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

Cocoa City Hall
65 Stone Street
Cocoa, FL 32922

AGENDA
Regular Meeting
November 6, 2019
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 November 6, 2019
2. MINUTES: Meeting of October 2, 2019

III. OLD BUSINESS: (None)

IV. **NEW BUSINESS:**

PZ-19-035 – 9 Zoning Map Amendments (Rezonings) – Cox Road Corridor

A. **ORDINANCE 14-2019**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING MAP DESIGNATION OF TWENTY (20) PARCELS OF REAL PROPERTY, TOTALING 118.66 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE WEST SIDE OF COX ROAD, SOUTH OF PINE CONE PLACE AND NORTH OF SR520, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY I-U (LIGHT INDUSTRIAL) TO CITY OF COCOA M-1 (LIGHT INDUSTRIAL AND WAREHOUSE DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

B. **ORDINANCE 15-2019**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING MAP DESIGNATION OF FOUR (4) PARCELS OF REAL PROPERTY, TOTALING 19.73 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE WEST SIDE OF COX ROAD, SOUTH OF RIGHT STREET AND NORTH OF SR520, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY I-U (LIGHT INDUSTRIAL) TO CITY OF COCOA M-1 (LIGHT INDUSTRIAL AND WAREHOUSE DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

C. **ORDINANCE 16-2019**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING MAP DESIGNATION OF SIX (6) PARCELS OF REAL PROPERTY, TOTALING 16.67 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE WEST SIDE OF COX ROAD, SOUTH OF RIGHT STREET AND NORTH OF SR520, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY I-U (LIGHT INDUSTRIAL) TO CITY OF COCOA M-1 (LIGHT INDUSTRIAL AND WAREHOUSE DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

D. **ORDINANCE 17-2019** **(Item pulled by Staff)**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING MAP DESIGNATION OF TWO (2) PARCELS OF REAL PROPERTY, TOTALING 9.85 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE WEST SIDE OF COX ROAD, SOUTH OF RIGHT STREET AND NORTH OF SR520, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY PIP (PLANNED INDUSTRIAL PARK) TO CITY OF COCOA M-1 (LIGHT INDUSTRIAL AND WAREHOUSE DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

E. **ORDINANCE 18-2019**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING MAP DESIGNATION OF TWO (2) PARCELS OF REAL PROPERTY, TOTALING 2.06 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE NORTH SIDE OF SR520, EAST OF TOWNSEND ROAD AND WEST OF COX ROAD, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY I-U (LIGHT INDUSTRIAL) TO CITY OF COCOA C-G (GENERAL COMMERCIAL DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

F. **ORDINANCE 19-2019**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 1.24 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE NORTH SIDE OF SR520, EAST OF TOWNSEND ROAD AND WEST OF COX ROAD , IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY BU-2 (RETAIL, WAREHOUSEING AND WHOLESALE COMMERCIAL) TO CITY OF COCOA C-G (GENERAL COMMERCIAL DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

G. **ORDINANCE 20-2019**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 0.75 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF TOWNSEND RD, AND IMMEDIATELY EAST OF I-95, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY PIP (PLANNED INDUSTRIAL PARK) TO CITY OF COCOA C-G (GENERAL COMMERCIAL DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

H. **ORDINANCE 21-2019**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 0.03 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF TOWNSEND RD, AND IMMEDIATELY EAST OF I-95, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY PIP (PLANNED INDUSTRIAL PARK) TO CITY OF COCOA INST (INSTITUTIONAL DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

I. **ORDINANCE 22-2019**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 1.08 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF TOWNSEND ROAD AND EAST OF I-95, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY I-U (LIGHT INDUSTRIAL) TO CITY OF COCOA M-2 (MANUFACTURING AND INDUSTRIAL DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

V. **OTHER BUSINESS:**

1. Rescheduling of January PZ Board meeting due to holiday
2. Update on amendment of parking standards ordinance
3. Recent Development Update (attached)
4. Open Discussion by Board members

VI. **NEXT MEETING DATE:**

Wednesday, December. 4, 2019

VII. **ADJOURNMENT**

NOTICE TO PUBLIC:
This meeting may include the attendance of one (1) or more members of the Cocoa City Council who may or may not participate in the Board discussions held at this public hearing.

All persons and parties are hereby advised that if they should decide to appeal any decision made by this Board with respect to any matter considered at this hearing, they will need a record of the proceedings and that for such purpose, affected persons may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The facility where this public hearing will be held is accessible to the physically handicapped. Interested parties are hereby advised that they may appear at said meeting and be heard with respect to the application. Written comment from the public with regard to the application will also be accepted.

Information pertaining to the above may be inspected at the Planning & Zoning Division at 65 Stone Street, Cocoa, Florida between 8:00 a.m. and 5:00 p.m., Monday through Friday, beginning the Friday before the Board Meeting date, or by phoning (321) 433-8535.

MINUTES
CITY OF COCOA
PLANNING & ZONING BARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
OCTOBER 2, 2019

The Regular Meeting of the Planning & Zoning Board/ Local Planning Agency was held on October 2, 2019 at City Hall, 65 Stone Street, Cocoa, FL, as publically noted.

I. CALL TO ORDER:

Vice Chairperson Washington called the meeting to order at 6:00 p.m.

ROLL CALL:

Michael Dobrin	Chairperson
Al Washington	Vice Chairperson
Todd Anderson	Board Member
Jeri Blanco	Board Member
Sherry Ervin	Board Member
Trina Gilliam	Board Member
Marilyn Green	Board Member
Aleck Greenwood	Board Member
Lawrence Koss	Board Member
Russell Sengel	Board Member
Kristin Eick	Board Attorney
Jake Williams Jr.	Board Liaison
Courtney Jackson	Recording Secretary

PRESENT:

Al Washington	Vice Chairperson
Jeri Blanco	Board Member
Sherry Ervin	Board Member
Trina Gilliam	Board Member
Marilyn Green	Board Member
Aleck Greenwood	Board Member
Russell Sengel	Board Member
Kristin Eick	Board Attorney
Jake Williams Jr.	Board Liaison

ABSENT:

Michael Dobrin	Chairperson
Todd Anderson	Board Member
Lawrence Koss	Board Member (arrived at 6:04pm)

STAFF PRESENT:
Dodie Selig, Planning & Zoning Manager, **Angela Essing**, Senior Planner, **Lorraine Koss**, Council Member, **Charlene Neuterman,** Community Services Deputy Director**, Sandra Leon,** Planner.

Vice Chairperson Washington led the assembly in the Pledge of Allegiance to the flag of the United States of America[1].

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Regular Meeting of October 2, 2019

* **MOTION BY BOARD MEMBER ERVIN; SECONDED BY BOARD MEMBER GREEN TO APPROVE THE AGENDA FOR THE REGULAR MEETING OF OCTOBER 2, 2019 AS PRESENTED.**

AYES: WASHINGTON, BLANCO, ERVIN, GILLIAM, GREEN, GREENWOOD, KOSS, SENGEL

MOTION CARRIED (8-0)

2. MINUTES: Special Meeting of September 24, 2019

*** MOTION MADE BY BOARD MEMBER GREENWOOD; SECONDED BY BOARD MEMBER GREEN TO APPROVE MINUTES FROM SEPTEMBER 24, 2019 WITH AMENDMENTS.**

AYES: WASHINGTON, BLANCO, ERVIN, GILLIAM, GREEN, GREENWOOD, KOSS, SENGEL

MOTION PASSED UNAMIOUSLY (8-0)

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

A. PZ-19-031- Large Scale Site Plan (Cocoa Gateway Entry Feature)

The City of Cocoa, Coca Redevelopment Agency, is requesting Approval of a Large Scale Site Plan entitled “Cocoa Gateway Entry Sign” to develop a parcel of land as a gateway entry feature. The subject property totals ±0.13 acres and is generally located at the southeast corner of King Street (eastbound SR 520) and Forrest Avenue. The property is more specifically identified by the Brevard County Property Appraiser as Parcel # 24-36-33-35-*-10.

Ms. Selig discussed with the Board what the site-plan entails and provided background details to how the site-plan came to its’ current status.

Board Member Greenwood explained the historical importance and emphasis paddle boats have with the City of Cocoa and recommended Staff to consider enlarging the paddle boat on the sign to scale and implementing an oak tree on the site-plan since the City is known for its’ oak trees. He felt with those

[1] Board member Koss entered the room at 6:04pm

recommendations implemented, it would best represent Cocoa. He also asked for clarification regarding if funding was a factor that would hold up the project.

Ms. Selig responded that funding is a separate issue and the only factor the Board is to consider is the site-plan itself.

Discussion between the **Board** and **Ms. Selig** regarding why there will not be benches added to the entry feature**.**

Board Member Koss asked if solar power would be incorporated into the signage.

Ms. Selig explained that solar power would be under utilities and she would not be able to answer on their behalf.

Board Member Koss recommended solar power being implemented without taking away the overall look of the signage.

Council Member Koss added that the CRA has discussed to use the older light fixtures that are on the promenade currently and using those to light the area.

Discussion between **Ms. Selig** and **Council Member Koss** regarding clarification on the light fixtures.

Board discussion regarding time it has taken to have the site-plan designed.

Board Member Greenwood explained from his understanding that the fault lies with working with the engineers in regards to the time is has taken. He also noted that the paddle boat design being enlarged was brought up at the last CRA meeting and explained that there is plenty of room to have the paddle boat enlarged. He shared that at that same CRA meeting, Janet Stewart (Past CRA Member), expressed it should be enlarged and the Planning and Zoning Board should honor her wishes wanting the paddle boats to be larger.

Mayor Williams explained that there is a lot of work that has gone into this project and each time the board makes changes, the competition time will continue to move back.

Board Member Greenwood rebutted clarifying that he is not asking for anything to change, they are just asking to enlarge the size of the paddle boat, so that people can easily see it when they drive by.

Discussion between **Board Member Blanco** and **Ms. Selig** regarding if the enlargement would be a cost to the City.

Board Member Greenwood shared a brief discussion about how at the last CRA meeting, Deputy Mayor Warner established setting funds aside for changes in the site plan.

Ms. Selig brought up the potential issues that could arise from placing a live oak tree on the parcel due to Florida Department of Transportation (FDOT) visual

obstruction/maintenance guidelines. She suggested that the Board pick a tree that would not interfere with the roadways as a visual obstruction to traffic and/or put the FDOT workers at risk to trim/maintain the tree.

Councilperson Koss pointed out there are designated spots for live oaks on the parcel.

Board Member Koss suggested to put the live oak in the center of the parcel and place the crepe myrtles somewhere else.

Board Member Ervin provided a follow-up suggestion for selecting the Right Tree, Right Place with the recommendation of the live oak.

Discussion between **Board Member Koss** and **Board Member Greenwood** regarding the benefits of planting live oak trees.

Board Member Koss explained how the City should pick the young live oak tree and to make sure Staff follows selection/planting guidelines set by arborists.

* **MOTION BY BOARD MEMBER ERVIN; SECONDED BY BOARD MEMBER GREENWOOD TO RECOMMEND APPROVAL TO CITY COUNCIL FOR THE LARGE-SCALE SITE PLAN ENTITLED "COCOCA GATEWAY ENTRY SIGN" WITH AMENDED RECOMMENDATION TO ENLARGE THE STEAM BOAT TO SCALE AND PLACING ONE LIVE OAK TREE IN THE CENTER OF THE PARCEL IN PLACE OF THE PROPOSED CREPE MERTILES.**

AYES: WASHINGTON, ERVIN, GILLIAM, GREEN, GREENWOOD, KOSS, SENGEL

OPPOSED: BLANCO

MOTION PASSES 7-1[2]

*** NO CITIZEN PARTICIPATION TOOK PLACE DUE TO NO MEMBERS OF THE PUBLIC BEING IN ATTENDANCE.**

B. **OTHER BUSINESS:**

a. **Tree Board Update**

1. Tree-City USA Application Update:

Ms. Selig shared that the application is moving forward and has been given to Public Works. She explained that Public Works should be submitting the application shortly.

Due to technical difficulties with Board Member Gilliam's presentation- Ms. Essing was asked to present first and Board Member Gilliam second.

[2] Mrs. Neuterman left the room at 6:30pm

2. Presentation by Angela Essing (From Tree Workshop in Tampa):

Ms. Essing presented a PowerPoint[3] to update the board of the Tree Workshop she attended and shared her takeaways.

In Attendance for Tampa Tree Workshop:
-Board Member Aleck Greenwood (Planning & Zoning- representing Cocoa's Tree Board).
-Chair Jennifer Riggs (Sustainability- representing Cocoa's Sustainability Committee).
-Board Member Trina Gilliam (Planning & Zoning- representing Cocoa Tree Board and City of Rockledge).
-Abigail Diaz (Assistant City Engineer- representing of City of Cocoa).
-Matt Fuhrer (Assistant City Manager- representing City of Cocoa).
-Angela Essing (Senior Planner- representing City of Cocoa).

Board Member Discussion:

Discussion between **Board Member Ervin** and **Ms. Essing** regarding Tree Code Requirements[4] with site-plans.

Discussion between **Board Member Ervin, Board Member Greenwood,** and **Ms. Essing** regarding the length of Tampa's Tree Board experience.

Board Member Greenwood discussed how there is now a science that has developed into actual figures that can be attached trees, which has led to the drastic change of Developer's opinions regarding how trees add property value**.**

Ms. Essing further discussed replacement tree requirements, tree values and how value varies based on the type of tree.

Discussion between **Council Member Koss** and **Ms. Essing** regarding the topic of stormwater management and stormwater preparation discussed at the Tampa Workshop.

Vice Chair Washington expressed he wanted to know how they can spread awareness.

Ms. Essing explained that Tampa has spent 20 years to get to where they are in regards to educating citizens and it is difficult.

Mayor Williams added that Cocoa is going to add a section in their new edition of the FYI Newsletter specifically for tree education and it will be available in English and Spanish.

Vice Chairperson Washington noted that is a great idea, but does not think it is enough and more should be done.

[3] Tampa Workshop PowerPoint
[4] 2nd to last slide for Tampa PowerPoint

Board Member Koss asked about Arbor Day.

Council Member Koss shared staff is pursuing an education grant.

Board Member Ervin expressed that with the news of climate change, spreading tree awareness with the help of the education grant is a great start.

Mayor Williams explained that state legislators are cracking down on municipalities being too involved with decisions being made with property owner's trees.

Assistant city Attorney Eick asked if House Bill (HB) 1159 has been reviewed by Staff.

Ms. Essing confirmed that they have reviewed it and they are aware of the obstacles it poses and they are working through it.

Board Member Koss further discussed Florida's Arbor Day with the room.

Board Member Greenwood expressed, in regards to HB 1159 and state legislator's opinions of municipalities being too involved, he shared that he does not feel they are dictating what someone can and cannot do with their trees on their property, he is only insisting that if there is a valuable tree on a property, that it needs to be replanted somewhere else.

Mayor Williams explained while he understands his point, that is not how the House Bill reads and he would not be able to enforce that.

Board Member Greenwood added that he will fix that and shared an example of an oak tree being taken down.

Discussion between **Board Member Sengel** and **Board Member Greenwood** regarding how **Board Member Greenwood** would define value in a tree on someone's personal property.

Board Member Sengel pointed out that yes, he agrees the trees need to be preserved and there needs to be more education regarding trees, but feels the City should not be able to dictate what to do with the trees on his property.

Mayor Williams re-emphasized the conversations that he has had with State Legislators and the feedback he has been getting, is that municipalities are getting too involved and are crossing a line with home owners dictating what they can and cannot do on their property.

Board Member Greenwood rebutted saying that they are not telling the property owners "no", but telling them "wait a minute" by telling them to plant the tree of value elsewhere in order to protect the trees and protect the aerial view of Cocoa.

Mayor Williams explained that what a tree means to him may not be the same meaning the property owner.

Discussion between **Mayor Williams** and **Board Member Greenwood** regarding how removing a tree affects the aerial view of Cocoa.

2. Presentation by Trina Gilliam:

Board Member Gilliam presented a PowerPoint[5] titled "Community Greening Project". She explained to the Board how the project idea started with her wanting more street tree planted where she lived. The PowerPoint discussed the overall benefits of trees, benefits of managing stormwater runoff, examples of how trees benefit the City specifically, trees that are appropriate for Cocoa's zone, how tree banks work, funding, and discussion of incorporating partners from the community to assist with the tree farm.

Board Member Discussion:

Discussion between **Board Member Koss** and **Board Member Greenwood** regarding the use of the tree bags.

Board and **Staff** discussion regarding Jacaranda Trees.

Vice Chair Washington asked since the trees soak up a large amount of water, if it starve the grass surrounding it.

Board Member Koss explained the trees and grass do not compete for water, rather, they share the water.

Council Member Koss added that shade would affect the grass more.

Discussion between **Vice Chair Washington**, **Board Member Koss**, and **Board Member Greenwood** regarding the structure of roots and water tables.

Discussion between **Board Member Blanco** and **Board Member Gilliam** regarding the clarification on how the temperature variations effect the canopies.

Board Member Sengel suggested partnering with the City of Rockledge or a sister city because it would cut costs.

Board Member Koss suggested involving local universities as well.

Council Member Koss added that the tree farm and the canopies would be most effective having a large area to cover and by partnering with a sister city, such as Rockledge, it would make a bigger impact.

Board Member Greenwood and **Board Member Gilliam** regarding the color changes the jacaranda tree goes through and when.

Discussion between **Board Member Green** and **Council Member Koss** regarding if it has been determined that **Abigail Diaz** would be in charge of trees.

[5] Board Member Gilliam PowerPoint

Board Member Green expressed she wanted to how Board could be more helpful when it comes to timelines for these types of projects. She pointed out it took the board 20 minutes to approve a 150 page site-plan and an hour and a half to discuss one tree. She suggested that there should be someone in charge who has a vast and extensive knowledge of trees and asked how the timeline for this project would work.

Council Member Koss pointed out with the grant they have applied for, if they receive it, it would be a 3 year process.

Timeline:
-Year 1: Tree Canopy Inventory
-Year 2: Developing Master-Tree Plan
-Year 3: Developing Storm Management Plan

Mayor Williams pointed out that funding is the current issue and trying to get training in place for maintenance.

Board Member Greenwood added that the tree board has not been enforced and that is why they lost the Tree City USA designation and are now having to go back to have it reinstated. He felt they would have more progress being completed if they never lost the designation and they were enforced the whole time.

Mayor Williams Jr. explained that the board was never discontinued, it was placed with the Code Enforcement Board, which was the wrong board for it to be with.

Board Member Greenwood expressed he was shocked to be notified by Council Member Koss that Cocoa once had a Tree City USA designation and they are now making up for lost time for the tree board not being previously enforced.

Board Member Gilliam clarified that the Tree City USA designation is just a certification, it does not add any additional powers.

Board Member Greenwood added that even if it is just a certification, there are funding benefits.

Board Member Koss shared after having several conversations with arborist, those who maintain trees on public property need to be know not to cut more than 20% or else they risk stressing the tree out, to not cut the small branches on live oak trees, and provided an explanation of where to cut.

Board Member Green pointed out that this is already an issue and is going to become a larger issue, if not addressed. She suggested if it falls under Public Works, they should have a designated full-time employee that can focus on that area.

Board Member Greenwood added that there is someone from the agricultural department that the City can use and can be made available with City Manager Titkanich's permission.

Mayor Williams clarified the City has an arborist and while he is not a full-time, he is available when the City needs him.

Board Member Green suggested that the City should invest in someone who is full-time and can serve as the point of contact for the tree board.

Board Member Banco asked if the City currently has a grant writer

Mayor Williams confirmed that they did and reminded the board that they have limited funding and resources as they are a small City.

Ms. Selig pointed out that there has be previous interest in a tree bank program and the arborist they have would be a great point of reference when researching how to implement the program in Cocoa.

Board Member Gilliam asked for a consensus that the tree farm is a good idea and if they can present to council so they can direct staff to further investigate the implementing a tree farm.

* **UNAMIOUS BOARD CONSENSUS TO PRESENT TREE FARM TO COUNCIL AND TO DIRECT STAFF TO INVESTIGATES ITS APPLICABILITY.**

Mayor Williams pointed out that there are trees at Public Works and while it is not a farm, they still have trees they keep there.

Council Member Koss shared that by adding more trees, it would significantly improve the hydrologic cycle.

Board Member Blanco expressed her appreciation for the hydrologic cycle point that was brought up because after going to Alaska where they are experiencing extreme droughts and melting glaciers, she felt this is a great opportunity to share information about climate change and spread tree conservation awareness to help the environment.

Vice Chair Washington commended **Ms. Essing** and **Board Member Gilliam** for their presentations and that each week is an educational meeting for him.

b. **Recent Development Update:**

None.

c. **Open Discussion by Board Members**

Board Member Greenwood expressed his appreciation for being part of a board that is so positive regarding an important subject that started from nothing and is excited to know that there are others that share his passion for tree conservation and education.

C. **NEXT MEETING DATE:**

Wednesday, November 6, 2019 at 6pm.

D. **ADJOURNMENT:**

* **MOTION TO ADJOURN BY BOARD MEMBER KOSS; SECONDED BY BOARD MEMBER ERVIN**

AYES: WASHINGTON, BLANCO, ERVIN, GILLIAM, GREEN, GREENWOOD, KOSS, SENGEL

MOTION PASSED UNAMIOUSLY (8-0)

MEETING WAS ADJOURNED AT 7:33PM.

_____
Michael Dobrin, Chairperson

Respectfully Submitted By:

_____
Courtney Jackson, Recording Secretary

CITY OF COCOA
NOTICE OF ZONING MAP AMENDMENTS

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

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ORDINANCE 17-2019
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING MAP DESIGNATION OF TWO (2) PARCELS OF REAL PROPERTY, TOTALING 9.85 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE WEST SIDE OF COX ROAD, SOUTH OF RIGHT STREET AND NORTH OF SR520, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY PIP (PLANNED INDUSTRIAL PARK) TO CITY OF COCOA M-1 (LIGHT INDUSTRIAL AND WAREHOUSE DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

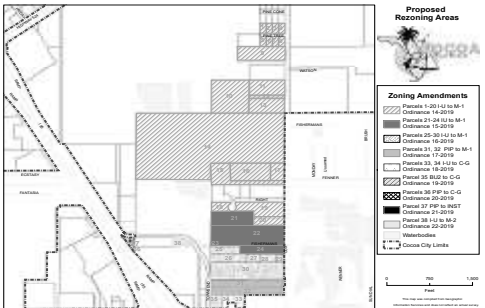
ORDINANCE 18-2019
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING MAP DESIGNATION OF TWO (2) PARCELS OF REAL PROPERTY, TOTALING 2.06 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE NORTH SIDE OF SR520, EAST OF TOWNSEND ROAD AND WEST OF COX ROAD, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY I-U (LIGHT INDUSTRIAL) TO CITY OF COCOA C-G (GENERAL COMMERCIAL DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

ORDINANCE 19-2019
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 1.24 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE NORTH SIDE OF SR520, EAST OF TOWNSEND ROAD AND WEST OF COX ROAD , IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY BU-2 (RETAIL, WAREHOUSING AND WHOLESALE COMMERCIAL) TO CITY OF COCOA C-G (GENERAL COMMERCIAL DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

ORDINANCE 20-2019
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 0.75 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF TOWNSEND RD, AND IMMEDIATELY EAST OF I-95, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY PIP (PLANNED INDUSTRIAL PARK) TO CITY OF COCOA C-G (GENERAL COMMERCIAL DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

ORDINANCE 21-2019
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 0.03 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF TOWNSEND RD, AND IMMEDIATELY EAST OF I-95, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY PIP (PLANNED INDUSTRIAL PARK) TO CITY OF COCOA INST (INSTITUTIONAL DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

ORDINANCE 22-2019
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 1.08 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF TOWNSEND ROAD AND EAST OF I-95, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY I-U (LIGHT INDUSTRIAL) TO CITY OF COCOA M-2 (MANUFACTURING AND INDUSTRIAL DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

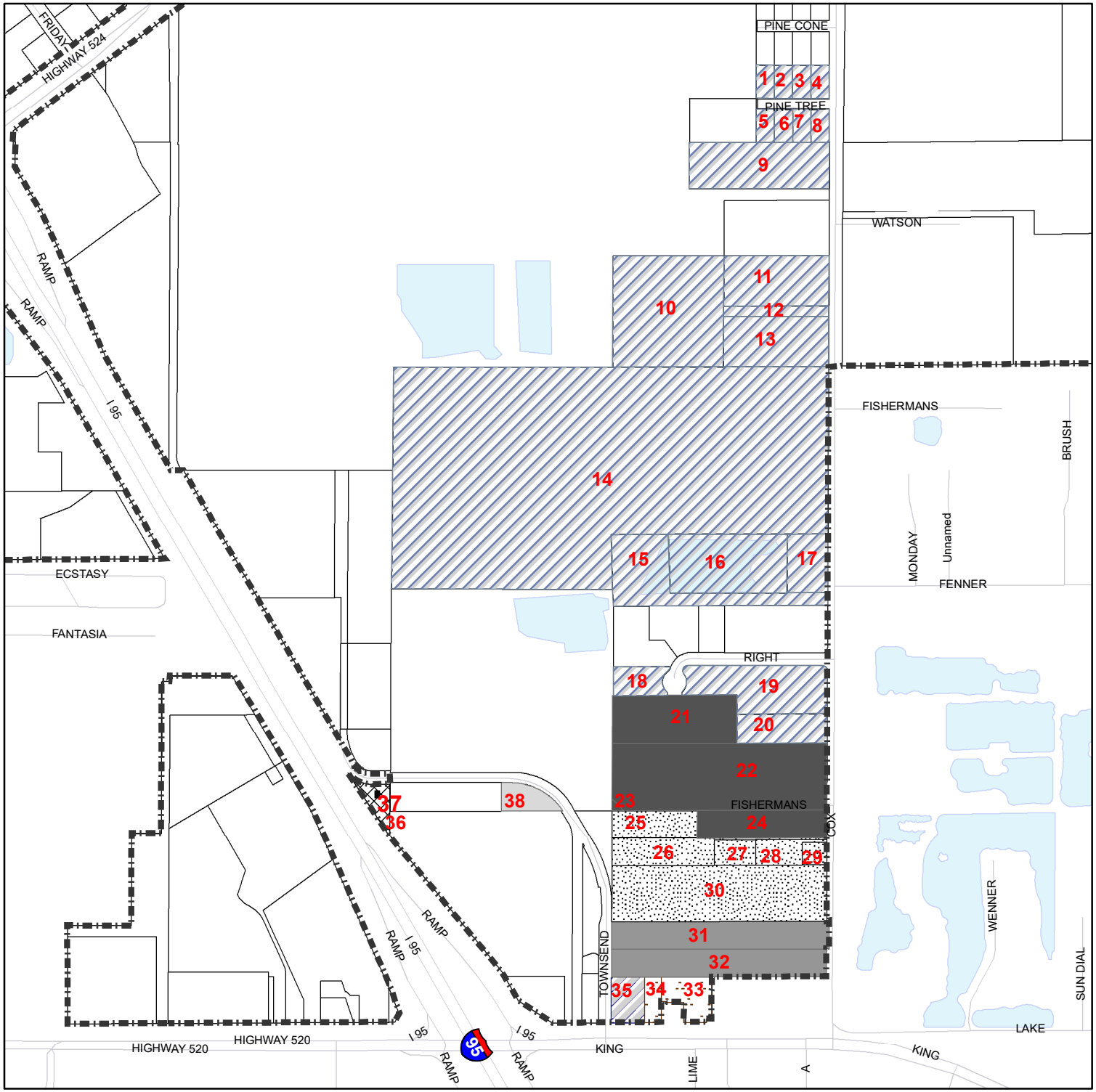


PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY PUBLIC HEARING WILL BE HELD ON NOVEMBER 6, 2019 AT 6:00 P.M. OR SOON THEREAFTER IN THE COCOA CITY HALL COUNCIL CHAMBERS LOCATED AT 65 STONE STREET, COCOA, FL

CITY COUNCIL WILL CONSIDER THESE ITEMS ON NOVEMBER 13, 2019 AT 6:00 P.M. OR SOON THEREAFTER IN THE COCOA CITY HALL COUNCIL CHAMBERS LOCATED AT 65 STONE STREET, COCOA, FL

The Planning and Zoning Board/Local Planning Agency public hearing 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.
Interested parties are hereby advised that they may appear at said meeting and be heard with respect to the application. All persons and parties are hereby advised that if they should decide to appeal any decision made by the City Council with respect to any matter considered at this hearing, they will need a record of the proceedings and that for such purpose, affected persons may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The Local Planning Agency and City Council reserve the right to continue or postpone hearings to a date certain without re-advertising.
Information pertaining to the above may be inspected at the Planning & Zoning Division beginning the Friday before the meeting, between 8:00 a.m. and 5:00 p.m., Monday through Friday, or by phoning (321) 433-8535.
The facility where this public hearing will be held is accessible to the physically handicapped. SPECIAL ACCOMMODATIONS: Persons with disabilities needing special accommodations to participate in this proceeding should contact the City Clerk's Office at (321) 433-8484 no later than 48 hours prior to the proceeding for assistance.

FT-0000612335



Proposed Rezoning Areas

COCOA FLORIDA

Zoning Amendments

- Parcels 1-20 I-U to M-1 Ordinance 14-2019
- Parcels 21-24 IU to M-1 Ordinance 15-2019
- Parcels 25-30 I-U to M-1 Ordinance 16-2019
- Parcels 31, 32 PIP to M-1 Ordinance 17-2019
- Parcels 33, 34 I-U to C-G Ordinance 18-2019
- Parcel 35 BU2 to C-G Ordinance 19-2019
- Parcels 36 PIP to C-G Ordinance 20-2019
- Parcel 37 PIP to INST Ordinance 21-2019
- Parcel 38 I-U to M-2 Ordinance 22-2019
- Waterbodies
- Cocoa City Limits

0 750 1,500

Feet

This map was compiled from Geographic Information Services and does not reflect an actual survey.

It is intended for reference purposes only. © 2019

City of Cocoa
Planning & Zoning Board
STAFF REPORT

Date:	October 30, 2019
Project Name:	Cox Road Corridor Rezoning
Project No.:	PZ-19-035 (Batch 1)
Meeting Date:	November 6, 2019
Planner:	Dodie Selig, AICP, Planning & Zoning Manager
Applicant:	City of Cocoa
Property Owner(s):	(Listed in table below)
Project Location:	West side of Cox Road, south of Pine Cone Place and north of SR520. The Property Appraiser identifies the parcel(s) as Tax Account Number(s): 2407156, 2407169, 2407160, 2407157, 2407161, 2407163, 2407158, 2407159, 2444601, 2407972, 2462063, 2462064, 2407973, 2407974, 2457879, 2407975, 2407976, 2444270, 2408019, and 2408045.
Requested Action:	**ZONING MAP AMENDMENT** consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of twenty (20) parcels totaling 118.66 acres from Brevard County IU (Light Industrial) to City of Cocoa M-1 (Light Industrial and Warehouse District).

I. Project Information

City of Cocoa is requesting to amend the Zoning Map designation of twenty (20) parcels of land totaling approximately 118.66 acres from Brevard County IU (Light Industrial) to City of Cocoa M-1 (Light Industrial and Warehouse District) as depicted on Exhibit A. The City intends to amend the Zoning Map designation of a total of 38 parcels in the Cox Road corridor that have not yet been assigned a City zoning district since their annexation into the City. Separate staff reports have been prepared for parcels 21 through 38. Parcel numbers correspond to the Proposed Rezoning Areas Map attached to this Staff Report as Exhibit A. The City is requesting to apply a City of Cocoa zoning

district for each of the subject parcels that is consistent with their respective FLU designations and existing land uses.

This rezoning application is part of a larger Cox Road Corridor study area, the purpose of which was to identify and address parcels lying within the Cocoa City limits, having a City of Cocoa Future Land Use designation but without a City of Cocoa Zoning District designation. The study was undertaken as part of a long-range effort to comply with the City's Comprehensive Plan requirement that the City eliminate all inconsistencies between the Official Zoning Map and the Future Land Use Map.

The study area extended from the City boundary at SR520 north and included those properties lying east of I-95 and west of Cox Road. Staff identified a total of 38 parcels, each of which were analyzed with regard to the existing use of the property, existing Brevard County Zoning designation and the relevant Future Land Use designation. A table summarizing these findings is attached. The parcels were then broken up into batches of adjacent parcels having the same existing County zoning and proposed to be changed to the same City zoning district. This resulted in nine (9) batches, each of which has been assigned to a separate Ordinance.

The study area parcels were annexed into the City of Cocoa in three groupings. Parcels 1 through 17 were annexed under Ordinance 57-2003 on January 13, 2004. Parcels 18 through 32 and 34 through 38 were annexed under Ordinance 4-2006 on February 28, 2006. And Parcel 33 was annexed under Ordinance 14-2007 on May 22, 2007.

The Future Land Use (FLU) designation of the study area parcels were changed from their former Brevard County designations to City of Cocoa designations in several groupings as follows. Parcels 1 through 17 were assigned an Industrial FLU under Ordinance 14-2004 on December 14, 2004. Parcels 18 through 32 and Parcel 38 were assigned an Industrial FLU and Parcels 34-37 were assigned a Commercial FLU under Ordinance 19-2006 on August 22, 2006. Parcel 33 was assigned a Commercial FLU under Ord. 11-2010 on October 26, 2010.

The table below represents only those parcels that are part of Ordinance 14-2019. These twenty parcels contain existing industrial uses and vacant land.

Zoning Amendment Parcels

Legal Ad Map #	*Tax ID #*	*Parcel #*	*Acres*	*Parcel Address*	Owners	Current Use
1	2407156	24-35-23-00-761	0.5	4130 PINE TREE PL	DOUBLE R EAGLE LLC	Industrial
2	2407169	24-35-23-00-774	0.5	4120 PINE TREE PL	ICY INVEST LLC	Industrial
3	2407160	24-35-23-00-765	0.5	4110 PINE TREE PL	GAMBAO-ZUHLKE, CLAIRE A	Industrial
4	2407157	24-35-23-00-762	0.5	4100 PINE TREE PL	PARKER, YVONNE C	Industrial
5	2407161	24-35-23-00-766	0.5	4135 PINE TREE PL	DIAMONDBACK MANUFACTURING INC	Industrial
6	2407163	24-35-23-00-768	0.5	4135 PINE TREE PL	ANDRYSLAK, MICHAEL & MILLIKEN, SUSAN	Industrial
7	2407158	24-35-23-00-763	0.5	4115 PINE TREE PL	WARREN, JERRAD & NICHOLE	Auto-Body
8	2407159	24-35-23-00-764	0.5	4105 PINE TREE PL	DITTMER AIR CONDITIONING & HEATING SERVICES INC	Industrial
9	2444601	24-35-26-00-16	5.12	1060 COX RD	DIAMONDBACK MANUFACTURING INC	Industrial
10	2407972	24-35-26-00-7	10	890 COX RD	JOALCO INC	Industrial
11	2462063	24-35-26-00-20	4.24	(Not Assigned)	HATHCOCK, MICHAEL M; HATHCOCK, MARY DELYS; ELLINGTON,	Vacant Land

					DOROTHY W TRUST; & ELLINGTON, DOROTHY W TRUST	
12	2462064	24-35-26-00-21	0.86	(Not Assigned)	JOALCO INC; ELLINGTON, J MITCHELL TRUST & ELLINGTON, DOROTHY W TRUST	Vacant Land
13	2407973	24-35-26-00-8	4.24	900 COX RD	PAULK PROPERTIES LLC; ELLINGTON, J MITCHELL TRUST & ELLINGTON, DOROTHY W TRUST	Industrial
14	2407974	24-35-26-00-10	69.41	(Not Assigned)	Florida Power & Light Co	Electric utility transmission facility
15	2457879	24-35-26-00-18	5	690 COX RD	Cox Rd Properties LLC	Industrial
16	2407975	24-35-26-00-12	5.68	(Not Assigned)	CLARK, WAYNE W	Vacant Land
17	2407976	24-35-26-00-13	1.9	700 COX RD	CLARK, WAYNE W	Manufacturing
18	2444270	24-35-26-00-778	1.22	4040 RIGHT ST	Dombroski, Dan	Vacant Land
19	2408019	24-35-26-00-750	4.81	600 COX RD	A Better Warehouse & Storage LLC	Warehousing
20	2408045	24-35-26-00-770	2.18	580 COX RD	SAWYER, DAVID; SAWYER, STEVE & MC QUAIG, JAMES	Industrial

Future Land Use Designation: Current: Industrial

Zoning District: Current: Brevard County IU (Light Industrial)

Proposed: City of Cocoa M-1 (Light Industrial and Warehouse District)

Existing Land Use: Industrial uses and vacant land

Council District: District 3 – Councilmember Don Boisvert

Overview of Surrounding Area:

	Future Land Use Designations	Zoning Districts	Land Uses
North	Industrial	M-1 (City)	Industrial uses and vacant land
South	Industrial	M-1 (City); IU (County)	Industrial uses and vacant land
East	Very Low Density Residential and Medium Density Residential (City); RES 15 (County)	RU-2-15 and RA (City); AU, RU-2-10 (4), GU, EU-2, RU-1-11, and AGR (County)	Single Family Residential, Agricultural and vacant land
West	Regional Activity Center and Industrial	UMD and M-2 (City)	Industrial uses and vacant land

II. Rezoning Analysis

Consistency with Code of the City of Cocoa

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

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

Staff Finding: The land use pattern along the west side of Cox Road consists of light industrial and manufacturing businesses, which were developed prior to the properties' annexation into the City. The City's M-1 zoning district was chosen for these parcels as being the City district most closely associated with the existing land uses of these parcels.

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

Staff Finding: The proposed M-1 zoning district will not create an isolated district. Instead, it will continue the application of the existing M-1 district already applied to all the parcels on the west side of Cox Road from SR524 south to the northernmost parcel of the study area.

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

Staff Finding: Rezoning the subject parcels will have no effect on the population density. Residential uses are not currently allowed under the existing County zoning, nor are they allowed under the proposed M-1 zoning.

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

Staff Finding: The existing boundaries are logically drawn in relation to the existing uses in the area and the natural boundary of Cox Road; however that district is not a City zoning district. It is illogical to continue to allow properties within the City with a City FLU to remain without a City zoning district.

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

Staff Finding: The FLUM designation for the subject properties is "Industrial" which allows the proposed M-1 zoning district designation.

> **Policy 1.1.2.10: Industrial (IND).** Industrial areas shall be regarded as appropriate for activities associated with industrial development, which can include materials processing, materials assembly, product manufacturing, and storage of finished products. Uses can include manufacturing facilities, warehouse distribution centers and truck terminals.

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

Staff Finding: The intent of the rezoning request is to address an area of the City which has multiple parcels of land without a City of Cocoa zoning district designation. This rezoning will apply a City zoning district designation to these parcels that is consistent with the City of Cocoa's Comprehensive Plan and the existing industrial land uses.

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

Staff Finding: As the parcels already have an industrial zoning designation under the County and an Industrial Future Land Use designation, and as there is already a mix of residential, commercial, and light industrial uses in the area, the proposed rezoning would not adversely influence living conditions in the immediate area. The M-1 zoning district permits light industrial uses, such as processing and assembly, television dish receivers and antennae, electronic communication/transmission facilities and exchanges, and adult entertainment establishments, which are similar to those uses already allowed under the Brevard County I-U zoning. Through the site plan review process, landscaping/buffer requirements would minimize potential effects in the immediate area, particularly the residential uses to the east.

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

Staff Finding: It is not anticipated that the proposed rezoning would create or excessively increase traffic congestion or otherwise affect public safety as the uses allowed under the present County IU zoning are very similar to those allowed under the City M-1 zoning.

i. The proposed change will create a drainage problem.

Staff Finding: No drainage problems are anticipated as a result of the rezoning. Any new construction would be required to comply with all applicable stormwater regulations and permitting requirements.

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

Staff Finding: The proposed rezoning does not significantly alter the requirements for light and air to adjacent areas (setbacks) from those provided under the present Brevard County zoning designation, although the front setback under the County is twice that required under the City zoning. A comparison of the setbacks required by Brevard County IU vs. City of Cocoa M-1 follows.

	Brevard County IU zoning	City of Cocoa M-1 zoning
Front setback	40 ft.	20 ft.
Side interior setback	15 ft.	None
Rear setback	25 ft.	20 ft. (15 ft. when abutting an alley)

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

Staff Finding: It is not anticipated that property values would be negatively affected by the proposed rezoning. The proposed rezoning will not materially change the uses allowed for the subject properties.

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

Staff Finding: It is not anticipated that the proposed rezoning would be a deterrent to the improvement or development of adjacent property for the reasons stated above, including that the proposed changes should not adversely impact property values or adversely influence living conditions in the neighborhood. In addition, development of the subject properties will be enhanced by the application of a City of Cocoa zoning designation that is consistent with the existing Future Land Use designation. This will allow future development of properties within the corridor to move forward without the need to rezone each parcel independently as development occurs.

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

Staff Finding: The proposed change will not constitute a grant of special privilege to the property owners as the change of zoning is consistent with the existing uses of the properties involved. This is consistent with the public welfare.

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

Staff Finding: The properties all retain the former Brevard County zoning designations from the time of their annexation into the City of Cocoa and many of the present uses are ones that have continued from that time.

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

Staff Finding: The proposed rezoning is not out of scale with the needs of the neighborhood of the city. This area of the City provides for light manufacturing and industrial uses in close proximity to SR520 and Interstate 95.

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

Staff Finding: The western side of Cox Road has been an area of light industrial and manufacturing uses prior to its annexation into the City. The proposed rezoning is a continuation of that existing use.

Consistency with Comprehensive Plan Policies and Objectives

The proposed M-1 zoning designation is consistent with the allowable uses under the "Industrial" Future Land Use per the City of Cocoa Comprehensive Plan.

Concurrency Management/Adequate Public Facilities

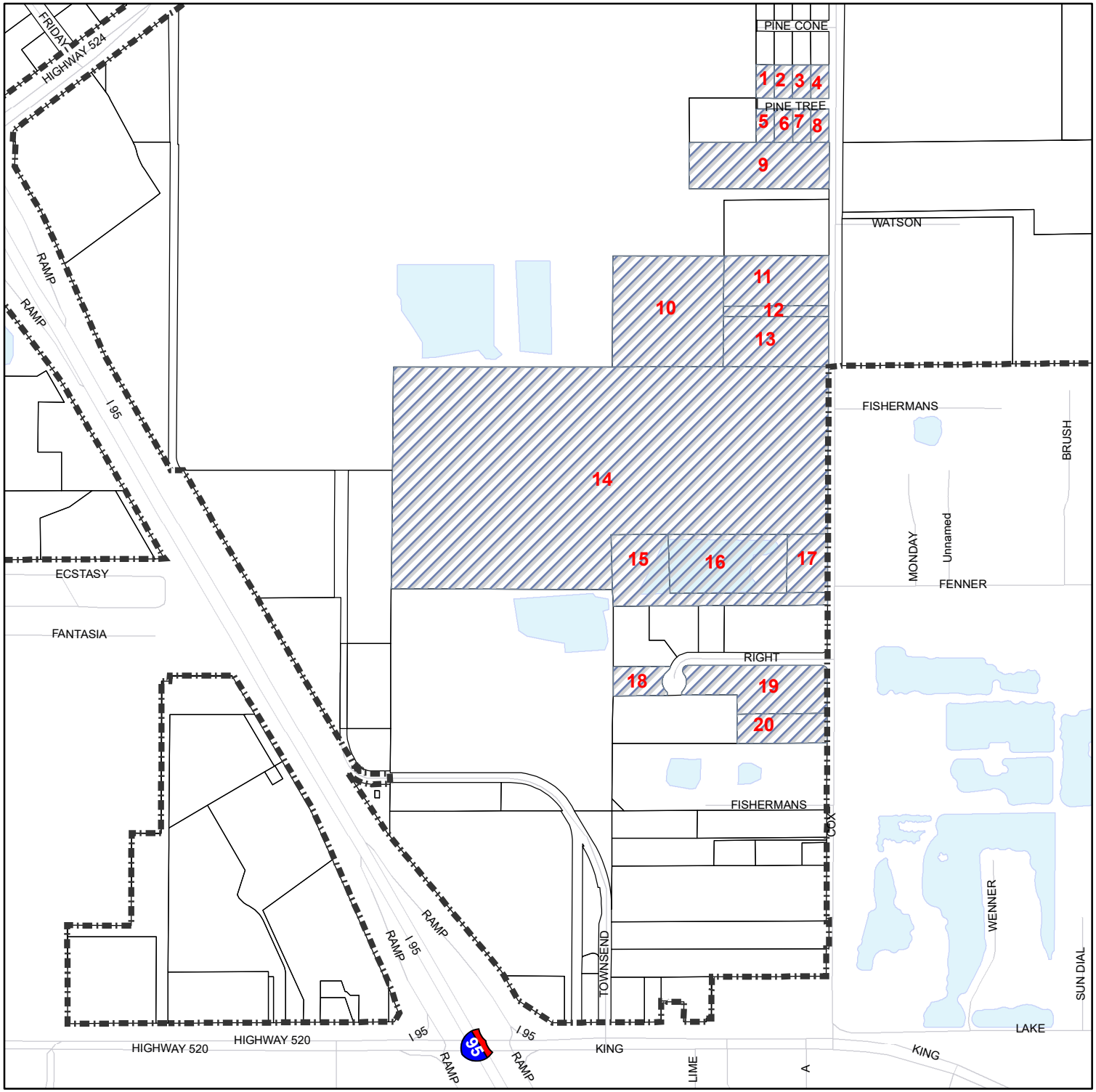
Section 15-22 of the City Code provides for a concurrency management system to ensure public facilities and services needed to support development are available concurrent with the impacts of such development and that development orders and development permits are not issued in a manner that will not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

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

III. Recommendation

Staff recommends that the Planning & Zoning Board recommend **approval** to City Council of the Zoning Map Amendment consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of twenty (20) parcels totaling 118.66 acres from Brevard County IU (Light Industrial) to City of Cocoa M-1 (Light Industrial and Warehouse District) as depicted on Exhibit A.

EXHIBIT A
Proposed
Rezoning Areas



Lot #	Parcel #
1	24-35-23-00-761
2	24-35-23-00-774
3	24-35-23-00-765
4	24-35-23-00-762
5	24-35-23-00-766
6	24-35-23-00-768
7	24-35-23-00-763
8	24-35-23-00-764
9	24-35-26-00-16
10	24-35-26-00-7
11	24-35-26-00-20
12	24-35-26-00-21
13	24-35-26-00-8
14	24-35-26-00-10
15	24-35-26-00-18
16	24-35-26-00-12
17	24-35-26-00-13
18	24-35-26-00-778
19	24-35-26-00-750
20	24-35-26-00-770

0 750 1,500

Feet

This map was compiled from Geographic Information Services and does not reflect an actual survey.

It is intended for reference purposes only. © 2019

ORDINANCE NO. 14-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF TWENTY (20) PARCELS OF REAL PROPERTY, TOTALING 118.66 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE WEST SIDE OF COX ROAD, SOUTH OF PINE CONE PLACE AND NORTH OF SR520, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY I-U (LIGHT INDUSTRIAL) TO CITY OF COCOA M-1 (LIGHT INDUSTRIAL AND WAREHOUSE DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

WHEREAS, the Planning and Zoning Board and City Staff of the City of Cocoa have recommended approval of this Ordinance; 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. Zoning Map Amendment. That the Official Zoning Map of the City of Cocoa, as described in City of Cocoa Code, Article VIII, Section 1, is hereby amended to include

a change of classification from Brevard County I-U (Light Industrial) to City of Cocoa M-1 (Light Industrial and Warehouse District) for the real property depicted and described on **Exhibit "A,"** attached and incorporated herein by this reference. City Staff is hereby directed to promptly amend the Official Zoning Map upon the effective date of this Ordinance.

Section 3. **Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 4. **Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. **Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the _____ day of _____, 2019.

_____
JAKE WILLIAMS, JR., Mayor

ATTEST:

_____
CARIE SHEALY, MMC
City Clerk

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

City of Cocoa
Planning & Zoning Board
STAFF REPORT

Date:	October 30, 2019
Project Name:	Cox Road Corridor Rezoning
Project No.:	PZ-19-035 (Batch 2)
Meeting Date:	November 6, 2019
Planner:	Dodie Selig, AICP, Planning & Zoning Manager
Applicant:	City of Cocoa
Property Owner(s):	(Listed in table below)
Project Location:	West side of Cox Road, south of Right Street and north of SR520. The Property Appraiser identifies the parcel(s) as Tax Account Number(s): 2408046, 2408043, 2443010, and 2408025.
Requested Action:	**ZONING MAP AMENDMENT** consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of four (4) parcels totaling 19.73 acres from Brevard County IU (Light Industrial) to City of Cocoa M-1 (Light Industrial and Warehouse District).

I. Project Information

City of Cocoa is requesting to amend the Zoning Map designation of four (4) parcels of land totaling approximately 19.73 acres from Brevard County IU (Light Industrial) to City of Cocoa M-1 (Light Industrial and Warehouse District) as depicted on Exhibit A. The City is requesting to apply a City of Cocoa zoning district for each of the subject parcels that is consistent with their respective FLU designations and existing land uses. The parcels are labeled as Parcels 21 through 24 on the Proposed Rezoning Areas Map attached to this Staff Report as Exhibit A.

This rezoning application is part of a larger Cox Road Corridor study area, the purpose of which was to identify and address parcels lying within the Cocoa City limits, having a City of Cocoa Future Land Use designation but without a City of Cocoa Zoning District designation. The study was undertaken

as part of a long-range effort to comply with the City's Comprehensive Plan requirement that the City eliminate all inconsistencies between the Official Zoning Map and the Future Land Use Map.

The study area extended from the City boundary at SR520 north and included those properties lying east of I-95 and west of Cox Road. Staff identified a total of 38 parcels, each of which were analyzed with regard to the existing use of the property, existing Brevard County Zoning designation and the relevant Future Land Use designation. A table summarizing these findings is attached. The parcels were then broken up into batches of adjacent parcels having the same existing County zoning and proposed to be changed to the same City zoning district. This resulted in nine (9) batches, each of which has been assigned to a separate Ordinance.

The study area parcels were annexed into the City of Cocoa in three groupings. Parcels 1 through 17 were annexed under Ordinance 57-2003 on January 13, 2004. Parcels 18 through 32 and 34 through 38 were annexed under Ordinance 4-2006 on February 28, 2006. And Parcel 33 was annexed under Ordinance 14-2007 on May 22, 2007.

The Future Land Use (FLU) designation of the study area parcels were changed from their former Brevard County designations to City of Cocoa designations in several groupings as follows. Parcels 1 through 17 were assigned an Industrial FLU under Ordinance 14-2004 on December 14, 2004. Parcels 18 through 32 and Parcel 38 were assigned an Industrial FLU and Parcels 34-37 were assigned a Commercial FLU under Ordinance 19-2006 on August 22, 2006. Parcel 33 was assigned a Commercial FLU under Ord. 11-2010 on October 26, 2010.

The table below represents only those parcels that are part of Ordinance 15-2019. These four parcels contain existing industrial uses and vacant land.

Zoning Amendment Parcels

Legal Ad Map #	***Tax ID #***	***Parcel #***	***Acres***	***Parcel Address***	**Owners**	**Current Use**
21	2408046	24-35-26-00-771	4.97	590 Cox Rd & 4050 Right St	Showtime Investments Inc.	Auto Auction
22	2408043	24-35-26-00-767	11.76	500 Cox Rd	Showtime Investments Inc.	Auto Auction
23	2443010	24-35-26-00-767.1	0.06	(Not Assigned)	Showtime Investments Inc.	Vacant Land
24	2408025	24-35-26-00-755	2.94	490 Cox Rd	Castetter, Clayton	Auto-Body

Future Land Use Designation: Current: Industrial

Zoning District: Current: Brevard County IU (Light Industrial)

Proposed: City of Cocoa M-1 (Light Industrial and Warehouse District)

Existing Land Use: Industrial, auto auction uses and vacant land

Council District: District 3 – Councilmember Don Boisvert

Overview of Surrounding Area:

	Future Land Use Designations	Zoning Districts	Land Uses
North	Industrial	IU (County)	Industrial uses and vacant land
South	Industrial	IU (County)	Industrial uses and vacant land
East	CC and RES 15 (County)	GU, BU-1-A, BU-2, and AGR (County)	Single Family Residential, Retail and vacant land
West	Industrial	M-2 (City)	Electric power plant

II. Rezoning Analysis

Consistency with Code of the City of Cocoa

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

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

Staff Finding: The land use pattern along the west side of Cox Road consists of light industrial and manufacturing businesses, which were developed prior to the properties' annexation into the City. The City's M-1 zoning district was chosen for these parcels as being the City district most closely associated with the existing land uses of these parcels.

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

Staff Finding: The proposed M-1 zoning district will not create an isolated district. Instead, it will continue the application of the existing M-1 district already applied to all the parcels on the west side of Cox Road from SR524 south to the northernmost parcel of the study area.

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

Staff Finding: Rezoning the subject parcels will have no effect on the population density. Residential uses are not currently allowed under the existing County IU zoning, nor are they allowed under the proposed M-1 zoning.

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

Staff Finding: The existing boundaries are logically drawn in relation to the existing uses in the area and the natural boundary of Cox Road; however that district is not a City zoning district. It is illogical to continue to allow properties within the City with a City FLU to remain without a City zoning district.

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

Staff Finding: The FLUM designation for the subject properties is "Industrial" which allows the proposed M-1 zoning district designation.

> **Policy 1.1.2.10: Industrial (IND).** Industrial areas shall be regarded as appropriate for activities associated with industrial development, which can include materials processing, materials assembly, product manufacturing, and storage of finished products. Uses can include manufacturing facilities, warehouse distribution centers and truck terminals.

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

Staff Finding: The intent of the rezoning request is to address an area of the City which has multiple parcels of land without a City of Cocoa zoning district designation. This rezoning will apply a City zoning district designation to these parcels that is consistent with the City of Cocoa's Comprehensive Plan and the existing industrial land uses.

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

Staff Finding: The parcels already have an industrial zoning designation under the County and an Industrial Future Land Use designation, and there is already a mix of residential, commercial, and light industrial uses in the area; therefore, the proposed rezoning would not adversely influence living conditions in the immediate area. The M-1 zoning district permits light industrial uses similar to those uses already allowed under the Brevard County IU zoning. Through the site plan review process, landscaping/buffer requirements would minimize potential effects in the immediate area, particularly the residential uses to the east.

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

Staff Finding: It is not anticipated that the proposed rezoning would create or excessively increase traffic congestion or otherwise affect public safety as the uses allowed under the present County IU zoning are very similar to those allowed under the City M-1 zoning.

i. The proposed change will create a drainage problem.

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

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

Staff Finding: The proposed rezoning does not significantly alter the requirements for light and air to adjacent areas (setbacks) from those provided under the present Brevard County zoning designation, although the front setback under the County is twice that required under the City zoning. A comparison of the setbacks required by Brevard County IU vs. City of Cocoa M-1 follows.

	Brevard County IU zoning	City of Cocoa M-1 zoning
Front setback	40 ft.	20 ft.
Side interior setback	15 ft.	None
Rear setback	25 ft.	20 ft. (15 ft. when abutting an alley)

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

Staff Finding: It is not anticipated that property values would be negatively affected by the proposed rezoning. The proposed rezoning will not materially change the uses allowed for the subject properties.

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

Staff Finding: It is not anticipated that the proposed rezoning would be a deterrent to the improvement or development of adjacent property for the reasons stated above, including that the proposed changes should not adversely impact property values or adversely influence living conditions in the neighborhood. In addition, development of the subject properties will be enhanced by the application of a City of Cocoa zoning designation that is consistent with the existing Future Land Use designation. This will allow future development of properties within the corridor to move forward without the need to rezone each parcel independently as development occurs.

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

Staff Finding: The proposed change will not constitute a grant of special privilege to the property owners as the change of zoning is consistent with the existing uses of the properties involved. This is consistent with the public welfare.

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

Staff Finding: The properties all retain the former Brevard County zoning designations from the time of their annexation into the City of Cocoa and many of the present uses are ones that have continued from that time.

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

Staff Finding: The proposed rezoning is not out of scale with the needs of the neighborhood of the city. This area of the City provides for light manufacturing and industrial uses in close proximity to SR520 and Interstate 95.

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

Staff Finding: The western side of Cox Road has been an area of light industrial and manufacturing uses prior to its annexation into the City. The proposed rezoning is a continuation of that existing use.

Consistency with Comprehensive Plan Policies and Objectives

The proposed M-1 zoning designation is consistent with the allowable uses under the "Industrial" Future Land Use per the City of Cocoa Comprehensive Plan.

Concurrency Management/Adequate Public Facilities

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

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

III. Recommendation

Staff recommends that the Planning & Zoning Board recommend **approval** to City Council of the Zoning Map Amendment consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of four (4) parcels totaling 19.73 acres from Brevard County IU (Light Industrial) to City of Cocoa M-1 (Light Industrial and Warehouse District) as depicted on Exhibit A.

EXHIBIT A
Proposed Rezoning Areas



Lot #	Parcel #
21	24-35-26-00-771
22	24-35-26-00-767
23	24-35-26-00-767.1
24	24-35-26-00-755

0 750 1,500

Feet

This map was compiled from Geographic Information Services and does not reflect an actual survey.

It is intended for reference purposes only. © 2019

ORDINANCE NO. 15-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF FOUR (4) PARCELS OF REAL PROPERTY, TOTALING 19.73 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE WEST SIDE OF COX ROAD, SOUTH OF RIGHT STREET AND NORTH OF SR520, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY I-U (LIGHT INDUSTRIAL) TO CITY OF COCOA M-1 (LIGHT INDUSTRIAL AND WAREHOUSE DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

WHEREAS, the Planning and Zoning Board and City Staff of the City of Cocoa have recommended approval of this Ordinance; 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. Zoning Map Amendment. That the Official Zoning Map of the City of Cocoa, as described in City of Cocoa Code, Article VIII, Section 1, is hereby amended to include a change of classification from Brevard County I-U (Light Industrial) to City of Cocoa M-1 (Light

Industrial and Warehouse District) for the real property depicted and described on **Exhibit "A,"** attached and incorporated herein by this reference. City Staff is hereby directed to promptly amend the Official Zoning Map upon the effective date of this Ordinance.

Section 3. **Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 4. **Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. **Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the _____ day of _____, 2019.

_____
JAKE WILLIAMS, JR., Mayor

ATTEST:

_____
CARIE SHEALY, MMC
City Clerk

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

City of Cocoa
Planning & Zoning Board
STAFF REPORT

Date:	October 30, 2019
Project Name:	Cox Road Corridor Rezoning
Project No.:	PZ-19-035 (Batch 3)
Meeting Date:	November 6, 2019
Planner:	Dodie Selig, AICP, Planning & Zoning Manager
Applicant:	City of Cocoa
Property Owner(s):	(Listed in table below)
Project Location:	West side of Cox Road, south of Right Street and north of SR520. The Property Appraiser identifies the parcel(s) as Tax Account Number(s): 2408047, 2408026, 2408052, 2408027, 2408028, and 2408029.
Requested Action:	**ZONING MAP AMENDMENT** consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of six (6) parcels totaling 16.67 acres from Brevard County IU (Light Industrial) to City of Cocoa M-1 (Light Industrial and Warehouse District).

I. Project Information

City of Cocoa is requesting to amend the Zoning Map designation of six (6) parcels of land totaling approximately 16.67 acres from Brevard County IU (Light Industrial) to City of Cocoa M-1 (Light Industrial and Warehouse District) as depicted on Exhibit A. The City is requesting to apply a City of Cocoa zoning district for each of the subject parcels that is consistent with their respective FLU designations and existing land uses. The parcels are labeled as Parcels 25 through 30 on the Proposed Rezoning Areas Map attached to this Staff Report as Exhibit A.

This rezoning application is part of a larger Cox Road Corridor study area, the purpose of which was to identify and address parcels lying within the Cocoa City limits, having a City of Cocoa Future Land Use designation but without a City of Cocoa Zoning District designation. The study was undertaken

as part of a long-range effort to comply with the City's Comprehensive Plan requirement that the City eliminate all inconsistencies between the Official Zoning Map and the Future Land Use Map.

The study area extended from the City boundary at SR520 north and included those properties lying east of I-95 and west of Cox Road. Staff identified a total of 38 parcels, each of which were analyzed with regard to the existing use of the property, existing Brevard County Zoning designation and the relevant Future Land Use designation. A table summarizing these findings is attached. The parcels were then broken up into batches of adjacent parcels having the same existing County zoning and proposed to be changed to the same City zoning district. This resulted in nine (9) batches, each of which has been assigned to a separate Ordinance.

The study area parcels were annexed into the City of Cocoa in three groupings. Parcels 1 through 17 were annexed under Ordinance 57-2003 on January 13, 2004. Parcels 18 through 32 and 34 through 38 were annexed under Ordinance 4-2006 on February 28, 2006. And Parcel 33 was annexed under Ordinance 14-2007 on May 22, 2007.

The Future Land Use (FLU) designation of the study area parcels were changed from their former Brevard County designations to City of Cocoa designations in several groupings as follows. Parcels 1 through 17 were assigned an Industrial FLU under Ordinance 14-2004 on December 14, 2004. Parcels 18 through 32 and Parcel 38 were assigned an Industrial FLU and Parcels 34-37 were assigned a Commercial FLU under Ordinance 19-2006 on August 22, 2006. Parcel 33 was assigned a Commercial FLU under Ord. 11-2010 on October 26, 2010.

The table below represents only those parcels that are part of Ordinance 16-2019. These six parcels contain existing industrial, manufacturing, office and automotive uses as well as vacant land.

Zoning Amendment Parcels

Legal Ad Map #	***Tax ID #***	***Parcel #***	***Acres***	***Parcel Address***	**Owners**	**Current Use**
25	2408047	24-35-26-00-772	1.94	480 Cox Rd	PENOYER, ROBERT E	Light Manufacturing
26	2408026	24-35-26-00-756	2.56	460 Cox Rd	460 COX LLC	Vacant Land
27	2408052	24-35-26-00-777	0.89	(Not Assigned)	ROBINSON, JOHN A & ROBERTA M	Vacant Land
28	2408027	24-35-26-00-756.1	1.02	450 Cox Rd	ROBINSON, JOHN A & ROBERTA M	Office
29	2408028	24-35-26-00-756.2	0.46	440 Cox Rd	CHAPMAN, DENCIL & ANNA	Used Auto Sales
30	2408029	24-35-26-00-757	9.8	430 Cox Rd	CASTETTER, CLAYTON	Vacant Land

Future Land Use Designation: Current: Industrial

Zoning District: Current: Brevard County IU (Light Industrial)

Proposed: City of Cocoa M-1 (Light Industrial and Warehouse District)

Existing Land Use: Industrial, manufacturing, auto sales uses and vacant land

Council District: District 3 – Councilmember Don Boisvert

Overview of Surrounding Area:

	Future Land Use Designations	Zoning Districts	Land Uses
North	Industrial	IU (County)	Auto auction and repair uses
South	Industrial	PIP (County)	Industrial and Manufacturing uses
East	CC and RES 15 (County)	BU-1-A, BU-1, and BU-2 (County)	Single Family Residential, Retail and vacant land
West	Commercial	C-G (City)	Sam's Club

II. Rezoning Analysis

Consistency with Code of the City of Cocoa

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

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

Staff Finding: The land use pattern along the west side of Cox Road consists of light industrial and manufacturing businesses, which were developed prior to the properties' annexation into the City. The City's M-1 zoning district was chosen for these parcels as being the City district most closely associated with the existing land uses of these parcels.

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

Staff Finding: The proposed M-1 zoning district will not create an isolated district. Instead, it will continue the application of the existing M-1 district already applied to all the parcels on the west side of Cox Road from SR524 south to the northernmost parcel of the study area.

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

Staff Finding: Rezoning the subject parcels will have no effect on the population density. Residential uses are not currently allowed under the existing County zoning, nor are they allowed under the proposed M-1 zoning.

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

Staff Finding: The existing boundaries are logically drawn in relation to the existing uses in the area and the natural boundary of Cox Road; however that district is not a City zoning district. It is illogical to continue to allow properties within the City with a City FLU to remain without a City zoning district.

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

Staff Finding: The FLUM designation for the subject properties is "Industrial" which allows the proposed M-1 zoning district designation.

> **Policy 1.1.2.10: Industrial (IND).** Industrial areas shall be regarded as appropriate for activities associated with industrial development, which can include materials processing, materials assembly, product manufacturing, and storage of finished products. Uses can include manufacturing facilities, warehouse distribution centers and truck terminals.

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

Staff Finding: The intent of the rezoning request is to address an area of the City which has multiple parcels of land without a City of Cocoa zoning district designation. This rezoning will apply a City zoning district designation to these parcels that is consistent with the City of Cocoa's Comprehensive Plan and the existing industrial land uses.

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

Staff Finding: The parcels already have an industrial zoning designation under the County and an Industrial Future Land Use designation, and there is already a mix of residential, commercial, and light industrial uses in the area; therefore, the proposed rezoning would not adversely influence living conditions in the immediate area. The M-1 zoning district permits light industrial uses similar to those uses already allowed under the Brevard County IU zoning. Through the site plan review process, landscaping/buffer requirements would minimize potential effects in the immediate area, particularly the residential uses to the east.

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

Staff Finding: It is not anticipated that the proposed rezoning would create or excessively increase traffic congestion or otherwise affect public safety as the uses allowed under the present County IU zoning are very similar to those allowed under the City M-1 zoning.

i. The proposed change will create a drainage problem.

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

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

Staff Finding: The proposed rezoning does not significantly alter the requirements for light and air to adjacent areas (setbacks) from those provided under the present Brevard County zoning designation, although the front setback under the County is twice that required under the City zoning. A comparison of the setbacks required by Brevard County IU vs. City of Cocoa M-1 follows.

	Brevard County IU zoning	City of Cocoa M-1 zoning
Front setback	40 ft.	20 ft.
Side interior setback	15 ft.	None
Rear setback	25 ft.	20 ft. (15 ft. when abutting an alley)

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

Staff Finding: It is not anticipated that property values would be negatively affected by the proposed rezoning. The proposed rezoning will not materially change the uses allowed for subject properties.

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

Staff Finding: It is not anticipated that the proposed rezoning would be a deterrent to the improvement or development of adjacent property for the reasons stated above, including that the proposed changes should not adversely impact property values or adversely influence living conditions in the neighborhood. In addition, development of the subject properties will be enhanced by the application of a City of Cocoa zoning designation that is consistent with the existing Future Land Use designation. This will allow future development of properties within the corridor to move forward without the need to rezone each parcel independently as development occurs.

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

Staff Finding: The proposed change will not constitute a grant of special privilege to the property owners as the change of zoning is consistent with the existing uses of the properties involved. This is consistent with the public welfare.

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

Staff Finding: The properties all retain the former Brevard County zoning designations from the time of their annexation into the City of Cocoa and many of the present uses are ones that have continued from that time.

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

Staff Finding: The proposed rezoning is not out of scale with the needs of the neighborhood of the city. This area of the City provides for light manufacturing and industrial uses in close proximity to SR520 and Interstate 95.

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

Staff Finding: The western side of Cox Road has been an area of light industrial and manufacturing uses prior to its annexation into the City. The proposed rezoning is a continuation of that existing use.

Consistency with Comprehensive Plan Policies and Objectives

The proposed M-1 zoning designation is consistent with the allowable uses under the "Industrial" Future Land Use per the City of Cocoa Comprehensive Plan.

Concurrency Management/Adequate Public Facilities

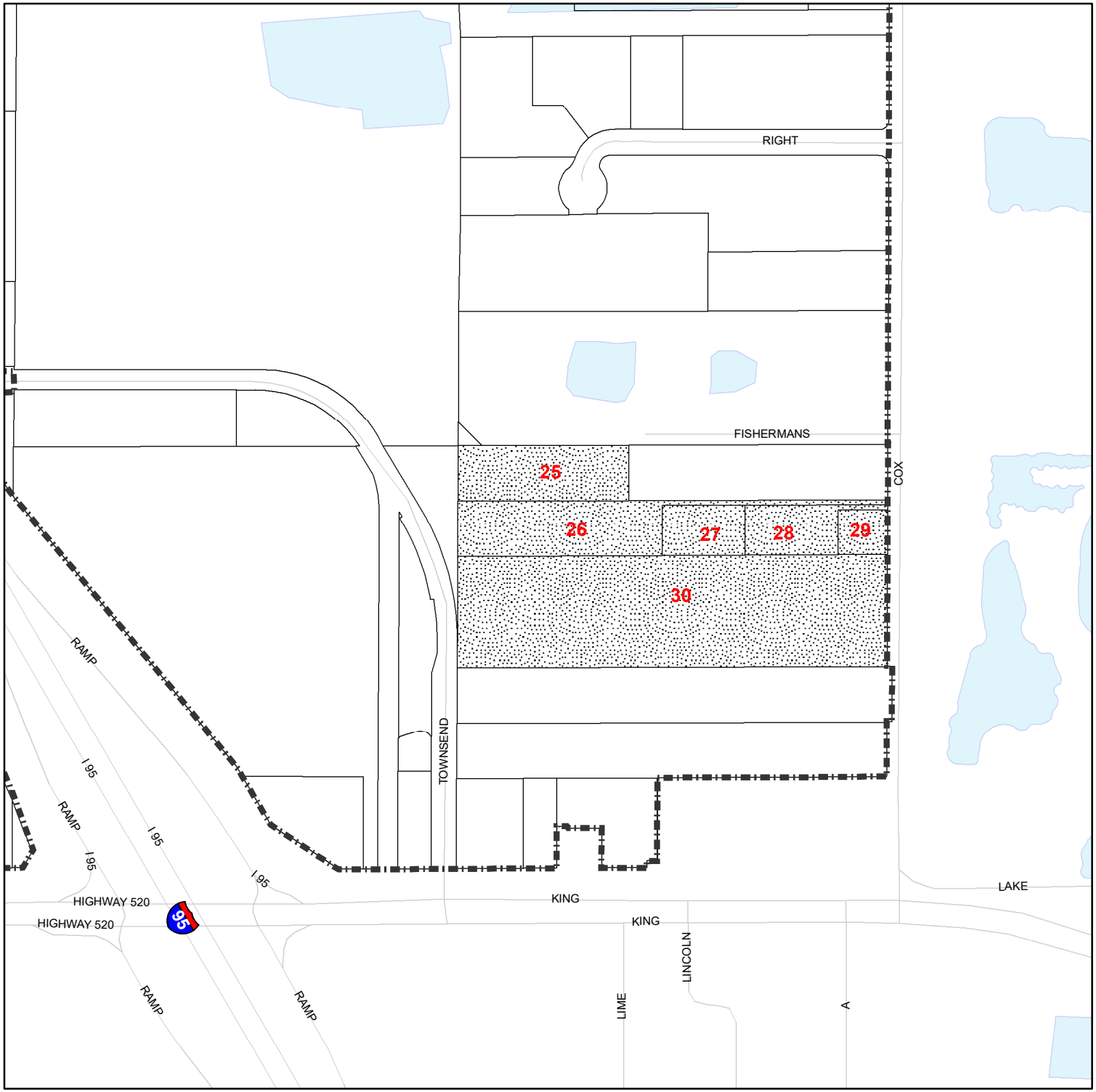
Section 15-22 of the City Code provides for a concurrency management system to ensure public facilities and services needed to support development are available concurrent with the impacts of such development and that development orders and development permits are not issued in a manner that will not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

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

III. Recommendation

Staff recommends that the Planning & Zoning Board recommend **approval** to City Council of the Zoning Map Amendment consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of six (6) parcels totaling 16.67 acres from Brevard County IU (Light Industrial) to City of Cocoa M-1 (Light Industrial and Warehouse District) as depicted on Exhibit A.

EXHIBIT A
Proposed
Rezoning Areas



Lot #	Parcel #
25	24-35-26-00-772
26	24-35-26-00-756
27	24-35-26-00-777
28	24-35-26-00-756.1
29	24-35-26-00-756.2
30	24-35-26-00-757

0 385 770

Feet

This map was compiled from Geographic Information Services and does not reflect an actual survey.

It is intended for reference purposes only. © 2019

ORDINANCE NO. 16-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF SIX (6) PARCELS OF REAL PROPERTY, TOTALING 16.67 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE WEST SIDE OF COX ROAD, SOUTH OF RIGHT STREET AND NORTH OF SR520, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY I-U (LIGHT INDUSTRIAL) TO CITY OF COCOA M-1 (LIGHT INDUSTRIAL AND WAREHOUSE DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

WHEREAS, the Planning and Zoning Board and City Staff of the City of Cocoa have recommended approval of this Ordinance; 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. Zoning Map Amendment. That the Official Zoning Map of the City of Cocoa, as described in City of Cocoa Code, Article VIII, Section 1, is hereby amended to include a change of classification from Brevard County I-U (Light Industrial) to City of Cocoa M-1 (Light

Industrial and Warehouse District) for the real property depicted and described on **Exhibit "A,"** attached and incorporated herein by this reference. City Staff is hereby directed to promptly amend the Official Zoning Map upon the effective date of this Ordinance.

Section 3. **Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 4. **Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. **Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the _____ day of _____, 2019.

_____
JAKE WILLIAMS, JR., Mayor

ATTEST:

_____
CARIE SHEALY, MMC
City Clerk

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

City of Cocoa
Planning & Zoning Board
STAFF REPORT

Date:	October 30, 2019
Project Name:	Cox Road Corridor Rezoning
Project No.:	PZ-19-035 (Batch 5)
Meeting Date:	November 6, 2019
Planner:	Dodie Selig, AICP, Planning & Zoning Manager
Applicant:	City of Cocoa
Property Owner(s):	(Listed in table below)
Project Location:	North side of SR520, east of Townsend Road and west of Cox Road. The Property Appraiser identifies the parcel(s) as Tax Account Number(s): 2408033 and 2408042.
Requested Action:	**ZONING MAP AMENDMENT** consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of two (2) parcels totaling 2.06 acres from Brevard County IU (Light Industrial) to City of Cocoa C-G (General Commercial District).

I. Project Information

City of Cocoa is requesting to amend the Zoning Map designation of two (2) parcels totaling 2.06 acres from Brevard County IU (Light Industrial) to City of Cocoa C-G (General Commercial District) as depicted on Exhibit A. The City is requesting to apply a City of Cocoa zoning district for the subject parcels that are consistent with their FLU designation and existing land use. The parcels are labeled as Parcels 33 and 34 on the Proposed Rezoning Areas Map attached to this Staff Report as Exhibit A.

This rezoning application is part of a larger Cox Road Corridor study area, the purpose of which was to identify and address parcels lying within the Cocoa City limits, having a City of Cocoa Future Land Use designation but without a City of Cocoa Zoning District designation. The study was undertaken as part of a long-range effort to comply with the City's Comprehensive Plan requirement that the City eliminate all inconsistencies between the Official Zoning Map and the Future Land Use Map.

The study area extended from the City boundary at SR520 north and included those properties lying east of I-95 and west of Cox Road. Staff identified a total of 38 parcels, each of which were analyzed with regard to the existing use of the property, existing Brevard County Zoning designation and the relevant Future Land Use designation. A table summarizing these findings is attached. The parcels were then broken up into batches of adjacent parcels having the same existing County zoning and proposed to be changed to the same City zoning district. This resulted in nine (9) batches, each of which has been assigned to a separate Ordinance.

The study area parcels were annexed into the City of Cocoa in three groupings. Parcels 1 through 17 were annexed under Ordinance 57-2003 on January 13, 2004. Parcels 18 through 32 and 34 through 38 were annexed under Ordinance 4-2006 on February 28, 2006. And Parcel 33 was annexed under Ordinance 14-2007 on May 22, 2007.

The Future Land Use (FLU) designation of the study area parcels were changed from their former Brevard County designations to City of Cocoa designations in several groupings as follows. Parcels 1 through 17 were assigned an Industrial FLU under Ordinance 14-2004 on December 14, 2004. Parcels 18 through 32 and Parcel 38 were assigned an Industrial FLU and Parcels 34-37 were assigned a Commercial FLU under Ordinance 19-2006 on August 22, 2006. Parcel 33 was assigned a Commercial FLU under Ord. 11-2010 on October 26, 2010.

The table below represents only those parcels that are part of Ordinance 18-2019. These two parcels contain an existing motel and a donut shop restaurant.

Zoning Amendment Parcels

Legal Ad Map #	***Tax ID #***	***Parcel #***	***Acres***	***Parcel Address***	**Owners**	**Current Use**
33	2408033	24-35-26-00-760	1.44	4150 W King St	H R S Hotels Corp	Motel
34	2408042	24-35-26-00-766	0.62	4200 W King St	4200 WEST KING STREET LLC	Restaurant

Future Land Use Designation: Current: Commercial

Zoning District: Current: Brevard County IU (Light Industrial)

Proposed: City of Cocoa C-G (General Commercial District)

Existing Land Use: Motel and donut shop

Council District: District 3 – Councilmember Don Boisvert

Overview of Surrounding Area:

	Future Land Use Designations	Zoning Districts	Land Uses
North	Industrial	PIP (County)	Industrial and manufacturing uses
South	CC and NC (County)	BU-1-A, BU-1, BU-2 and RU-1-7 (County)	Restaurant, gas station, motel, residential and vacant land
East	CC (County)	TU-2 and IU (County)	Restaurant and vacant land
West	Commercial	C-G (City) and TU-2 (County)	Sam's Club store

II. Rezoning Analysis

Consistency with Code of the City of Cocoa

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

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

Staff Finding: The land use pattern along the north side of SR520 consists of auto-dependent uses typically found at intersections with state and interstate roadways. Businesses such as convenience stores, motels and restaurants line both sides of SR520 at this junction with Interstate 95. The City's C-G zoning district was chosen for these parcels as being the City district most closely associated with the existing land uses on the parcels.

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

Staff Finding: The proposed C-G zoning district will not create an isolated district. Instead, it will continue the existing C-G zoning district already applied to the parcels on the north side of SR520 between I-95 and Townsend Road.

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

Staff Finding: Rezoning the subject parcel will have no effect on the population density. Residential uses are not currently allowed under the existing County zoning, nor are they allowed under the proposed C-G zoning.

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

Staff Finding: The existing boundaries are illogically drawn in relation to the existing uses in the area. The current County IU zoning district is intended to apply to an area in which the principal use of land is for manufacturing, assembling and fabrication and for warehousing, which are not desirable uses at the intersection of an interstate highway and a state road, a very visible entrance point to the City. In addition, it is illogical to continue to allow properties within the City with a City FLU to remain without a City zoning district.

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

Staff Finding: The FLUM designation for the subject property is "Commercial" which allows the proposed C-G zoning district designation. The current Brevard County I-U Light Industrial zoning would be inconsistent with the Commercial FLUM designation, which permits only commercial-oriented zoning districts such as C-G, C-W (Commercial Wholesale), C-P (Commercial Parkway), C-C (Core Commercial), P-S (Professional, Offices and Services), and PUD.

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

Staff Finding: The intent of the rezoning request is to address an area of the City which has multiple parcels of land without a City of Cocoa zoning district designation. This rezoning will apply a City zoning district designation to the subject parcel that is consistent with the City of Cocoa's Comprehensive Plan and existing land uses.

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

Staff Finding: There are no residential uses on the north side of SR520 in this vicinity. There are eight parcels on the south side of SR520 with Brevard County residential zoning, over half of which are vacant land and two of which have single-family residential structures. The existing motel on the eastern of the two subject parcels was built in 1973, prior to the parcel's annexation into the City, whereas the Duncan Donuts restaurant on the other subject parcel was built two years ago. The current County IU zoning allows retail, restaurant, office and motel uses and the proposed C-G zoning also allows the same types of uses, therefore the proposed rezoning would not significantly change or adversely influence living conditions in the immediate area. In fact, the change will reduce the possibility of redevelopment with light industrial uses in close proximity to the residentially-zooned parcels on the south side of SR 520.

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

Staff Finding: It is not anticipated that the proposed rezoning would create or excessively increase traffic congestion or otherwise affect public safety as the uses allowed under the present County IU zoning are very similar to those allowed under the City C-G zoning.

i. The proposed change will create a drainage problem.

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

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

Staff Finding: The proposed rezoning does not significantly alter the requirements for light and air to adjacent areas (setbacks) from those provided under the present Brevard County zoning designation, although the front setback under the County is greater than that required under the City zoning. A comparison of the setbacks required by Brevard County IU vs. City of Cocoa C-G follows.

	Brevard County IU zoning	City of Cocoa C-G zoning
Front setback	40 ft.	25 ft.
Side interior setback	15 ft.	None
Rear setback	25 ft.	20 ft. (15 ft. when abutting an alley)

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

Staff Finding: It is not anticipated that property values would be negatively affected by the proposed rezoning. The proposed rezoning will not materially change the allowed uses of the subject properties, except that it will eliminate light industrial uses such as manufacturing, assembling and fabrication, and warehousing. This is likely a positive change for surrounding commercially-zoned parcels.

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

Staff Finding: It is not anticipated that the proposed rezoning would be a deterrent to the improvement or development of adjacent property. Development of the properties will be enhanced by the application of a City of Cocoa zoning designation that is consistent with the existing Future Land Use designation. This will allow future development of properties within the corridor to move forward without the need to rezone each parcel independently as development occurs. In addition, because the proposed C-G zoning is consistent with neighboring properties, the change will not be a deterrent to development of adjacent property.

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

Staff Finding: The proposed change will not constitute a grant of special privilege to the property owners as the change of zoning is consistent with the existing uses of the properties involved. This is consistent with the public welfare.

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

Staff Finding: The existing County IU zoning allows the present use of the property and the proposed C-G zoning will also allow the present use. However, the County zoning designation is in conflict with the City's Comprehensive Plan requirement that the City eliminate all inconsistencies between the Official Zoning Map and the Future Land Use Map.

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

Staff Finding: The proposed rezoning is not out of scale with the needs of the neighborhood of the city. This area of the City provides for commercial uses in close proximity to SR520 and Interstate 95, and the zoning district was chosen to accommodate already existing uses on the properties.

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

Staff Finding: The subject parcels are already developed and the proposed rezoning is not initiated as a result of any redevelopment planned for the parcels. The zoning district was chosen to accommodate already existing uses on the properties and the existing Future Land Use designation.

Consistency with Comprehensive Plan Policies and Objectives

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

Concurrency Management/Adequate Public Facilities

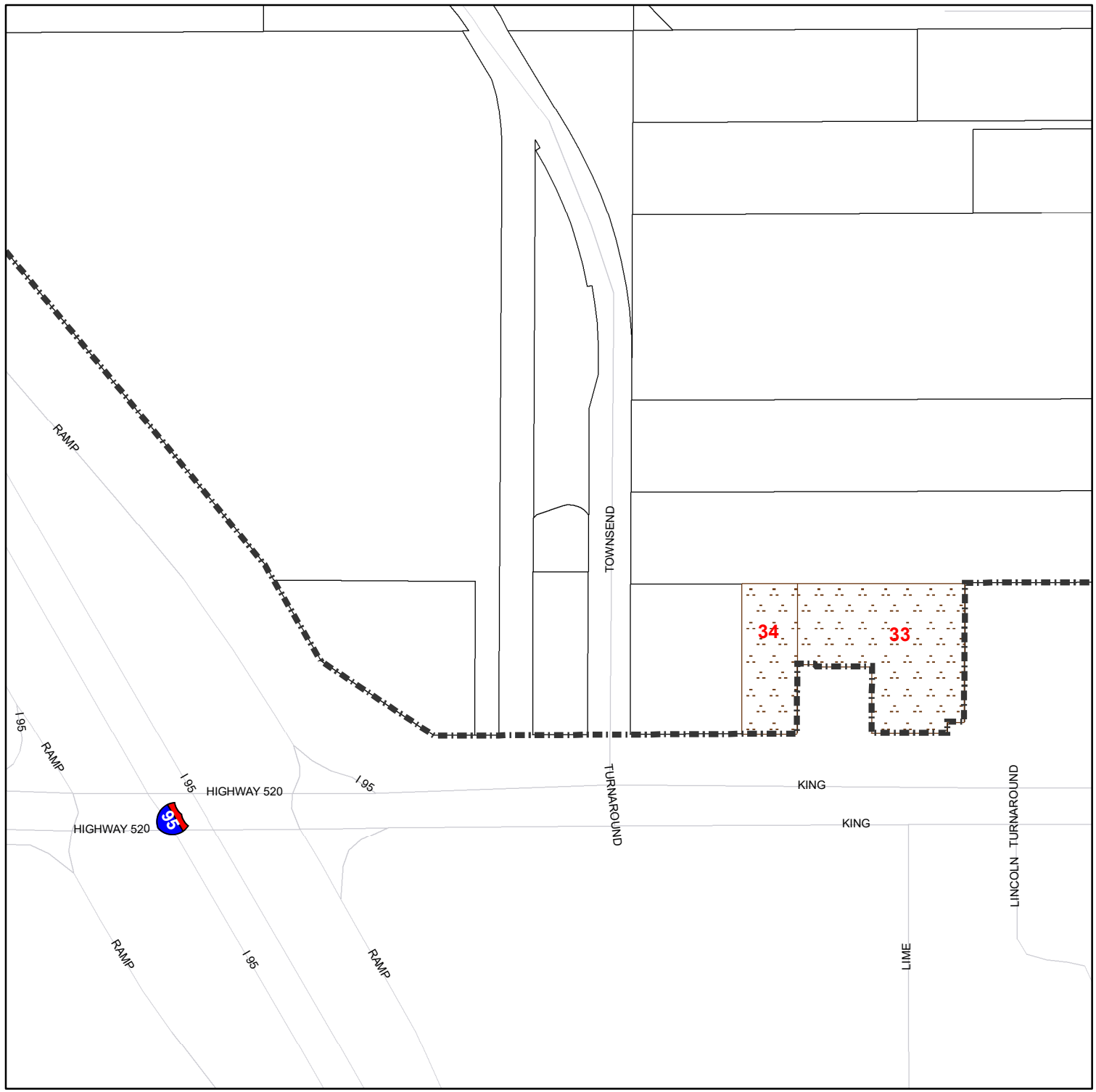
Section 15-22 of the City Code provides for a concurrency management system to ensure public facilities and services needed to support development are available concurrent with the impacts of such development and that development orders and development permits are not issued in a manner that will not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

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

III. Recommendation

Staff recommends that the Planning & Zoning Board recommend **approval** to City Council of the Zoning Map Amendment consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of two (2) parcels totaling 2.06 acres from Brevard County IU (Light Industrial) to City of Cocoa C-G (General Commercial District) as depicted on Exhibit A.

EXHIBIT A
Proposed
Rezoning Areas



Lot #	Parcel #
33	24-35-26-00-760
34	24-35-26-00-766

0 230 460

Feet

This map was compiled from Geographic

Information Services and does not reflect an actual survey.

It is intended for reference purposes only. © 2019

ORDINANCE NO. 18-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF TWO (2) PARCELS OF REAL PROPERTY, TOTALING 2.06 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE NORTH SIDE OF SR520, EAST OF TOWNSEND ROAD AND WEST OF COX ROAD, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY I-U (LIGHT INDUSTRIAL) TO CITY OF COCOA C-G (GENERAL COMMERCIAL DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

WHEREAS, the Planning and Zoning Board and City Staff of the City of Cocoa have recommended approval of this Ordinance; 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. Zoning Map Amendment. That the Official Zoning Map of the City of Cocoa, as described in City of Cocoa Code, Article VIII, Section 1, is hereby amended to include a change of classification from Brevard County I-U (Light Industrial) to City of Cocoa C-G

(General Commercial District) for the real property depicted and described on **Exhibit "A,"** attached and incorporated herein by this reference. City Staff is hereby directed to promptly amend the Official Zoning Map upon the effective date of this Ordinance.

Section 3. **Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 4. **Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. **Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the _____ day of _____, 2019.

_____
JAKE WILLIAMS, JR., Mayor

ATTEST:

_____
CARIE SHEALY, MMC
City Clerk

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

City of Cocoa
Planning & Zoning Board
STAFF REPORT

Date:	October 30, 2019
Project Name:	Cox Road Corridor Rezoning
Project No.:	PZ-19-035 (Batch 6)
Meeting Date:	November 6, 2019
Planner:	Dodie Selig, AICP, Planning & Zoning Manager
Applicant:	City of Cocoa
Property Owner(s):	(Listed in table below)
Project Location:	North side of SR520, east of Townsend Road and west of Cox Road. The Property Appraiser identifies the parcel(s) as Tax Account Number(s): 2408032.
Requested Action:	**ZONING MAP AMENDMENT** consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of a single parcel totaling 1.24 acres from Brevard County BU-2 (Retail, Warehousing and Wholesale Commercial) to City of Cocoa C-G (General Commercial District).

I. Project Information

City of Cocoa is requesting to amend the Zoning Map designation of a single parcel totaling 1.24 acres from Brevard County BU-2 (Retail, Warehousing and Wholesale Commercial) to City of Cocoa C-G (General Commercial District) as depicted on Exhibit A. The City is requesting to apply a City of Cocoa zoning district for the subject parcel that is consistent with its FLU designation and existing land use. The parcel is labeled as Parcel 35 on the Proposed Rezoning Areas Map attached to this Staff Report as Exhibit A.

This rezoning application is part of a larger Cox Road Corridor study area, the purpose of which was to identify and address parcels lying within the Cocoa City limits, having a City of Cocoa Future Land Use designation but without a City of Cocoa Zoning District designation. The study was undertaken

as part of a long-range effort to comply with the City's Comprehensive Plan requirement that the City eliminate all inconsistencies between the Official Zoning Map and the Future Land Use Map.

The study area extended from the City boundary at SR520 north and included those properties lying east of I-95 and west of Cox Road. Staff identified a total of 38 parcels, each of which were analyzed with regard to the existing use of the property, existing Brevard County Zoning designation and the relevant Future Land Use designation. A table summarizing these findings is attached. The parcels were then broken up into batches of adjacent parcels having the same existing County zoning and proposed to be changed to the same City zoning district. This resulted in nine (9) batches, each of which has been assigned to a separate Ordinance.

The study area parcels were annexed into the City of Cocoa in three groupings. Parcels 1 through 17 were annexed under Ordinance 57-2003 on January 13, 2004. Parcels 18 through 32 and 34 through 38 were annexed under Ordinance 4-2006 on February 28, 2006. And Parcel 33 was annexed under Ordinance 14-2007 on May 22, 2007.

The Future Land Use (FLU) designation of the study area parcels were changed from their former Brevard County designations to City of Cocoa designations in several groupings as follows. Parcels 1 through 17 were assigned an Industrial FLU under Ordinance 14-2004 on December 14, 2004. Parcels 18 through 32 and Parcel 38 were assigned an Industrial FLU and Parcels 34-37 were assigned a Commercial FLU under Ordinance 19-2006 on August 22, 2006. Parcel 33 was assigned a Commercial FLU under Ord. 11-2010 on October 26, 2010.

The table below represents only those parcels that are part of Ordinance 19-2019. This parcel contains an existing convenience store.

Zoning Amendment Parcels

Legal Ad Map #	***Tax ID #***	***Parcel #***	***Acres***	***Parcel Address***	**Owners**	**Current Use**
35	2408032	24-35-26-00-759	1.24	4220 W King St	AAO STORES LLC	Convenience Store

Future Land Use Designation: Current: Commercial

Zoning District: Current: Brevard County BU-2 (Retail, Warehousing and Wholesale Commercial)

Proposed: City of Cocoa C-G (General Commercial District)

Existing Land Use: Convenience store

Council District: District 3 – Councilmember Don Boisvert

Overview of Surrounding Area:

	Future Land Use Designations	Zoning Districts	Land Uses
North	Industrial	PIP (County)	Industrial and manufacturing uses
South	CC (County)	BU-1 and BU-2 (County)	Restaurant, gas station and motel
East	Commercial (City) and CC (County)	IU, and TU-2 (County)	Donut shop, restaurant and motel
West	Commercial	C-G (City)	Sam's Club store

II. Rezoning Analysis

Consistency with Code of the City of Cocoa

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

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

Staff Finding: The land use pattern along the north side of SR520 consists of auto-dependent uses typically found at intersections with state and interstate roadways. Businesses such as convenience stores, motels and restaurants line both sides of SR520 at this junction with Interstate 95. The existing convenience store on the subject parcel was developed prior to the property's annexation into the City. The City's C-G zoning district was chosen for this parcel as being the City district most closely associated with the existing land uses of the parcel.

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

Staff Finding: The proposed C-G zoning district will not create an isolated district. Instead, it will continue the existing C-G zoning district already applied to the parcels on the north side of SR520 between I-95 and Townsend Road.

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

Staff Finding: Rezoning the subject parcel will have no effect on the population density. Residential uses are not currently allowed under the existing County zoning, nor are they allowed under the proposed C-G zoning.

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

Staff Finding: It is illogical to continue to allow properties within the City with a City FLU to remain without a City zoning district. It should also be noted that the Brevard County BU-2 zoning district would allow, in addition to commercial retail uses, warehousing and wholesale commercial uses. These are not desirable uses at the intersection of an interstate highway and a state road, a very visible entrance point to the City.

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

Staff Finding: The FLUM designation for the subject property is "Commercial" which allows the proposed C-G zoning district designation.

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

Staff Finding: The intent of the rezoning request is to address an area of the City which has multiple parcels of land without a City of Cocoa zoning district designation. This rezoning will apply a City zoning district designation to the subject parcel that is consistent with the City of Cocoa's Comprehensive Plan and existing land uses.

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

Staff Finding: There are no residential uses on the north side of SR520 in this vicinity. There are eight parcels on the south side of SR520 with Brevard County residential zoning, over half of which are vacant land and two of which have single-family

residential structures. The existing convenience store on the subject parcel was built in 1990, prior to the parcel's annexation into the City. The current County BU-2 zoning allows retail, restaurant, office and motel uses and the proposed C-G zoning also allows the same types of uses, therefore the proposed rezoning would not significantly change or adversely influence living conditions in the immediate area. In fact, the change will reduce the possibility of redevelopment with wholesale and warehousing uses in close proximity to the residentially-zoned parcels on the south side of SR 520.

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

Staff Finding: It is not anticipated that the proposed rezoning would create or excessively increase traffic congestion or otherwise affect public safety as the uses allowed under the present County BU-2 zoning are very similar to those allowed under the City C-G zoning.

i. The proposed change will create a drainage problem.

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

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

Staff Finding: The proposed rezoning does not significantly alter the requirements for light and air to adjacent areas (setbacks) from those provided under the present Brevard County zoning designation. A comparison of the setbacks required by Brevard County BU-2 vs. City of Cocoa C-G follows.

	Brevard County BU-2 zoning	City of Cocoa C-G zoning
Front setback	25 ft.	25 ft.
Side interior setback	5 ft.	None
Rear setback	15 ft.	20 ft. (15 ft. when abutting an alley)

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

Staff Finding: It is not anticipated that property values would be negatively affected by the proposed rezoning. The proposed rezoning will not materially change the allowed uses of the subject properties, except that it will eliminate wholesale and warehousing uses. This is likely a positive change for surrounding commercially-zoned parcels.

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

Staff Finding: It is not anticipated that the proposed rezoning would be a deterrent to the improvement or development of adjacent property. Development of the properties will be enhanced by the application of a City of Cocoa zoning designation that is consistent with the existing Future Land Use designation. This will allow future development of properties within the corridor to move forward without the need to rezone each parcel independently as development occurs.

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

Staff Finding: The proposed change will not constitute a grant of special privilege to the property owner as the change of zoning is consistent with the existing use of the property involved. This is consistent with the public welfare.

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

Staff Finding: The existing County BU-2 zoning allows the present use of the property and the proposed C-G zoning will also allow the present use. However, the County zoning designation is in conflict with the City's Comprehensive Plan requirement that the City eliminate all inconsistencies between the Official Zoning Map and the Future Land Use Map.

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

Staff Finding: The proposed rezoning is not out of scale with the needs of the neighborhood of the city. This area of the City provides for commercial uses in close proximity to SR520 and Interstate 95, and the zoning district was chosen to accommodate the already existing use on the property.

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

Staff Finding: The subject parcel is already developed and the proposed rezoning is not initiated as a result of any redevelopment planned for the subject parcel. The zoning district was chosen to accommodate already existing uses on the property and the existing Future Land Use designation.

Consistency with Comprehensive Plan Policies and Objectives

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

Concurrency Management/Adequate Public Facilities

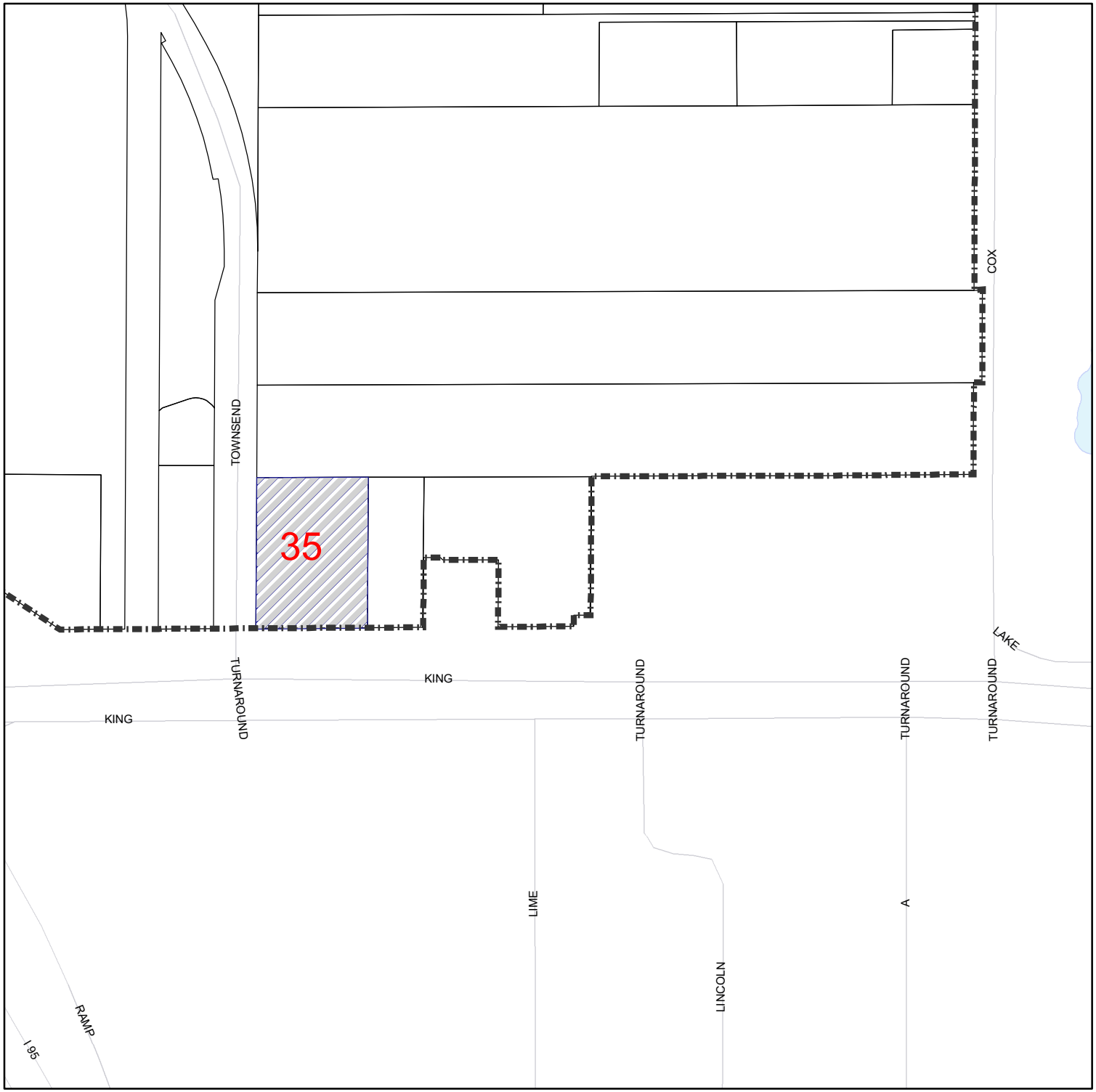
Section 15-22 of the City Code provides for a concurrency management system to ensure public facilities and services needed to support development are available concurrent with the impacts of such development and that development orders and development permits are not issued in a manner that will not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

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

III. Recommendation

Staff recommends that the Planning & Zoning Board recommend **approval** to City Council of the Zoning Map Amendment consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of a single parcel totaling 1.24 acres from Brevard County BU-2 (Retail, Warehousing and Wholesale Commercial) to City of Cocoa C-G (General Commercial District) as depicted on Exhibit A.

EXHIBIT A
Proposed
Rezoning Area



COCOA FLORIDA

Parcel #
24-35-26-00-759

0 230 460

Feet

This map was compiled from Geographic Information Services and does not reflect an actual survey.

It is intended for reference purposes only. © 2019

ORDINANCE NO. 19-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 1.24 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE NORTH SIDE OF SR520, EAST OF TOWNSEND ROAD AND WEST OF COX ROAD, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY BU-2 (RETAIL, WAREHOUSING AND WHOLESALE COMMERCIAL) TO CITY OF COCOA C-G (GENERAL COMMERCIAL DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

WHEREAS, the Planning and Zoning Board and City Staff of the City of Cocoa have recommended approval of this Ordinance; 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. Zoning Map Amendment. That the Official Zoning Map of the City of Cocoa, as described in City of Cocoa Code, Article VIII, Section 1, is hereby amended to include

a change of classification from Brevard County BU-2 (Retail, Warehousing and Wholesale Commercial) to City of Cocoa C-G (General Commercial District) for the real property depicted and described on **Exhibit "A,"** attached and incorporated herein by this reference. City Staff is hereby directed to promptly amend the Official Zoning Map upon the effective date of this Ordinance.

Section 3. **Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 4. **Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. **Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the _____ day of _____, 2019.

_____
JAKE WILLIAMS, JR., Mayor

ATTEST:

_____
CARIE SHEALY, MMC
City Clerk

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

City of Cocoa
Planning & Zoning Board
STAFF REPORT

Date:	October 30, 2019
Project Name:	Cox Road Corridor Rezoning
Project No.:	PZ-19-035 (Batch 7)
Meeting Date:	November 6, 2019
Planner:	Dodie Selig, AICP, Planning & Zoning Manager
Applicant:	City of Cocoa
Property Owner(s):	(Listed in table below)
Project Location:	South side of Townsend Road, immediately east of Interstate 95. The Property Appraiser identifies the parcel(s) as Tax Account Number(s): 2441465.
Requested Action:	**ZONING MAP AMENDMENT** consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of a single parcel totaling 0.75 acres from Brevard County PIP (Planned Industrial Park) to City of Cocoa C-G (General Commercial District).

I. Project Information

City of Cocoa is requesting to amend the Zoning Map designation of a single parcel totaling 0.75 acres from Brevard County PIP (Planned Industrial Park) to City of Cocoa C-G (General Commercial District) as depicted on Exhibit A. The City is requesting to apply a City of Cocoa zoning district for the subject parcel that is consistent with its FLU designation and existing land use. The single parcel is labeled as Parcel 36 on the Proposed Rezoning Areas Map attached to this Staff Report as Exhibit A.

This rezoning application is part of a larger Cox Road Corridor study area, the purpose of which was to identify and address parcels lying within the Cocoa City limits, having a City of Cocoa Future Land Use designation but without a City of Cocoa Zoning District designation. The study was undertaken as part of a long-range effort to comply with the City's Comprehensive Plan requirement that the City eliminate all inconsistencies between the Official Zoning Map and the Future Land Use Map.

The study area extended from the City boundary at SR520 north and included those properties lying east of I-95 and west of Cox Road. Staff identified a total of 38 parcels, each of which were analyzed with regard to the existing use of the property, existing Brevard County Zoning designation and the relevant Future Land Use designation. A table summarizing these findings is attached. The parcels were then broken up into batches of adjacent parcels having the same existing County zoning and proposed to be changed to the same City zoning district. This resulted in nine (9) batches, each of which has been assigned to a separate Ordinance.

The study area parcels were annexed into the City of Cocoa in three groupings. Parcels 1 through 17 were annexed under Ordinance 57-2003 on January 13, 2004. Parcels 18 through 32 and 34 through 38 were annexed under Ordinance 4-2006 on February 28, 2006. And Parcel 33 was annexed under Ordinance 14-2007 on May 22, 2007.

The Future Land Use (FLU) designation of the study area parcels were changed from their former Brevard County designations to City of Cocoa designations in several groupings as follows. Parcels 1 through 17 were assigned an Industrial FLU under Ordinance 14-2004 on December 14, 2004. Parcels 18 through 32 and Parcel 38 were assigned an Industrial FLU and Lots 34-37 were assigned a Commercial FLU under Ordinance 19-2006 on August 22, 2006. Parcel 33 was assigned a Commercial FLU under Ord. 11-2010 on October 26, 2010.

The table below represents only those parcels that are part of Ordinance 20-2019. This parcel contains an existing billboard.

Zoning Amendment Parcels

Legal Ad Map #	***Tax ID #***	***Parcel #***	***Acres***	***Parcel Address***	**Owners**	**Current Use**
36	2441465	24-35-26-00-535	0.75	560 Townsend Rd	Clear Channel Outdoor Inc.	Billboard Site

Future Land Use Designation: Current: Commercial

Zoning District: Current: Brevard County PIP (Planned Industrial Park)

Proposed: City of Cocoa C-G (General Commercial District)

Existing Land Use: Billboard site

Council District: District 3 – Councilmember Don Boisvert

Overview of Surrounding Area:

	Future Land Use Designations	Zoning Districts	Land Uses
North	Industrial	M-2	Electric power plant, Industrial uses and vacant land
South	Interstate 95	Interstate 95	Interstate 95
East	Industrial and Commercial	M-2 and C-G	Sam's Club store and vacant land
West	Commercial	C-G	I-95 and Toyota/Nissan dealerships

II. Rezoning Analysis

Consistency with Code of the City of Cocoa

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

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

Staff Finding: The land use pattern along Townsend Road north of the Sam's Club store is heavy industrial in nature with an electric power generation plant, large electric transfer station and a solid waste recycling center as well as several smaller business. The subject parcel however is a remnant part of the Sam's Club site to the southeast of the subject site. It was given the same Commercial FLU in part because the site cannot be developed beyond the existing commercial billboard presently on the parcel. The City's C-G zoning district was chosen for this parcel as being the City district most closely associated with the existing land uses of the parcel.

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

Staff Finding: The proposed C-G zoning district will not create an isolated district. It is a continuation of the existing C-G district already applied to the Sam's Club parcels to the southeast.

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

Staff Finding: Rezoning the subject parcel will have no effect on the population density. Residential uses are not currently allowed under the existing County zoning, nor are they allowed under the proposed C-G zoning.

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

Staff Finding: The existing zoning boundaries are in conflict with the current City FLU on the parcel. It is illogical to continue to allow properties within the City with a City FLU to remain without a City zoning district.

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

Staff Finding: The FLUM designation for the subject properties is "Commercial" which allows the proposed C-G zoning district designation.

> **Policy 1.1.2.9: Commercial (COMM).** Commercial areas are intended to be areas that serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses.

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

Staff Finding: The intent of the rezoning request is to address an area of the City which has multiple parcels of land without a City of Cocoa zoning district designation. This rezoning will apply a City zoning district designation to the subject parcel that is consistent with the City of Cocoa's Comprehensive Plan and existing land uses.

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

Staff Finding: There are no residential uses in the nearby area. As the parcel is already developed to the maximum extent possible, the proposed rezoning would not adversely influence living conditions in the neighboring area.

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

Staff Finding: It is not anticipated that the proposed rezoning would create or excessively increase traffic congestion or otherwise affect public safety. The current PIP zoning allows similar uses to the City's C-G district because it includes uses under County BU-1 and BU-2 zoning such as retail, office, personal services, warehousing and wholesale businesses. Therefore, the traffic generation of the districts are very similar and would result in a similar traffic impact on Townsend Road.

i. The proposed change will create a drainage problem.

Staff Finding: No drainage problems are anticipated as a result of the rezoning. Any redevelopment of the subject site would be required to comply with all applicable regulations and permitting requirements.

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

Staff Finding: Although the property is already developed to its maximum extent, a comparison of the setbacks required by Brevard County PIP vs. City of Cocoa C-G follows

	Brevard County PIP zoning	City of Cocoa C-G zoning
Front setback	50 ft.	25 ft.
Side interior setback	50 ft.	None
Rear setback	25 ft.	20 ft.

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

Staff Finding: It is not anticipated that property values would be negatively affected by the proposed rezoning. The proposed rezoning will not materially change the allowed uses of the subject property except that it will, in fact, eliminate the possibility of residential development that may negatively affect the potential development of nearby industrial parcels.

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

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

parcel to the east will not be effected as it is already zoned M-2. See analysis in Section (k) as well.

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

Staff Finding: The proposed change will not constitute a grant of special privilege to the property owners as the change of zoning is consistent with the existing uses of the properties involved. This is consistent with the public welfare.

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

Staff Finding: The subject parcel is already developed. However, the lack of a City zoning designation on the parcel is in conflict with the City's Comprehensive Plan requirement that City eliminate all inconsistencies between the Official Zoning Map and the Future Land Use Map.

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

Staff Finding: The proposed rezoning is not out of scale with the needs of the neighborhood of the city. This area of the City provides for commercial and industrial uses in close proximity to SR520 and Interstate 95, and the zoning district was chosen to accommodate already existing uses on the property.

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

Staff Finding: The subject parcel is already developed and the proposed rezoning is not initiated as a result of any redevelopment planned for the subject parcel. The zoning district was chosen to accommodate already existing uses on the property and the existing Future Land Use designation.

Consistency with Comprehensive Plan Policies and Objectives

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

Concurrency Management/Adequate Public Facilities

Section 15-22 of the City Code provides for a concurrency management system to ensure public facilities and services needed to support development are available concurrent with the impacts of such development and that development orders and development permits are not issued in a manner

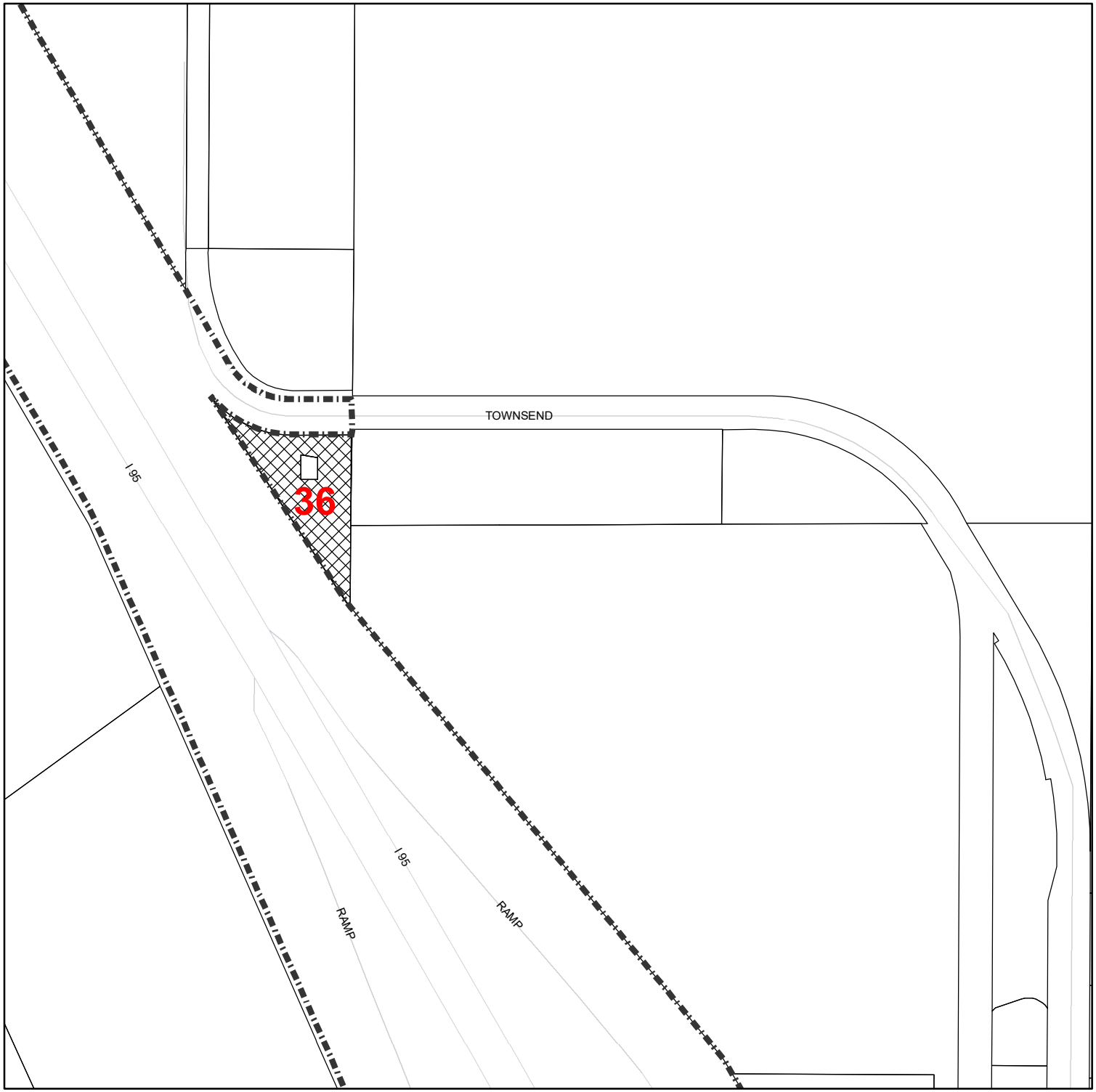
that will not result in a reduction in the levels of service below the adopted level of service standards adopted by the City for public facilities and services, as contained in the City's adopted Comprehensive Plan.

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

III. Recommendation

Staff recommends that the Planning & Zoning Board recommend **approval** to City Council of the Zoning Map Amendment consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of a single parcel totaling 0.75 acres from Brevard County PIP (Planned Industrial Park) to City of Cocoa C-G (General Commercial District) as depicted on Exhibit A.

EXHIBIT A
Proposed
Rezoning Area



COCOA
FLORIDA

Parcel #
24-35-26-00-535

0 230 460

Feet

This map was compiled from Geographic

Information Services and does not reflect an actual survey.

It is intended for reference purposes only. © 2019

ORDINANCE NO. 20-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 0.75 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF TOWNSEND RD, AND IMMEDIATELY EAST OF I-95, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY PIP (PLANNED INDUSTRIAL PARK) TO CITY OF COCOA C-G (GENERAL COMMERCIAL DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

WHEREAS, the Planning and Zoning Board and City Staff of the City of Cocoa have recommended approval of this Ordinance; 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. Zoning Map Amendment. That the Official Zoning Map of the City of Cocoa, as described in City of Cocoa Code, Article VIII, Section 1, is hereby amended to include a change of classification from Brevard County PIP (Planned Industrial Park) to City of Cocoa C-

G (General Commercial District) for the real property depicted and described on **Exhibit "A,"** attached and incorporated herein by this reference. City Staff is hereby directed to promptly amend the Official Zoning Map upon the effective date of this Ordinance.

Section 3. **Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 4. **Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. **Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the _____ day of _____, 2019.

_____
JAKE WILLIAMS, JR., Mayor

ATTEST:

_____
CARIE SHEALY, MMC
City Clerk

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

City of Cocoa
Planning & Zoning Board
STAFF REPORT

Date:	October 30, 2019
Project Name:	Cox Road Corridor Rezoning
Project No.:	PZ-19-035 (Batch 8)
Meeting Date:	November 6, 2019
Planner:	Dodie Selig, AICP, Planning & Zoning Manager
Applicant:	City of Cocoa
Property Owner(s):	(Listed in table below)
Project Location:	South side of Townsend Road, immediately east of Interstate 95. The Property Appraiser identifies the parcel(s) as Tax Account Number(s): 2408008.
Requested Action:	**ZONING MAP AMENDMENT** consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of a single parcel totaling 0.03 acres from Brevard County PIP (Planned Industrial Park) to City of Cocoa INST (Institutional District).

I. Project Information

City of Cocoa is requesting to amend the Zoning Map designation of a single parcel totaling 0.03 acres from Brevard County PIP (Planned Industrial Park) to City of Cocoa INST (Institutional District) as depicted on Exhibit A. The City is requesting to apply a City of Cocoa zoning district for the subject parcel that is consistent with its FLU designation and existing land use. The single parcel is labeled as Parcel 37 on the Proposed Rezoning Areas Map attached to this Staff Report as Exhibit A.

This rezoning application is part of a larger Cox Road Corridor study area, the purpose of which was to identify and address parcels lying within the Cocoa City limits, having a City of Cocoa Future Land Use designation but without a City of Cocoa Zoning District designation. The study was undertaken as part of a long-range effort to comply with the City's Comprehensive Plan requirement that the City eliminate all inconsistencies between the Official Zoning Map and the Future Land Use Map.

The study area extended from the City boundary at SR520 north and included those properties lying east of I-95 and west of Cox Road. Staff identified a total of 38 parcels, each of which were analyzed with regard to the existing use of the property, existing Brevard County Zoning designation and the relevant Future Land Use designation. A table summarizing these findings is attached. The parcels were then broken up into batches of adjacent parcels having the same existing County zoning and proposed to be changed to the same City zoning district. This resulted in nine (9) batches, each of which has been assigned to a separate Ordinance.

The study area parcels were annexed into the City of Cocoa in three groupings. Parcels 1 through 17 were annexed under Ordinance 57-2003 on January 13, 2004. Parcels 18 through 32 and 34 through 38 were annexed under Ordinance 4-2006 on February 28, 2006. And Parcel 33 was annexed under Ordinance 14-2007 on May 22, 2007.

The Future Land Use (FLU) designation of the study area parcels were changed from their former Brevard County designations to City of Cocoa designations in several groupings as follows. Parcels 1 through 17 were assigned an Industrial FLU under Ordinance 14-2004 on December 14, 2004. Parcels 18 through 32 and Lot 38 were assigned an Industrial FLU and Parcels 34-37 were assigned a Commercial FLU under Ordinance 19-2006 on August 22, 2006. Parcel 33 was assigned a Commercial FLU under Ord. 11-2010 on October 26, 2010.

The table below represents only those parcels that are part of Ordinance 21-2019. This parcel contains an existing City of Cocoa sewer lift station.

Zoning Amendment Parcels

Legal Ad Map #	***Tax ID #***	***Parcel #***	***Acres***	***Parcel Address***	**Owners**	**Current Use**
37	2408008	24-35-26-00-522	0.03	572 Townsend Rd	CITY OF COCOA	Lift Station

Future Land Use Designation: Current: Commercial

Zoning District: Current: Brevard County PIP (Planned Industrial Park)

Proposed: City of Cocoa C-G (General Commercial District)

Existing Land Use: Lift Station

Council District: District 3 – Councilmember Don Boisvert

Overview of Surrounding Area:

	Future Land Use Designations	Zoning Districts	Land Uses
North	Industrial	M-2	Electric power plant, Industrial uses and vacant land
South	Interstate 95	Interstate 95	Interstate 95
East	Industrial and Commercial	M-2 and C-G	Sam's Club store and vacant land
West	Commercial	C-G	I-95 and Toyota/Nissan dealerships

II. Rezoning Analysis

Consistency with Code of the City of Cocoa

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

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

Staff Finding: The subject parcel was created to encompass a City owned sewer lift station only and is not developable beyond that use due to its .03-acre size. This is a common practice throughout the City and is not contrary to the established land use pattern. The Institutional zoning district was chosen for this parcel as being the City district most closely associated with the existing land use of the parcel.

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

Staff Finding: A sewer lift station is by nature a singular use, the purpose of which is to serve the adjoining land uses. Because it is a City-owned facility, the Institutional district is the only appropriate zoning district for this use. Therefore, although the district will be isolated from other Institutional zoning districts, the use is physically and functionally tied to the adjacent districts.

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

Staff Finding: Rezoning the subject parcels will have no effect on the population density. Residential uses are not currently allowed under the existing County zoning, nor are they allowed under the proposed Institutional zoning.

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

Staff Finding: The existing zoning boundaries are in conflict with the current City FLU on the parcel. It is illogical to continue to allow properties within the City with a City FLU to remain without a City zoning district.

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

Staff Finding: The FLUM designation for the subject properties is "Commercial" which allows the proposed INST zoning district designation.

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

Staff Finding: The intent of the rezoning request is to address an area of the City which has multiple parcels of land without a City of Cocoa zoning district designation. This rezoning will apply a City zoning district designation to the subject parcel that is consistent with the City of Cocoa's Comprehensive Plan and the existing land use.

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

Staff Finding: There are no residential uses in the nearby area. As the parcel is already developed to the maximum extent possible, the proposed rezoning would not adversely

influence living conditions in the neighboring area. The sewer lift station supports other development in the neighborhood.

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

Staff Finding: The proposed rezoning will not create or increase traffic congestion or otherwise affect public safety, as the rezoning will not change the use on the parcel.

i. The proposed change will create a drainage problem.

Staff Finding: No drainage problems are anticipated as a result of the rezoning. The subject parcel is not developable for any use beyond the existing lift station due to its size.

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

Staff Finding: The proposed rezoning does not significantly alter the requirements for light and air to adjacent areas (setbacks) as no additional development of the parcel is possible.

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

Staff Finding: It is not anticipated that property values would be negatively affected by the proposed rezoning. The proposed rezoning will not change the use of the subject property.

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

Staff Finding: It is not anticipated that the proposed rezoning would be a deterrent to the improvement or development of adjacent property. It is typically the case that a lift station in close proximity to vacant land is an enhancement to development.

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

Staff Finding: The proposed change will not constitute a grant of special privilege to the property owner as the change of zoning is consistent with the existing uses of the property. Provision of access to the City's sewer system is consistent with the public welfare.

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

Staff Finding: The property cannot be developed for any use beyond the existing lift station. However, the County zoning designation is in conflict with the City's Comprehensive Plan requirement that the City eliminate all inconsistencies between the Official Zoning Map and the Future Land Use Map.

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

Staff Finding: The proposed rezoning is not out of scale with the needs of the neighborhood of the city, which requires supporting sewer infrastructure.

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

Staff Finding: The subject parcel is already developed and the proposed rezoning is not initiated as a result of any redevelopment planned for the subject parcel. The zoning district was chosen to accommodate already existing uses on the property.

Consistency with Comprehensive Plan Policies and Objectives

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

Concurrency Management/Adequate Public Facilities

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

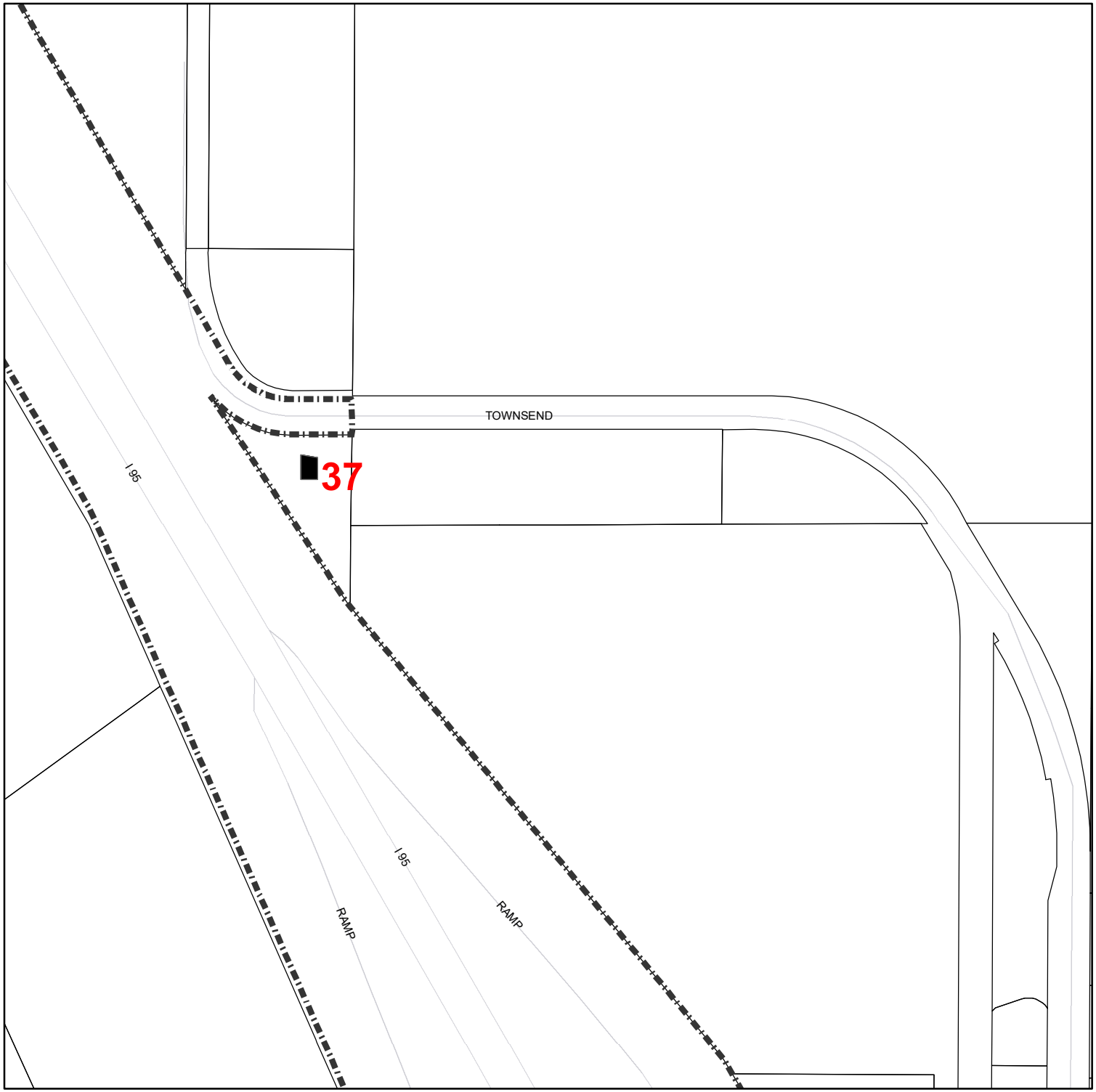
Consistent with the requirements of Article IV (Concurrency Management System), Chapter 15 of the Code of the City of Cocoa, any future development of the subject parcels will be required to submit a final application for concurrency review prior to issuance of any City of Cocoa permits. If capacity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

III. Recommendation

Staff recommends that the Planning & Zoning Board recommend **approval** to City Council of the Zoning Map Amendment consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map

designation of a single parcel totaling 0.03 acres from Brevard County PIP (Planned Industrial Park) to City of Cocoa INST (Institutional District) as depicted on Exhibit A.

EXHIBIT A
Proposed
Rezoning Area



COCOA FLORIDA

Parcel #
24-35-26-00-522

0 230 460

Feet

This map was compiled from Geographic

Information Services and does not reflect an actual survey.

It is intended for reference purposes only. © 2019

ORDINANCE NO. 21-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 0.03 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF TOWNSEND RD, AND IMMEDIATELY EAST OF I-95, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY PIP (PLANNED INDUSTRIAL PARK) TO CITY OF COCOA INST (INSTITUTIONAL DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

WHEREAS, the Planning and Zoning Board and City Staff of the City of Cocoa have recommended approval of this Ordinance; 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. Zoning Map Amendment. That the Official Zoning Map of the City of Cocoa, as described in City of Cocoa Code, Article VIII, Section 1, is hereby amended to include a change of classification from Brevard County PIP (Planned Industrial Park) to City of Cocoa

INST (Institutional District) for the real property depicted and described on **Exhibit "A,"** attached and incorporated herein by this reference. City Staff is hereby directed to promptly amend the Official Zoning Map upon the effective date of this Ordinance.

Section 3. **Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 4. **Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. **Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the _____ day of _____, 2019.

_____
JAKE WILLIAMS, JR., Mayor

ATTEST:

_____
CARIE SHEALY, MMC
City Clerk

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

City of Cocoa
Planning & Zoning Board
STAFF REPORT

Date:	October 30, 2019
Project Name:	Cox Road Corridor Rezoning
Project No.:	PZ-19-035 (Batch 9)
Meeting Date:	November 6, 2019
Planner:	Dodie Selig, AICP, Planning & Zoning Manager
Applicant:	City of Cocoa
Property Owner(s):	(Listed in table below)
Project Location:	South side of Townsend Road and east of I-95. The Property Appraiser identifies the parcel(s) as Tax Account Number(s): 2408051.
Requested Action:	**ZONING MAP AMENDMENT** consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of a single parcel totaling 1.08 acres from Brevard County IU (Light Industrial) to City of Cocoa M-2 (Manufacturing and Industrial District).

I. Project Information

City of Cocoa is requesting to amend the Zoning Map designation of a single parcel totaling 1.08 acres from Brevard County IU (Light Industrial) to City of Cocoa M-2 (Manufacturing and Industrial District) as depicted on Exhibit A. The City is requesting to apply a City of Cocoa zoning district for the subject parcel that is consistent with its FLU designation and existing land use. The single parcel is labeled as Parcel 38 on the Proposed Rezoning Areas Map attached to this Staff Report as Exhibit A.

This rezoning application is part of a larger Cox Road Corridor study area, the purpose of which was to identify and address parcels lying within the Cocoa City limits, having a City of Cocoa Future Land Use designation but without a City of Cocoa Zoning District designation. The study was undertaken as part of a long-range effort to comply with the City's Comprehensive Plan requirement that the City eliminate all inconsistencies between the Official Zoning Map and the Future Land Use Map.

The study area extended from the City boundary at SR520 north and included those properties lying east of I-95 and west of Cox Road. Staff identified a total of 38 parcels, each of which were analyzed with regard to the existing use of the property, existing Brevard County Zoning designation and the relevant Future Land Use designation. A table summarizing these findings is attached. The parcels were then broken up into batches of adjacent parcels having the same existing County zoning and proposed to be changed to the same City zoning district. This resulted in nine (9) batches, each of which has been assigned to a separate Ordinance.

The study area parcels were annexed into the City of Cocoa in three groupings. Parcels 1 through 17 were annexed under Ordinance 57-2003 on January 13, 2004. Parcels 18 through 32 and 34 through 38 were annexed under Ordinance 4-2006 on February 28, 2006. And Parcel 33 was annexed under Ordinance 14-2007 on May 22, 2007.

The Future Land Use (FLU) designation of the study area parcels were changed from their former Brevard County designations to City of Cocoa designations in several groupings as follows. Parcels 1 through 17 were assigned an Industrial FLU under Ordinance 14-2004 on December 14, 2004. Parcels 18 through 32 and Lot 38 were assigned an Industrial FLU and Parcels 34-37 were assigned a Commercial FLU under Ordinance 19-2006 on August 22, 2006. Parcel 33 was assigned a Commercial FLU under Ord. 11-2010 on October 26, 2010.

The table below represents only those parcels that are part of Ordinance 22-2019. This parcel contains an existing light manufacturing use.

Zoning Amendment Parcels

Legal Ad Map #	***Tax ID #***	***Parcel #***	***Acres***	***Parcel Address***	**Owners**	**Current Use**
38	2408051	24-35-26-00-776	1.08	500 Townsend Rd	R J Ingram Properties LLC	Light Manufacturing

Future Land Use Designation: Current: Industrial

Zoning District: Current: Brevard County IU (Light Industrial)

Proposed: City of Cocoa M-2 (Manufacturing and Industrial District)

Existing Land Use: Light Manufacturing

Council District: District 3 – Councilmember Don Boisvert

Overview of Surrounding Area:

	Future Land Use Designations	Zoning Districts	Land Uses
North	Industrial	M-2	Electric power plant
South	Commercial	C-G	Sam's Club store
East	Industrial	M-2	Industrial and manufacturing uses
West	Industrial	M-2	Vacant land

II. Rezoning Analysis

Consistency with Code of the City of Cocoa

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

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

Staff Finding: The land use pattern along Townsend Road north of the Sam's Club store is heavy industrial in nature with an electric power generation plant, large electric transfer station and a solid waste recycling center as well as several smaller business. The City's M-2 zoning district was chosen for the subject parcel as it is consistent with these surrounding uses as well as the existing light manufacturing use on the subject parcel.

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

Staff Finding: The proposed M-2 zoning district will not create an isolated district. Instead, it will continue the application of the existing M-2 district already applied to the parcels along Townsend Road from the subject parcel north to the end of the roadway.

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

Staff Finding: Rezoning the subject parcels will have no effect on the population density. Residential uses are not currently allowed under the existing County zoning, nor are they allowed under the proposed M-2 zoning.

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

Staff Finding: The existing boundaries are logically drawn in relation to the existing uses in the area and the natural boundary of Townsend Road; however that district is not a City zoning district. It is illogical to continue to allow properties within the City with a City FLU to remain without a City zoning district.

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

Staff Finding: The FLUM designation for the subject properties is "Industrial" which allows the proposed M-2 zoning district designation.

> **Policy 1.1.2.10: Industrial (IND).** Industrial areas shall be regarded as appropriate for activities associated with industrial development, which can include materials processing, materials assembly, product manufacturing, and storage of finished products. Uses can include manufacturing facilities, warehouse distribution centers and truck terminals.

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

Staff Finding: The intent of the rezoning request is to address an area of the City which has multiple parcels of land without a City of Cocoa zoning district designation. This rezoning will apply a City zoning district designation to the subject parcel that is consistent with the City of Cocoa's Comprehensive Plan and existing land uses.

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

Staff Finding: There are no residential uses in the nearby area. As the parcel already has an industrial zoning designation under the County, and as there is already a manufacturing business established on the subject site, the proposed rezoning would not adversely influence the neighboring area.

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

Staff Finding: It is not anticipated that the proposed rezoning would create or excessively increase traffic congestion or otherwise affect public safety as the site is already developed.

i. The proposed change will create a drainage problem.

Staff Finding: No drainage problems are anticipated as a result of the rezoning. Any redevelopment of the subject site would be required to comply with all applicable regulations and permitting requirements.

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

Staff Finding: The proposed rezoning does not significantly alter the requirements for light and air to adjacent areas (setbacks) from those provided under the present Brevard County zoning designation. Although the property is already developed, a comparison of the setbacks required by Brevard County IU vs. City of Cocoa M-2 follows.

	Brevard County IU zoning	City of Cocoa M-2 zoning
Front setback	40 ft.	25 ft.
Side interior setback	15 ft.	None
Rear setback	25 ft.	15 ft.

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

Staff Finding: It is not anticipated that property values would be negatively affected by the proposed rezoning. The proposed rezoning will permit the continuation of the M-2 zoning district that already is in the area. Because the current Brevard County zoning is I-U, Light Industrial, the change to M-2 will allow heavy manufacturing uses not currently permitted. However, the heavy manufacturing uses are compatible with the surrounding properties already with this zoning designation.

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

Staff Finding: It is not anticipated that the proposed rezoning would be a deterrent to the improvement or development of adjacent property. Development of the vacant parcel to the west will not be effected as it is already zoned M-2.

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

Staff Finding: The proposed change will not constitute a grant of special privilege to the property owners, as the change of zoning is consistent with the existing use of the property. This is consistent with the public welfare.

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

Staff Finding: The subject parcel is already developed. However, the lack of a City zoning designation on the parcel is in conflict with the City's Comprehensive Plan requirement that City eliminate all inconsistencies between the Official Zoning Map and the Future Land Use Map.

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

Staff Finding: The proposed rezoning is not out of scale with the needs of the neighborhood of the city. This area of the City provides for manufacturing and industrial uses in close proximity to SR520 and Interstate 95.

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

Staff Finding: The northern portion of Townsend Road already had manufacturing and industrial manufacturing uses prior to its annexation into the City. The proposed rezoning is a continuation of that existing use pattern.

Consistency with Comprehensive Plan Policies and Objectives

The proposed M-2 zoning designation is consistent with the allowable uses under the "Industrial" Future Land Use per the City of Cocoa Comprehensive Plan.

Concurrency Management/Adequate Public Facilities

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

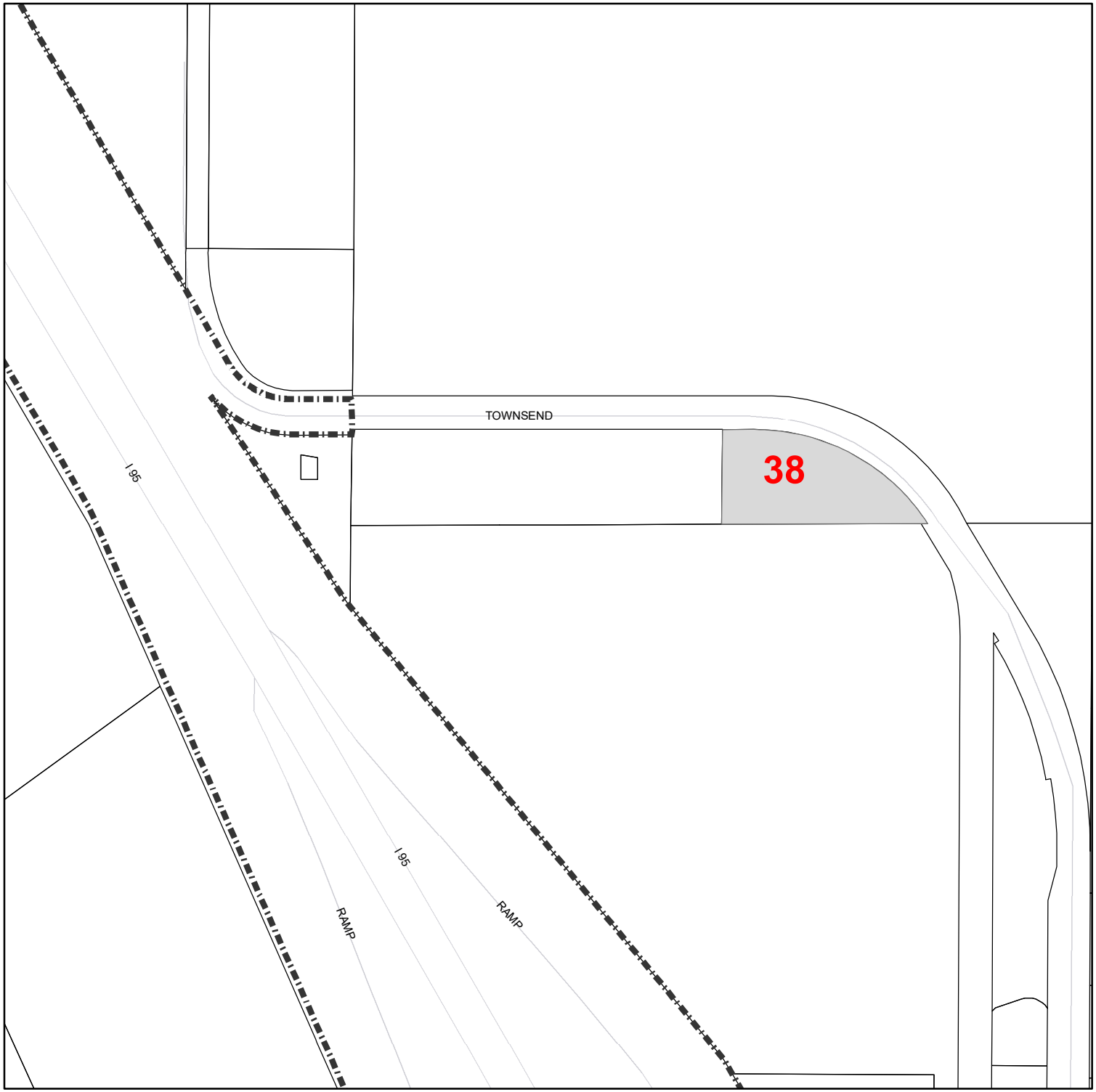
adopted by the City for public facilities and services, as contained in the City's adopted Comprehensive Plan.

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

III. Recommendation

Staff recommends that the Planning & Zoning Board recommend **approval** to City Council of the Zoning Map Amendment consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of a single parcel totaling 1.08 acres from Brevard County IU (Light Industrial) to City of Cocoa M-2 (Manufacturing and Industrial District) as depicted on Exhibit A.

EXHIBIT A
Proposed
Rezoning Area



Parcel #
24-35-26-00-776

0 230 460

Feet

This map was compiled from Geographic Information Services and does not reflect an actual survey.

It is intended for reference purposes only. © 2019

ORDINANCE NO. 22-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 1.08 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF TOWNSEND ROAD AND EAST OF I-95, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY I-U (LIGHT INDUSTRIAL) TO CITY OF COCOA M-2 (MANUFACTURING AND INDUSTRIAL DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

WHEREAS, the Planning and Zoning Board and City Staff of the City of Cocoa have recommended approval of this Ordinance; 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. Zoning Map Amendment. That the Official Zoning Map of the City of Cocoa, as described in City of Cocoa Code, Article VIII, Section 1, is hereby amended to include a change of classification from Brevard County I-U (Light Industrial) to City of Cocoa M-2

(Manufacturing and Industrial District) for the real property depicted and described on **Exhibit "A,"** attached and incorporated herein by this reference. City Staff is hereby directed to promptly amend the Official Zoning Map upon the effective date of this Ordinance.

Section 3. **Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 4. **Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. **Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the _____ day of _____, 2019.

_____
JAKE WILLIAMS, JR., Mayor

ATTEST:

_____
CARIE SHEALY, MMC
City Clerk

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