ms. Rezanka shared that she is a little concerned about what the community vision is for this area because it's not clear in the Comp Plan. When you look at what's there, this is extremely compatible. She mentioned that she wasn't sure if any meetings were held to accept citizen input on what they would like to see here and asked if the Board does disclosures. In response, Board Attorney Eick explained that they do, however it would not apply to the Comp Plan Amendment request.

Ms. Rezanka provided an aerial photo from Google Maps of the subject property. She mentioned the previous uses of the site, which were at one point a used car dealership and even a diner. She pointed out that if the City's vision is to make this a town center, then it should be notated in the Comp Plan but it is not and other similar uses to what has been there before should be considered.

Alternate member Greenwood wished to compliment the project as it is very attractive, well laid out and has a nice design, however he feels in order for it to be located there it needs to make sense. The high traffic in that area makes this location unique and he feels that it is a matter of time for the right project to go there and this project does not quite fit. He expressed that he hopes that this does not discourage them as developers and hoped they would consider another location in Cocoa.

² Bowman Consulting Presentation

Board member Mock asked what the City's vision is for that corner. In response, Ms. Essing explained that the City's vision for that corner is based on the current zone that is there today. She pointed out that they have gone over the mixed-use designation and what it is encouraged there, but then once you break it down and you look at the CP zoning and what is allowed there, there are some limitations.

Ms. Essing mentioned the input that Council has received from their constituents, particularly in the Diamond Square area and Cocoa Village, and offered to review it again with the Board.

Board member Mock explained that she has been around for some time and the property has never really changed that much and it has sat vacant for quite some time. She feels that if the City has a vision then that's great, however something needs to be done with the property.

Ms. Essing shared that there has been no other interest showed in this particular property, however the lot that the old Mike Erdman building sits on has received some interest from various other parties.

Additionally, Ms. Essing noted that she feels that this is a property that can enrich the two areas that it lives between, which is the Diamond Square area and Cocoa Village. The current Future Land Use and the current zone allow for this enrichment in a way that opening it up to commercial and changing the zoning makes it more of a pass-through area. Those who live in Cocoa see that area as part of the neighborhood and people who live outside of the area see it as a pass-through.

Chairperson Sengel opened the hearing to the public for questions and comments.

Ms. Purvette Bryant, property owner of 365 and 373 Stone St., Cocoa, asked the Board to deny the ModWash application because it does not fit within the current zoning and the request for rezoning should be denied. She believes that the Diamond Square community would benefit from a project that would be more supportive and interactive with the community.

Carol Butler, property owner of 602 and 604 Stone St., Cocoa explained that she came with her daughter this evening and her daughter will be speaking on her behalf.

Marlana Beatty, 528 S. Fiske Blvd., Cocoa, shared that her mother is against the ModWash application request because the project does not fit within the current zoning. She does not feel that the carwash will bring value to the community in the way that the people would like it to.

Nate Hooks, 723 Carissa Ave., Cocoa, asked the Board to follow the direction that staff has given them which is to deny the request. He asked that they also consider the impact that such a business would have on the three churches in that area. He feels that there will be an increase in crime which will endanger the young people that attend night services. He encouraged the Board to consider this when they make their decision.

Oliver Muhammad, 800 N. Fiske Blvd, #715, Cocoa, stated that he was here to speak on behalf of the CCA, Concerned Citizens Association, in that area. He explained that his issue is not so much with the carwash but with how the City obtained the property to begin with. He added that there were workshops that were held to discuss developing Stone Street and the business corridor by their area, but while all of this was happening the Community Development department was undermining the community. As far as he is concerned, the Board is dealing with a property that was “ill-gotten”.

Meredith Lidstone, 1313 N. Fiske Blvd., Cocoa, wished to also express her objection to the project. After hearing what the applicant had to say she feels as though they think they are doing the City a favor by establishing their business there. If the City wants to call this property a “gateway” into the City than we should make it a gateway. She asked that the City not push a project onto a community that does not want it.

Kristin Lortie, 5524 Brilliance Cir., Cocoa, stated that she is in support of the people who spoke before her and the City staff who would like to deny the request for the ModWash project. She reviewed the materials for the meeting and wanted to give the applicants a chance as well. She is supportive of Cocoa moving forward and wished to talk about something that the applicant had mentioned which is the City’s vision, and what that is. She mentioned a section from the Florida Statutes that she would be very supportive of which is promoting and encouraging communities to engage in a redesign step to include public participation of members of the community in envisioning redevelopment goals and design of the community core before development. She would be happy to volunteer to help make this become a reality and would like to focus on how we can lift up this space and blend our communities.

Pastor Wells, 825 Forrest Ave., Cocoa, agrees with staff’s recommendation to deny the applicant’s request to build a ModWash. He added that he agrees with Alternate member Greenwood that this project isn’t a bad one, however it is not suited for this particular site and might be better suited somewhere else in the City. He asked that the Board leave the site alone and let the Diamond Square community provide input on what should be put there.

Stephanie Carder-Gallon, 1003 N. Cocoa Blvd., Cocoa, also agrees with staff’s recommendation to deny the request for ModWash. She stated that she also agrees

with Alternate member Greenwood's sentiments and feels that this particular site should be saved for a project that is more interactive and that the community can utilize.

Terrence Thomas, 708 Rosa L Jones Dr., Cocoa, is also in favor of denying the request for ModWash. He explained that there are people that live in those neighborhoods that have to walk to where they need to go and something like a Walgreens or a clinic would be convenient for people who have medical needs.

Kim Rezanka, 1290 US1, Rockledge, explained that they realize that people are compassionate about their community, however this site cannot be what they want it to be based upon the lot. She noted that a pharmacy or a restaurant cannot be placed in this zoning category. She stated that there is a glitch in the Comp Plan when the change was made to Mixed-Use in 2010.

Additionally, Ms. Rezanka pointed out that there are concerns due to speculation of increased crime which will not happen here. She explained that this is an operating business and people will not come here to hang out. Furthermore, she has heard this evening that this project does not fit the zoning which is why they are here before the Board requesting that it be changed.

She asked that the Board look back and think about what could have potentially gone there such as a service station which could be approved as a special exception in the C-P zone. Service stations in the City's code can include carwashes. This lot is also a difficult lot to develop, as the City has seen, and is located near the railroad tracks. She reiterated that what could be developed on this lot as a special exception is similar to what they are asking approval for.

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

* **MOTION BY ALTERNATE MEMBER GREENWOOD SECONDED BY BOARD MEMBER DOBRIN TO ACCEPT STAFF'S RECOMMENDATION TO DENY THE APPLICATION REQUEST FOR MODWASH.**

Board member Simpson pointed out that it has already been noticed that the C-P designation under the Mixed-Use plan does not actually fall under Mixed-Use. He suggested that if the Board does deny the request that they still make some sort of change to at least make it current with the code if that's applicable. In response, Board Attorney Eick explained that if the Mixed-Use Future Land Use is kept, at that point City staff has to recognize that there is an inconsistency and there are different ways that this can be resolved.

**AYES: SENGEL, GREEN, BLANCO, BURGESS, DOBRIN,
GREENWOOD, LOPEZ, MOCK, SIMPSON**

MOTION PASSED UNANIMOUSLY (9-0)

B. PZ—Zoning Map Amendment (ModWash LLC.) **PULLED APPLICATION**

The Modwash, LLC Applicants for the Zoning Map Amendment withdrew their application following the Board's consideration and vote on Item A, Small-Scale Comprehensive Plan Amendment.

V. TREE BOARD:

None.

VI. OTHER BUSINESS:

1. Tree Board Update: (none)
2. Recent Development Update
3. Open Discussion by Board members

VII. NEXT MEETING DATE:

The next scheduled meeting for the Planning and Zoning Board will be held on Wednesday, July 6, 2022 at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VIII. ADJOURNMENT:

*** MOTION BY BOARD MEMBER MOCK; SECONDED BY ALTERNATE MEMBER GREENWOOD TO ADJOURN THE REGULAR MEETING OF MAY 4, 2022.**

**AYES: SENGEL, GREEN, BLANCO, BURGESS, DOBRIN,
GREENWOOD, LOPEZ, MOCK, SIMPSON**

MOTION PASSED UNANIMOUSLY (9-0)

MEETING WAS ADJOURNED AT 8:31 PM.

Russell Sengel, Chairperson

Respectfully Submitted By:

Monica Arsenault, Recording Secretary



Legislation Details (With Text)

File #: 22-431 **Version:** 5 **Name:**
Type: Minutes **Status:** Agenda Ready
File created: 7/25/2022 **In control:** Planning and Zoning / Local Planning Agency
On agenda: 8/3/2022 **Final action:**
Title: Approval of the minutes of the July 6, 2022, Planning and Zoning Meeting.
Sponsors:
Indexes:
Code sections:
Attachments: [07-06-2022.pdf](#)

Date	Ver.	Action By	Action	Result
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PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: July 25, 2022
Agenda Date: August 3, 2022
Prepared By: Sandra Leone, City Planner
Through: Angela Essing, Growth and Economic Development Director
Requested Action:
Approval of the minutes of the July 6, 2022, Planning and Zoning Meeting.

BACKGROUND:

N/A

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Approval of the minutes of the July 6, 2022, Planning and Zoning Meeting.

**MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
July 6, 2022**

A Regular meeting of the Planning & Zoning Board Local Planning Agency was held on July 6, 2022 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noted.

I. CALL TO ORDER:

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

ROLL CALL:

Russell Sengel	Chairperson
Marilyn Green	Vice Chairperson
Todd Anderson	Board Member
Michael Dobrin	Board Member
Veronica Lopez	Board Member
Susan Mock	Board Member
Justin Simpson	Board Member
Al Washington	Board Member
Aleck Greenwood	Alternate Member
Merrybeth Burgess	Alternate Member
Debbie Joyce	School Board Representative

PRESENT:

Russell Sengel	Chairperson
Marilyn Green	Vice Chairperson
Michael Dobrin	Board Member
Veronica Lopez	Board Member
Justin Simpson	Board Member
Al Washington	Board Member
Aleck Greenwood	Alternate Member
Merrybeth Burgess	Alternate Member
Debbie Joyce	School Board Representative

ABSENT:

Todd Anderson	Board Member
Susan Mock	Board Member

STAFF PRESENT:

Kristin Eick, Board Attorney, Angela Essing, Growth and Economic Development Director and Lori Chabot, Recording Secretary.

Chairperson SENGEL led the assembly in the Pledge of Allegiance.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of July 6, 2022

- * **MOTION BY Board Member WASHINGTON; SECONDED BY VICE CHAIRPERSON GREEN TO APPROVE THE AGENDA FOR THE REGULAR PLANNING AND ZONING MEETING OF JULY 6, 2022.**

AYES: SENGEL, GREEN, DOBRIN, LOPEZ, SIMPSON, WASHINGTON, GREENWOOD, BURGESS

MOTION PASSED UNANIMOUSLY (8-0)

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

A. Ordinance No. 06-2022

Attorney Eick presented this item via PPT presentation explaining the item and related attachments, including Residential and Conservation Future Land Use Categories chart.

OPEN TO PUBLIC. NO SPEAKERS.

- * **MOTION BY BOARD MEMBER WASHINGTON; SECONDED BY BOARD MEMBER SIMPSON TO APPROVE Ordinance 06-2022, a Comprehensive Plan Text Amendment consistent with Chapter 163, Florida Statutes, to correct a scrivener's error in the Future Land Use Element, Figure FLU-1, to provide that the RU-2-10 zoning district is an allowable zoning district only in the Low Density Residential Future Land Use Category.**

AYES: SENGEL, GREEN, DOBRIN, LOPEZ, SIMPSON, WASHINGTON, GREENWOOD, BURGESS

MOTION PASSED (8-0)

B. Ordinance No. 07-2022

Item presented by Angela Essing, Growth and Economic Development Director via a PPT presentation explaining this was a comprehensive amendment and this must also go to the State for approval who is the ultimate decision. Also mentioned the workshop held by developer to build apartment building in the village. Due to large support by locals this was moved forward to bring to the Planning and Zoning. This will include a total of 3 lots with similar type requests. A trifecta of plans that come together and encourage mix-ed use development. The Cocoa Water Front development, and the Cocoa CRA all share the potential for redevelopment in the Cocoa Village. Staff then looked at where would this be appropriate. Locations were chosen based on the ability to balance and preserve the character of the village and the economic vitality of the village, the age and the size. The proposal is to further the intent of mixed use. At this density is where there will be developer interest. Director Essing continued through the slides explaining elements of land use. Proposing to amend the Future land use from 30 DU to 125 DU only on specific lots. This would amend the zoning code. Development agreements would address the restrictions as the ordinance amendment would apply to only 3. Explanations were given as to why Staff believes these sites would be favorable for this type of developments and the benefits to other business. Discussion included the additional infrastructure, transportation, schools, parks, public works, needed for these developments.

Staff recommends approval to the City Council of the ordinance change.

Carolyn Haslam, South Orange Ave., Orlando spoke in favor of Framework and support the ordinance change. These larger mixed-use developments better support the business community.

Nick Herring, Framework, Westshore Blvd, Tampa, FL – He spoke in support of the development in the village and the ordinance change. He also spoke of Framework’s history and their work in the City of Cocoa. “Density represents smart growth”. The additional eyes on the street, full-time residents will assist as crime watch. The specific sites support the Master Plan and the CRA Plan.

Cole Oliver, Delannoy St, Cocoa – Long-time resident, work, live play here. He spoke in favor of the density and ordinance change. Believes the City/Village is ready for it.

Pam Shaia, Brevard Avenue, Cocoa – Spoke in support of the ordinance change. She thanked Framework for coming to the Village. This would be the best thing for the Village.

OPEN TO PUBLIC – NO SPEAKERS

Board Member **GREENWOOD** asked about aesthetics of the developments. Director Essing explained the details of colors or materials have not been looked at. He expressed concern about the look and wants to be sure it fits in the Village. He recommends Staff have this type of discussion early on. He also mentioned character of the village and the age of buildings and Director Essing explained older buildings would be grandfathered in. He asked about how this affects the property at the corner of Rosa L. Jones and Florida

Ave. Director Essing replied that location is not part of this request and falls under different guidelines. Asked if applications would come to the board first. Vice Chairperson **GREEN** asked about the commercial mixed use large and how many stories. Attorney Eick clarified maximum density would be changed on these sites and any height changes would be through a different process. Also, she had concerns of parking. Chairperson **SENGEL** spoke of sticker shock as regards to the number of people and where will people park. Asked about the unit size. Nick Herring answered the size of the units would be studios to 3 bedrooms. He also stated there would be a structured parking within the apartment building. He asked, at this time, what the height was for those sites. Attorney Eick responded, 5 stories. Board Member **DOBRIN** asked about timeframe for the apartments. Nick Herring replied, construction would start late this year or early next year. Board Member **DOBRIN** expressed concerns of their ability to meet that timeframe. Chair **SENGEL** asked Mr. Herring if he had built anything similar to this proposed development. Nick replied CIRRUS in Cocoa and downtown Lakeland with several developments.

Board Member **WASHINGTON** asked about the style of apartments. Vice Chair **GREEN** replied luxury apartments.

Board Member **GREENWOOD** also spoke of his concern regarding parking. He would like to see parking as a negotiating item.

* **MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY BOARD MEMBER DOBRIN TO APPROVE** a Comprehensive Plan Text Amendment: In the capacity of Land Planning Agency recommendation to the city council to adopt a large-scale comprehensive plan text amendment (Ordinance No. 07-2022) to create 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 within a very limited geographical area which is generally located along Brevard Avenue near City Hall and more specifically described by parcel information and map that consists of affected real property of approximately 4.5 acres, more or less, and is designated mixed use on the future land use map and designated Cocoa Village 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; providing factors to be considered by City Council when considering whether to approve such projects by development agreement. The affected parcels in the geographical area depicted on the map are ##s: 2426072, 2426071, 2426074, 2426037, 2426228, 2426229, and 2426230.

AYES: SENDEL, GREEN, DOBRIN, LOPEZ, SIMPSON, WASHINGTON, GREENWOOD, BURGESS

MOTION PASSED (8-0)

C. PZ-21-00100003 – Preliminary Subdivision (River Walk)

Director Essing introduced the item explaining via PPT and the Riverwalk Development site-plan. She explained Staff found the applicant to be in compliance. Staff recommends approval with the 3 conditions set forth in the Staff Report.

Mary Sphar of Cocoa, spoke stating she has concerns with the development. The distance between houses, the trees and land clearing. Would like to see developers give consideration of the trees and the third concern is the impact to the roadway.

Cole Oliver, BSE Consultants Engineer and Surveyor of the development. He addressed some of the concerns with regard to landscaping and trees, giving consideration to the tree survey and replacement. He continued, stormwater will be handled 100% on site, utilities connecting to US 1 and Indian River Drive which loops the system. Board Member **GREENWOOD** asked about the connections. He also mentioned future construction of a dock.

OPEN TO PUBLIC – NO SPEAKERS

Vice Chair **GREEN** asked if there would be fencing or natural fencing? He replied natural fencing. She asked also about flood zone and said it was not in flood zone. She said the adjacent area is commercial and would it be possible for high density project, pointing out this project might be the better option. Director Essing replied it could be divided differently.

* **MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY VICE CHAIRPERSON GREEN TO APPROVE requested action** of a Preliminary Subdivision River Walk consistent with Chapter 18 Subdivisions and Appendix A Zoning of the City Code. With the following conditions: 1. The Large-Scale Site Plan shall not be effective until and unless the Preliminary Subdivision has been approved by City Council. 2. 30" dbh oak removed requires replacement trees 6" dbh for that particular tree. 3. Developer agrees to enhance by design, permitting and installing a living shoreline along its river edge property, Parcel A and Tract E.
amended to add language "that which should not preclude construction of a dock as allowed by code."

AYES: SENDEL, GREEN, DOBRIN, LOPEZ, SIMPSON, WASHINGTON, GREENWOOD, BURGESS

MOTION PASSED (8-0)

D. PZ-21-00X0000X – Large-Scale Site Plan (River Walk)

Director Essing introduced the item. This was similar to the previous.

* **MOTION BY CHAIRPERSON GREENWOOD; SECONDED BY BOARD MEMBER GREEN TO APPROVE requested action** of a Large-Scale Site Plan River Walk consistent with Chapter 18 Subdivisions and Appendix A Zoning of the City Code. With the following conditions: 1. The Large-Scale Site Plan shall not be effective until and unless the Preliminary Subdivision has been approved by City Council. 2. 30" dbh oak removed requires replacement trees 6" dbh for that particular tree. 3. Developer agrees to enhance by design, permitting and installing a living shoreline along its river edge property, Parcel A and Tract E. amended to add language **"that which should not preclude construction of a dock as allowed by code."**

AYES: SENDEL, GREEN, DOBRIN, LOPEZ, SIMPSON, WASHINGTON, GREENWOOD, BURGESS

MOTION PASSED (8-0)

E. **Introduction of a Visioning Plan for the Intersection of 520 and US1 and for Properties Zoned CP & CG in the Mixed-Use Future Land Use**

Director Essing explained the item was more of a notification of future meeting to include the public that will occur over several times at different locations. **No Motion on this item.**

Board Member **GREENWOOD** asked about the Car Wash and what their plans were. Director Essing explained the Car Wash has no plans at this time. Discussion ensued over the possible uses of the property and potential for mixed uses.

Board Member **GREENWOOD** discussed the repainting (across the street from Travis Hardware) and necessity for the board to address exterior designs and be more specific. He also mentioned the recent fireworks display and thinks its important the displays should be at the caliber of attracting a lot of people and not disappointing visitors. He was disappointed in the display at the Village. Board Member **SIMPSON** agrees the display was not up to par but asked if this board should govern that kind of event.

VII. NEXT MEETING DATE:

The next scheduled meeting for the Planning and Zoning Board will be held on Wednesday, August 3, 2022 at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VIII. ADJOURNMENT:

* **MOTION BY CHAIRPERSON SENDEL; SECONDED BY BOARD MEMBER SIMPSON TO ADJOURN THE REGULAR MEETING OF JULY 6, 2022.**

AYES: SENDEL, GREEN, DOBRIN, LOPEZ, SIMPSON, WASHINGTON, GREENWOOD, BURGESS

MOTION PASSED UNANIMOUSLY (8-0)

MEETING WAS ADJOURNED AT 7:54 PM.

Russell Sendel, Chairperson

Respectfully Submitted By:

Lori Chabot, Recording Secretary



Legislation Details (With Text)

File #: 22-419 **Version:** 1 **Name:**
Type: Ordinance **Status:** Agenda Ready
File created: 7/19/2022 **In control:** Planning and Zoning / Local Planning Agency
On agenda: 8/3/2022 **Final action:**
Title: Recommendation to the City Council to adopt an amendment to APPENDIX A, ARTICLE XI, SECTION 13 of the Zoning Ordinance of the City of Cocoa; adopting conforming amendments to the Central Business District Regulations consistent with Ordinance 07-2022 adopting 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 within a very limited area which is generally located along Brevard Ave. The affected parcels in the geographical area depicted on the map are ##s: 2426072, 2426071, 2426074, 2426037, 2426228, 2426229, and 2426230.

Sponsors:

Indexes:

Code sections:

Attachments: [Ord 10-2022 CBD Conforming Amendments 125 DU Acre.pdf](#)
[125 DU lots.pdf](#)
[CWOD Regulating Plan Map 4-13-2021.pdf](#)
[FL Today Public Notice OrderConf.pdf](#)

Date	Ver.	Action By	Action	Result
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PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: July 21, 2022
Agenda Date: August 3, 2022
Prepared By: Angela Essing, Economic Development Director
Through: Angela Essing, Economic Development Director
Requested Action:

Recommendation to the City Council to adopt an amendment to APPENDIX A, ARTICLE XI, SECTION 13 of the Zoning Ordinance of the City of Cocoa; adopting conforming zoning amendments to the Central Business District Regulations consistent with Ordinance 07-2022 adopting 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 within a very limited area which is generally located along Brevard Ave. The affected parcels in the geographical area depicted on the map are ##s: 2426072, 2426071, 2426074, 2426037, 2426228, 2426229, and 2426230.

BACKGROUND:

The proposed zoning text amendment has been administratively initiated by the City of Cocoa and is being presented to the Land Planning Agency pursuant to the requirements of Appendix A, Zoning

Article XXI - Amendments, Section 1.G of the City Code. The LPA is required to make recommendations to the City Council regarding proposed text amendments based on the criteria set forth below. Staff recommends approval of the proposed amendment for the reasons expressed below.

In accordance with Appendix A of the City of Cocoa, Article XXI, Section 1(G)(2), the following shall be considered in the review of an application for a zoning text amendment:

- a. The need and justification for the change.

The Planning and Zoning Board/Land Planning Agency previously considered proposed Ordinance 07-2022, amending the City's Comprehensive Plan to allow possible residential densities of up to 125 dwelling units per acre within a very limited geographical area in the Central Business District - Cocoa Village Overlay (CBD-CVO) zoning district and subject to multiple conditions, at its July 6, 2022 regular meeting, and recommended approval to the City Council. The City Council held the first reading of proposed Ordinance 07-2022 at its July 26, 2022 regular meeting. Ordinance 07-2022 will be transmitted to applicable reviewing agencies and the Department of Economic Opportunity for review and comment as required by the Expedited State Review Process for the Adoption of Comprehensive Plan Amendments under state law.

The proposed zoning amendments attached hereto in Ordinance 10-2022 are needed to ensure consistency of the Central Business District - Cocoa Village Overlay (CBD-CVO) zoning district regulations with the density increases permitted via Ordinance 07-2022 and to clarify the applicability of existing density bonuses already available in the Comprehensive Plan. The proposed zoning text amendments will not be considered by City Council for adoption and second reading until after the Comprehensive Plan amendments contained in Ordinance 07-2022 become effective.

As a recap, Ordinance 07-2022 proposes to amend the Future Land Use Element of the City of Cocoa's Comprehensive Plan, authorizing the City Council to approve, by Development Agreement, residential densities of up to 125 dwelling units per acre for vertical mixed use projects, within a very limited geographical area, specifically identified in Ordinance 07-2022 totaling approximately 4.5 acres and generally located along Brevard Avenue near City Hall. See the attached maps illustrating the eligible properties, which are located only in the Central Business District - Cocoa Village Overlay (CBD-CVO) zoning district and are also located in the Cocoa Waterfront Overlay District, Cocoa Village Sub district. These properties must be further designated with a Commercial/Mixed Use Large (CL) building type within the Cocoa Waterfront Overlay District Regulating Plan to be eligible to achieve the maximum density allowed under Ordinance 07-2022. Currently, only the hotel project site has the CL designation, and other sites will require further action of the Planning and Zoning Board and the City Council in the future to obtain the CL designation. In addition, any vertical mixed-use project located in the applicable area must also secure a Development Agreement (DA) from the City Council after consideration of certain factors, including but not limited to the following factors that are consistent with the current requirements of the Cocoa Waterfront Overlay District Regulating Plan (CWOD): 1) the aesthetic quality and character, architectural design, physical and visual scale of the proposed project and 2) compatibility and harmony with the special and distinctive character of the Cocoa Village and waterfront district.

The proposed Ordinance 10-2022 proposes certain conforming amendments to ensure consistency with proposed Ordinance 07-2022. Specifically, the "Performance Standards" table in the CBD-CVO zoning district is proposed to be amended to allow for up to 125 dwelling units per acre on the certain

lots designated in the Comprehensive Plan (via Ordinance 07-2022) if approved by Development Agreement.

The CBD-CVO is entirely within a designated redevelopment area as defined in the Cocoa Redevelopment Agency Redevelopment Plan and the uses permitted therein are based on the comprehensive plan and the redevelopment plan, as described in App. A, Article XI, Section 13 of the Central Business District regulations. The uses permitted in the CBD-CVO are further intended to permit and encourage more intensive office and commercial development, hotel and motel development, marinas and marina-related development and multiple-family residential development. The conforming amendments are justified as the intent of the District is to encourage high density multiple-family residential development.

In addition, Section 13 of the District regulations provides: “All uses and design should recognize the proximity to the areas of great natural beauty which are historically significant to the city. High density, so long as it provides public and scenic access to these natural and historic areas, is permitted.” The proposed Comprehensive Plan policies permitting up to 125 dwelling units an acre were drafted specifically to take into account preservation of public and scenic access to natural and historic areas, which will be considered via any Development Agreement authorizing such densities. The City has considered and incorporated these goals into the policies adopted in Ordinance 07-2022 and these conforming text amendments to the Central Business District regulations will ensure consistency with the newly-adopted Comprehensive Plan Policies.

In addition, the proposed Ordinance 10-2022 makes an additional amendment to the “Performance Standards” table in the CBD-CVO zoning district to be consistent with the existing Future Land Use Element, Figure FLU-1, Footnote 2, which already allows an additional 5 units per acre density bonus in the Mixed Use Future Land Use category for residential units developed as part of a vertical mixed use project. This density bonus is available on all properties located in the Mixed Use Future Land Use category.

- 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.

As described above, the conforming zoning text amendments are proposed to ensure consistency with the Comprehensive Plan amendments proposed via Ordinance 07-2022. The intent in creating the Mixed-use FLU and CBD and CBD-CVO zones was to allow a mix of commercial and residential uses in the Mixed-Use FLU categories in order to offer innovative housing options in the City. Amending the standards for the CBD-CVO Zoning District to allow for higher density residential uses within the limited geographical area identified in the proposed Comprehensive Plan amendment will further the intent of the Mixed Use Future Land Use (MU FLU) and the Waterfront District and perhaps incentivize an experienced developer to propose an acceptable large, vertical mixed-use project that can further a “trifecta” of policy objectives already established by the City Council in the MU FLU, Waterfront District, and Cocoa Redevelopment Plan.

In addition, staff finds the proposed amendment consistent with the following Comprehensive Plan policies:

Future Land Use Element, Policy 1.1.2.6 Mixed-Use (MU). The Mixed-Use land use category is intended to provide a mixture of residential, commercial, office, recreational and institutional uses along the major transportation corridors (such as SR 520 and US 1). The mixed-use could be developed as single uses on separate parcels or as a mixture of uses within a single development. Based on current land use trends, the City estimates that the mix of uses in the mixed-use category will be 50 percent residential and 50 percent non-residential. The Floor Area Ratio (FAR) measure shall not be applied to residential developments, or the residential portion of a mixed-use building or development.

Future Land Use Element, Objective 1.2.1: Smart Growth Principles. New development in the City shall incorporate “Smart Growth” principles that will lead to compact development standards as opposed to conventional development standards that encourage urban sprawl.

Future Land Use Element, Policy 1.2.1.6: New development, as well as infill development shall provide interconnected street grid networks, where feasible, to disperse traffic and encourage walkability. Developments may include a hierarchy of narrow streets, boulevards and alleys; high-quality pedestrian networks; designs that encourage a greater use of bicycles, rollerblades, scooters and walking as daily transportation; connectivity to public transit; and a land use mix that demonstrates reduced external trips by encouraging internal trips.

Housing Element, GOAL 3.1: The City shall encourage and promote the provision of decent, safe, and sanitary housing to meet the needs of the present and future population of the City.
Objective 3.1.1: Housing Supply. Assist the private sector to create additional units and preserve existing units to satisfy the projected demand of dwelling units of various types, sizes, and costs which will be needed to house the City’s anticipated population through the planning horizon.

Policy 3.1.1.1: The City’s Future Land Use Map shall provide adequate lands to accommodate the projected housing growth.

Policy 3.1.1.2: The City shall continue to provide land use designations and zoning districts on the Future Land Use and the Official Zoning Maps to ensure a variety of housing types including single family, duplex, and multifamily are allowed within the City

Policy 3.1.1.6: The City shall promote mixed-use developments that include provisions for a wide variety of housing types and prices.

GOAL 3.7: The City shall promote opportunities for the creation of housing and infill development within the City.

Objective 3.7.1: Infill Development. The City shall continue to promote infill housing development by supporting alternative development standards where appropriate and feasible

Coastal Management Element, Objective 9.2.2: Development, redevelopment, rebuilds, retrofits and additions in the City shall be planned and managed through strategies and design principles that are consistent with sound planning practices that protect life and property from the effects of flooding, storm surge and related impacts of sea level rise and that protect the long-term financial viability of the City.

Policy 9.2.2.2: The City shall require site development techniques that encourage more efficient and climate resilient development practices that include, but are not limited to: • Low impact development techniques on private and public property that provide for site design, engineering and stormwater management to reduce stormwater runoff, encourage greater onsite storage, reuse or absorption and mitigate flood impacts such as pervious pavement, native vegetation, rain gardens or barrels, etc.

Capital Improvement Element, GOAL 14.1: Through the use of sound fiscal policies, the City of Cocoa shall provide adequate public facilities to all residents within its jurisdiction in a timely and efficient manner that promotes orderly compact urban growth and discourages urban sprawl.

Staff recommends the Land Planning Agency recommend APPROVAL to City Council of the proposed amendment to APPENDIX A, ARTICLE XI, SECTION 13 of the Zoning Ordinance of the City of Cocoa; adopting conforming amendments to the Central Business District Regulations consistent with Ordinance 07-2022.

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Recommend APPROVAL to City Council of the proposed amendment to APPENDIX A, ARTICLE XI, SECTION 13 of the Zoning Ordinance of the City of Cocoa; adopting conforming amendments to the Central Business District Regulations consistent with Ordinance 07-2022..

ORDINANCE NO. 10-2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 13 OF THE ZONING ORDINANCE OF THE CITY OF COCOA; ADOPTING CONFORMING AMENDMENTS TO THE CENTRAL BUSINESS DISTRICT REGULATIONS CONSISTENT WITH ORDINANCE 07-2022 ADOPTING 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 WITHIN A VERY LIMITED GEOGRAPHICAL AREA WHICH IS GENERALLY LOCATED ALONG BREVARD AVENUE NEAR CITY HALL AS DESCRIBED THEREIN; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, 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, concurrently with this Ordinance, the City Council has adopted Ordinance 07-2022, which amends the Future Land Use Element of the City of Cocoa's Comprehensive Plan authorizing the City Council to approve by Development Agreement residential densities of up to 125 dwelling units per acre for vertical mixed use projects within a very limited geographical area; and

WHEREAS, the very limited geographical area consists of properties specifically identified in Ordinance 07-2022 totaling approximately 4.5 acres and generally located along Brevard Avenue near City Hall; and

WHEREAS, such affected properties are located only in the Central Business District – Cocoa Village Overlay (CBD-CVO) zoning district and are also located in the Cocoa Waterfront Overlay District, Cocoa Village Subdistrict and must be designated with a Commercial/Mixed Use Large (CL) building type within the Cocoa Waterfront Overlay District Regulating Plan to be eligible to achieve the maximum density allowed under Ordinance 07-2022; and

WHEREAS, any vertical mixed-use project located in the applicable very limited geographical area must also secure a Development Agreement from the City Council, after

consideration of factors including, but not limited to, the aesthetic quality and character, architectural design, physical and visual scale of the proposed project, and compatibility and harmony with the special and distinctive character of the Cocoa Village and waterfront district; and

WHEREAS, the CBD-CVO is entirely within a designated redevelopment area as defined in the Cocoa Redevelopment Agency Redevelopment Plan and the uses permitted therein are based on the comprehensive plan and the redevelopment plan; and

WHEREAS, the uses permitted in the CBD-CVO are further intended to permit and encourage more intensive office and commercial development, hotel and motel development, marinas and marina-related development and multiple-family residential development; and

WHEREAS, it is intended that high density multiple-family residential development in the CBD/CBD-CVO area is to be promoted and encouraged, so long as it provides public and scenic access to the areas of great natural beauty and historic significance in the district; and

WHEREAS, the City has considered and incorporated these goals into the policies adopted in Ordinance 07-2022, particularly by requiring a Development Agreement for any proposed vertical mixed-use project after consideration of the above-reference criteria and strictly limiting the properties eligible for the increased density; and

WHEREAS, the City Council desires to adopt certain conforming text amendments to the Central Business District regulations to ensure consistency with the newly-adopted Comprehensive Plan Policies; and

WHEREAS, this Ordinance shall become effective upon the effective date of Ordinance 07-2022; and

WHEREAS, the City Council of the City of Cocoa held two duly noticed public hearings on the proposed zoning change set forth hereunder and considered findings and advice of staff, the Planning and Zoning Board, citizens, and all interested parties submitting 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 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, Section 13, is 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, Section 13. It is intended that the text in Appendix A, Article XI, Section 13 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. 13. - District and intent—CBD, Central Business District.

The provisions of this district are intended to apply to the central commercial, professional, financial, governmental and civic core of the city as described in the comprehensive plan and which is entirely within a designated redevelopment area as defined in the Cocoa Redevelopment Agency Redevelopment Plan. The area is generally bounded by Center Street on the north, Forrest Avenue and Florida Avenue on the west, Rosa L. Jones Drive and Derby Street on the south, and the Indian River on the east. Uses are based on the comprehensive plan and the redevelopment plan and are intended to permit and encourage more intensive office and commercial development, hotel and motel development, marinas and marina-related development and multiple-family residential development. The district is intended to discourage uses not requiring a central location and which would create friction with or be incompatible with performance of Central Business District functions. The permitted uses and design and development standards are intended to promote high quality development compatible with a Central Business District location. It is intended that "performance standards" control the permissible type, density and intensity, mix of development and design and development standards in order to assure and promote the development and redevelopment of property in the central business district in a manner compatible with comprehensive and redevelopment plan objectives.

It is intended that high density multiple-family residential development in this area is to be promoted and encouraged, either in separate buildings or in combination with office and supporting, retail and service areas, and that such supporting, uses shall be scaled and designed to serve the needs of the district. All uses and design should recognize the proximity to the areas of great natural beauty which are historically significant to the city. High density, so long as it provides public and scenic access to these natural and historic areas, is permitted. Water views, easy access to contiguous waterwalks, and several key water vistas should be made available to

the public. The purpose of this district is to allow for the development of fully integrated, mixed-use pedestrian oriented neighborhoods. Streets, pedestrian paths and bike paths should contribute to a system of fully-connected and interesting routes to all destinations.

Within the Central Business District is a subarea known as "Cocoa Village" for which additional and supplemental use, intensity, design and development standards are necessary in order to maintain the special and distinctive character of the area, which is an important objective of the comprehensive plan and redevelopment plan. The supplemental regulations applicable to the Cocoa Village subdistrict shall be applied through imposition and mapping of a "Cocoa Village Overlay" zoning district. The regulations are in addition to and not in substitution of the underlying Central Business District zoning regulations which shall also remain applicable to the Cocoa Village Overlay subdistrict. The Cocoa Village Overlay subdistrict is designed to preserve and extend the "Cocoa Village" uses, scale and theme within the Central Business District. Where the regulations of the Cocoa Village Overlay subdistrict are more restrictive than those of the Central Business District, the former shall be controlling. The Cocoa Village Overlay subdistrict (identified by the suffix CVO following the designation CBD) shall be mapped on the official "Zoning Map" of the City of Cocoa.

* * *

- (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.

(F) **TABLE OF PERFORMANCE STANDARDS**

	Performance Standards	Minimum Requirement Central Business District	Minimum Requirement Cocoa Village Overlay
* * *			
(14)	Maximum Dwelling Units Per Acre	Lots located north of King Street: fifty (50) units, <u>except where a density bonus is permitted by the Comprehensive Plan for a</u>	<u>25 units, except where a density bonus is permitted by the Comprehensive Plan for a vertical mixed-use project. On certain lots designated in the Comprehensive Plan, up to 125 units</u>

	<u>vertical mixed-use project.</u> Lots located south of King Street: 25 units, <u>except where a</u> <u>density bonus is permitted by</u> <u>the Comprehensive Plan for a</u> <u>vertical mixed-use project.</u>	<u>may be approved by Development</u> <u>Agreement.</u>
* * *		

* * *

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 the effective date of Ordinance 07-2022 as adopted by the City Council of the City of Cocoa, Florida. If Ordinance 07-2022 does not become effective, then this Ordinance shall become null and void.

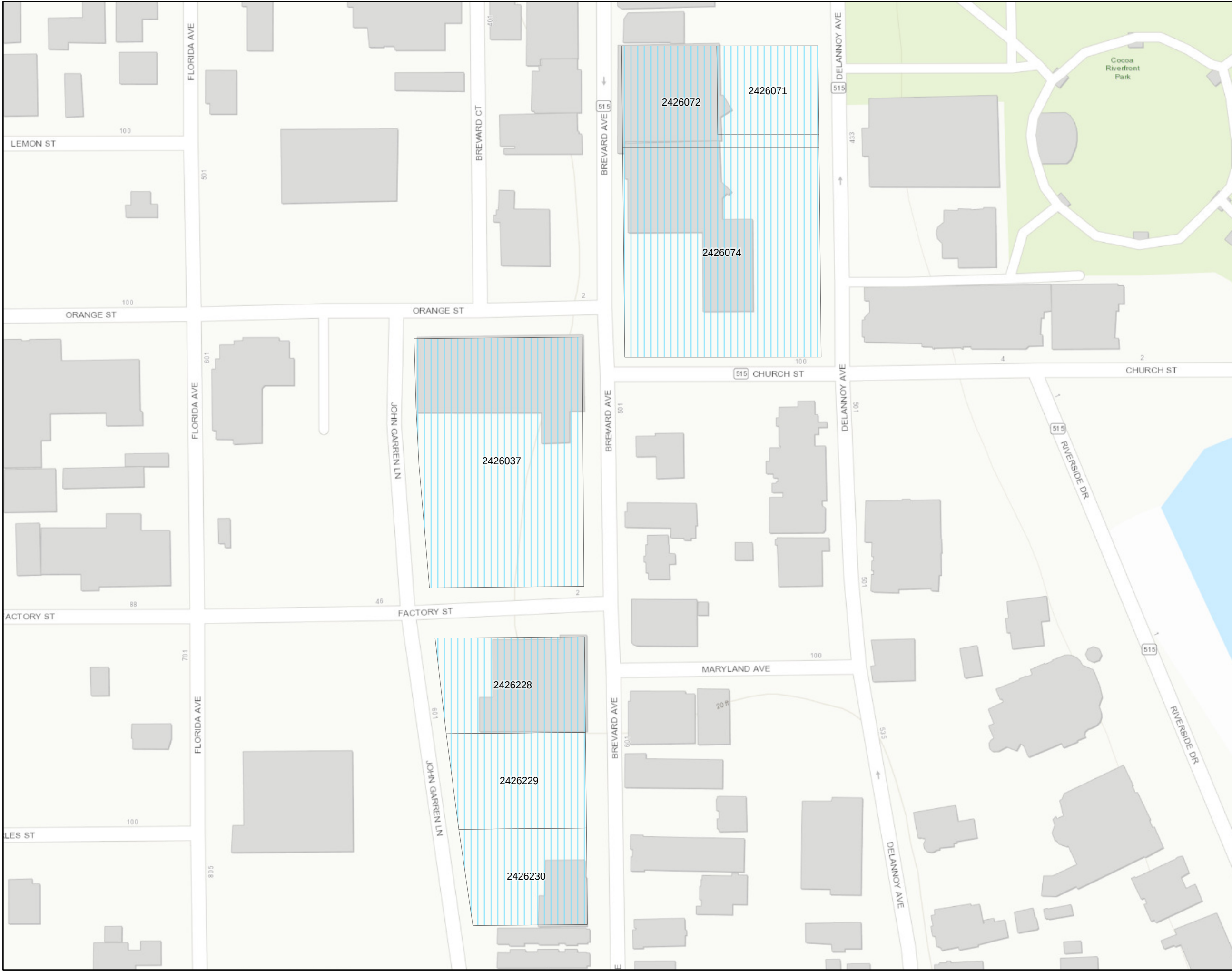
ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the _____ day of _____, 2022.

Michael C. Blake, Mayor

ATTEST:

CARIE SHEALY, MMC
City Clerk

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



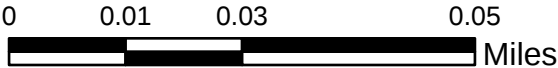
City of Cocoa Proposed FLU Amendment

June 14, 2022

Legend

125 DU/acre Lots

-  CBD-CVO (7 Parcels
Proposed for 125 DU/
acre)
-  Cocoa City Boundary



Regulating Plan

City of Cocoa - Waterfront Overlay District

Cocoa, FL

4/13/2021

Allowable Building Type												
Sub-district	Homestead HO	Estate ES	House HS	Cottage CO	Townhouse TH	Apartment Building AB	Courtyard Apartment CA	Commy/Mixed *Small CS	Commy/Mixed *Med CM	Commy/Mixed *Large CL	Single-Story Commercial SC	Large Format Commercial LF
Cocoa Village (CV)												
Heart of Cocoa (HC)												
King/Willard Corridor (KW)												
Uptown Neighborhood (UN)												
South of the Village (SV)												
South End (SE)												
Waterfront (WF)												
North of Village (NV)												

- Allowed only where indicated on Regulating Plan
 - Allowed throughout Design District
 - * New development within the Comm/MXD use district may be developed as either commercial or mixed use.
- Townhomes allowed up to four per building.
 - Consistent with the Substitute Consent Decree as ordered on January 28, 2009.
 - Development of Commercial/Mixed Use-Large building types in this design district shall require a development agreement approved by the City Council after consideration of the following factors: economic and social benefits to the City and Community Redevelopment Agency, aesthetic quality and character, architectural design, physical and visual scale, compatibility with the special and distinctive character of the Cocoa Village, and other similar relevant factors.

Waterfront Overlay

Sub-Districts:

- Cocoa Village (CV)
- Heart of Cocoa (HC)
- King/Willard Corridor (KW)
- Uptown Neighborhood (UN)
- South of the Village (SV)
- South End (SE)
- Waterfront (WF)
- North of Village (NV)
- Consent Decree Area

CS

- Additional building type allowed for this parcel only
- Required minimum and maximum street setback (in feet)
- Break in street setback dimension
- Right of way line (beginning point of street setback measurement)
- Internal Lot Line



**Classified Ad Receipt
(For Info Only - NOT A BILL)**

Customer: CITY OF COCOA (TE)

Ad No.: 0005343927

Address: 65 STONE ST
COCOA FL 32922
USA

Pymt Method Invoice

Net Amount 320.57

Run Times: 1

No. of Affidavits: 1

Run Dates: 07/20/22

Text of Ad:

AD#5343927 7/22/2022
CITY OF COCOA
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN THAT
THE PLANNING & ZONING BOARD/LOCAL
PLANNING AGENCY AND THE COCOA
CITY COUNCIL
PROPOSE TO CONSIDER THE
FOLLOWING:

A.
ORDINANCE NO. XX-2022
AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF COCOA, BREVARD
COUNTY, FLORIDA; AMENDING APPEN-
DIX A, ARTICLE XI, SECTION 13 OF THE
ZONING ORDINANCE OF THE CITY OF
COCOA; ADOPTING CONFORMING
AMENDMENTS TO THE CENTRAL BUSI-
NESS DISTRICT REGULATIONS CONSIS-
TENT WITH ORDINANCE XX-2022
ADOPTING A POLICY IN THE FUTURE
LAND USE ELEMENT AUTHORIZING THE
CITY COUNCIL TO APPROVE BY DEVEL-
OPMENT AGREEMENT RESIDENTIAL
DENSITIES OF UP TO 125 DWELLING
UNITS PER ACRE RELATED TO VERTICAL
MIXED USE PROJECTS WITHIN A VERY
LIMITED GEOGRAPHICAL AREA WHICH
IS GENERALLY LOCATED ALONG BRE-
VARD AVENUE NEAR CITY HALL AS DE-
SCRIBED THEREIN; PROVIDING FOR THE
REPEAL OF PRIOR INCONSISTENT ORDI-
NANCES AND RESOLUTIONS,
SEVERABILITY, AND AN EFFECTIVE DATE.

PLANNING & ZONING BOARD/ LOCAL
PLANNING AGENCY
PUBLIC HEARING WILL BE HELD ON
August 3, 2022
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 THIS
ITEM ON
August 23, 2022
AT 6:00 P.M. OR SOON THEREAFTER IN
THE
COCOA CITY HALL COUNCIL CHAMBERS
LOCATED AT
65 STONE STREET, COCOA, FL

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: Carrie 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 BOA, 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 BOA or 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 BOA, PZ Board/LPA and City Council reserve the right to continue or postpone hearings to a date certain without so advising.

can without re-audioing.

Public Participation 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>

Documents pertaining to the above may also be inspected at the Community Services Department, between 8:00 a.m. and 5:00 p.m., Monday through Friday, or by phoning (321) 433-8451.

Interested persons may submit their written comments or questions prior to the meeting through Email at meetings@cocoafl.org, or via E-comments through the online agenda at the link above. Any electronic comments submitted will be made part of the meeting record.

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

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

However, the City is not responsible for technical difficulties that may occur while attempting to view or listen to the meeting on the internet.