MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
October 4, 2023

A Regular meeting of the Planning & Zoning Board Local Planning Agency was held on October 4, 2023 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noted.

I. CALL TO ORDER:

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

ROLL CALL:

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

PRESENT:

Justin Simpson	Chairperson
Michael Dobrin	Vice Chairperson
Todd Anderson	Board Member
Ron Chabot	Board Member
Aleck Greenwood	Board Member
Wesley Park	Board Member
Marcus Wheeler	Board Member

ABSENT:

Katherine Stewart	Alternate Member
Veronica Lopez	Board Member
Merrybeth Burgess	Alternate Member

STAFF PRESENT:

Mayor Michael Blake; Councilwoman Koss; Stockton Whitten, City Manager; Kristin Eick, Board Attorney; Stacey Hopper, City Planner; and Lori Chabot, Recording Secretary.

Additionally, Stephen Noto, AICP, Director of Planning for RVi Planning + Landscape Architecture was also in attendance.

Chairperson Simpson led the assembly in the Pledge of Allegiance.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of October 4, 2023

* **MOTION BY BOARD MEMBER ANDERSON; SECONDED BY VICE CHAIRPERSON DOBRIN TO APPROVE THE OCTOBER 4, 2023 REGULAR MEETING AGENDA AS WRITTEN.**

AYES: SIMPSON, DOBRIN, ANDERSON, CHABOT, GREENWOOD, PARK, WHEELER

MOTION PASSED UNANIMOUSLY (7-0)

2. MINUTES: Meeting of July 12, 2023

* **MOTION BY BOARD MEMBER CHABOT; SECONDED BY BOARD MEMBER ANDERSON TO APPROVE THE JULY 12, 2023 MINUTES AS WRITTEN.**

AYES: SIMPSON, DOBRIN, ANDERSON, CHABOT, GREENWOOD, PARK, WHEELER

MOTION PASSED UNANIMOUSLY (7-0)

3. MINUTES: Meeting of August 16, 2023

* **MOTION BY BOARD MEMBER CHABOT; SECONDED BY VICE CHAIRPERSON DOBRIN TO APPROVE THE AUGUST 16, 2023 MINUTES AS WRITTEN.**

AYES: SIMPSON, DOBRIN, ANDERSON, CHABOT, GREENWOOD, PARK, WHEELER

MOTION PASSED UNANIMOUSLY (7-0)

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

PZ 23-0200007 Zoning Text Amendment | Ordinance 21-2023

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 22 OF THE ZONING ORDINANCE OF THE CITY OF COCOA TO ALLOW LARGE SCALE COMMERCIAL/MIXED-USE BUILDINGS ON CERTAIN PROPERTIES WITHIN THE COCOA WATERFRONT OVERLAY DISTRICT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Stephen Noto introduced the item through a presentation[1].

- The +/-1.95-acre Subject Property is located at the NE corner of Brevard Ave. and Church St.
- It is the old Bank of America site.
- The Subject Property is not currently occupied.

- Current zoning of the Subject Property is CBD-CVO (Central Business District –Cocoa Village Overlay)

- Current future land use of the Subject Property is MU (Mixed-Use)

- The Owner of the Subject Property, 430 Brevard, LLC has requested the City to consider an amendment to the Waterfront Overlay District Regulating Plan to designate the Subject Property as "Commercial/Mixed Use Large Buildings
- This would allow the subject property to be developed with a "vertically mixed-use building" at a maximum of eight 8 stories in height, subject to and conditioned upon City Council approval of a development agreement following consideration of multiple factors

- The Owner is proposing a $90 million dollar development program, which may consist of up to:
    - 243 residential units (229 Flats and 14 Townhouses)
    - 11,900 sq. ft. of office space
    - 2,800 sq. ft. of retail space
    - 9,547 sq. ft. of amenity space
    - A "ground plus 6-level" parking garage that is designed internally to the building envelope.

[1] Exhibit A: Zoning Text Amendment – Ordinance 21-2023 Presentation

- Modifying the Regulating Plan to designate the Subject Property as "CL" would in no way vest any level of entitlements for this development program.
- The modification puts in to motion development density programs that are allowed by the Land Development Code and the Comprehensive Plan.
- The Owner Framework Group would be required to enter into a Developer's Agreement ('DA') with the City and have that Development Agreement approved by the City Council. While those initial discussions have occurred, and an application provided, the details of the DA is not up for discussion or vote as part of this request.

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

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

- The need and justification for the change.
- Currently, the tallest building that could be constructed on the Subject Property is a five-story, "commercial/mixed-use medium" building type in accordance with the Cocoa Waterfront Overlay District Regulating Plan.
- In order to achieve the 125 du/acre density, the building heights associated with "commercial/mixed-use medium", which has a 5-story max, would not generate the building intensities needed to maximum the density allowed by the FLU designation.
- The proposed updates will allow for great flexibility of growth on the subject property by providing for building heights that functionally promote vertically mixed-use buildings.

- The need and justification for the change.

    - The City will maintain an interest and say in how the subject property is developed as a Developer's Agreement is required for these types of projects.
    - City Council will consider factors such as economic and social benefits to City and CRA, aesthetic quality and character, architectural design, physical and visual scale, compatibility with the Cocoa Village when a particular development project is proposed.

- The need and justification for the change.

- The Cocoa Redevelopment Agency (Cocoa CRA) continues to seek major redevelopment opportunities to revitalize the Cocoa Community Redevelopment Area.
- The Long-Range Land Use Concept Plan details three Catalyst Mixed-Use Development Sites that have been identified as under-utilized due to "outdated land

use or building design" and provide the following guidance for the Subject Property specifically:

- "430 Brevard Avenue (former Bank of America site): Determine status of potential time frame for redevelopment of the property and utilize former development studies as the basis for attracting developers to consider the parcel at the corner of Church Street and Brevard Avenue."

- The need and justification for the change.

    - The Subject Property is also noted as one of two "Medium Priority Projects" (Bank of America Site) as a Catalyst Mixed Use Redevelopment Site. Within the section describing Cocoa Village: "Significant redevelopment opportunities exist at several sites in the Village, including Bank of America, the former City Hall and Sun Trust Bank sites." The proposed change also conforms with the following from the 2022 CRA Plan Update:

        - Goal III -Objective 1
        - Goal IV -Objective 2
        - Goal V -Objectives 3, 4, and 5
        - Goal VI -Objective 5
        - Goal VIII -Objective 1, 2, 3, and 4
        - Goal XIII -Objectives 1 and 3

- The need and justification for the change.

    - The proposed amendment is not contrary to the goals and objectives of the Waterfront Master Plan, Cocoa CRA Redevelopment Plan, or the Comprehensive Plan MU FLU policies. The proposed change allows for zoning bulk requirements that are more in line with the existing density
    - policies which allow for up to 125 du/acre

- *The relationship of the proposed amendment to the purposes and objectives of the comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this zoning code and other codes, regulations, and actions designed to implement the comprehensive plan.*
- Since zoning district will not change, there will be no conflict with *the comprehensive plan. This amendment is consistent with the following policies:*

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

    - Policy 1.1.2.6, Mixed-Use

- Objective 1.2.1, Smart Growth Principals
- Policy 1.2.1.6
- Figure FLU-1

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

    - Housing Element
    - Goal 3.1
    - Objective 3.1.1, Housing Supply
    - Policy 3.1.1.1
    - Policy 3.1.1.2
    - Policy 3.1.1.6
    - Goal 3.7
    - Objective 3.7.1, Infill Development

- Staff have determined that the request for the Land Development Code Amendment complies with all relevant sections of the City of Cocoa Code of Ordinances and Comprehensive Plan.
- Staff recommends APPROVAL of the requested Land Development Code Amendment to Appendix A, Article XI, Section 22 of the Zoning Ordinance of the City of Cocoa to allow Large Scale Commercial/Mixed-Use Buildings on certain properties within the Cocoa Waterfront Overlay District, as described in the staff report.

Vice Chairperson Dobrin brought up discussion regarding the tax implications to the City and mentioned the Cocoa CRA Plan. City Manager Whitten replied in regards to the building tax, new businesses would create an increase.

Board Member Chabot asked about the length of time the building has been vacant. Chairperson Simpson shared it has been a long time.

Board Member Greenwood summarized for the Board the history of the project, and commented on the graphic in the presentation showing the differing building heights already in the Village, stating it was a great visual especially for anyone concerned over the height. He added the builder for the project is also building near SR524.

Vice Chairperson Dobrin asked if there were any developers that have shown any interest in this. Mr. Noto replied yes. City Manager Whitten also added more information stating the Bank of America building was purchased a couple months ago, and staff anticipates a developer will be submitting a site plan and development agreement soon.

Chairperson Simpson opened the hearing to the public. There being no questions or comments, the public portion of the hearing was closed.

* **MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY BOARD MEMBER PARK TO RECOMMEND APPROVAL regarding the proposed Land Development Code Amendment to Appendix A, Article XI, Section 22 of the Zoning Ordinance of the City of Cocoa to allow Large Scale Commercial/Mixed-Use Buildings on certain properties within the Cocoa Waterfront Overlay District.**

AYES: SIMPSON, DOBRIN, ANDERSON, PARK, CHABOT, GREENWOOD, WHEELER

MOTION PASSED UNANIMOUSLY (7-0)

PZ 23-02000008 Zoning Text Amendment | Ordinance No. 20-2023

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ZONING, ARTICLE XIII, SECTION 22, OF THE ZONING ORDINANCE OF THE CITY OF COCOA; AMENDING THE LANDSCAPING, LAND CLEARING, AND TREE PROTECTION AND REPLACEMENT STANDARDS OF THE CITY OF COCOA; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Ms. Hopper introduced the item through a presentation[2].

The City desires to create an ordinance that may be applied without the need for discussion and negotiation of development agreements related to arbor mitigation contribution fees. The City also desires to incentivize mature tree preservation and discourage "clear-cutting" in the hopes that developers will design around trees as much as possible.
This Ordinance furthers on and off-site tree preservation, enhanced tree preservation and replacement standards, specifies new arbor mitigation fees and increases fines for non-compliance. The summary of changes to the Tree Preservation include:

- Minimum tree planting requirements
- Preservation credits for trees being preserved
- Tree Replacement Standards
- Revised Arbor Mitigation policy
- Enhanced penalty section for land clearing or removal of trees without a permit

Minimum tree planting requirements include:

- New minimum tree planting requirements have been created that deal with both the minimum number and size of trees for new construction.
- The minimum tree planting requirements cannot be satisfied by contributing to the arbor mitigation fund.

[2] Exhibit B: Zoning Text Amendment – Ordinance 20-2023 Presentation

Preservation credits for trees being preserved:

- Provides one tree credit for every 12" of trees preserved on-site. The tree preservation credits offered are increased for specimen trees (over 24") up to a maximum of 12 credits in order to encourage the retention of specimen trees and for developers to design around them.
- Additional credits for trees on land placed in perpetual public conservation with the City or conveyed to the City. Three additional tree credits will be provided for each tree, as defined within this ordinance, within areas above one-half acre.

Tree Replacement Standards:

- Proposes a system in which a certain number of trees must be replaced for each tree removed, depending upon size of the tree removed, as opposed to current inch-per-inch system. In this system, the number of overall trees, and consequently the tree canopy, is intended to be preserved even if the number of inches is not immediately replaced. The definition of a "tree" is amended from 4" to 6". Trees less than 6" do not need to be replaced.

Revised Arbor Mitigation policy:

- When the number of trees able to be planted in a development is smaller than the number of trees required for replacement, a contribution to the Arbor Mitigation Fund may be available. Removes requirement for 3 quotes. Fees will be determined per inch or by one reasonable, professional quote for trees not replaced.

Enhanced penalty section for land clearing or removal of trees without a permit:

- As a reminder, tree removal permits are not required for single-family and duplex lots that are actively used for single-family residential purposes. This proposed change will not affect single-family and duplex lot owners.
- The Ordinance clarifies that the code enforcement board may impose daily fines for failure to obtain a tree removal permit.
- To come into compliance, a property owner will have to obtain an after-the-fact tree removal permit. This will require a tree survey (which may need to be created based on historical data) and compliance with tree replacement and mitigation fees as would ordinarily apply.
- Moreover, additional aggravated fines are imposed per tree removed up to $5,000 per tree as permitted by Florida law.
- Additional fines are clarified for land clearing by the ¼ acre and lastly for failure to abide by a cease and desist order.

In summary, this Ordinance furthers on and off-site tree preservation, enhanced tree preservation and replacement standards, specifies new arbor mitigation fees and increases fines to ensure compliance.

Board Member Wheeler asked about the arborists and how staff came up with the tree credits system. He asked if another municipality was used as comparison for the standards

that are being used. In response, Ms. Hopper explained that they did reach out to 3 or 4 municipalities in the area. The City has its own Arborist, Frank Mirabito, who advised on the matter.

Board Member Wheeler asked who were the municipalities. Board Attorney Kristin Eick, shared that it varied by topic. With regard to Arbor mitigation fees, staff searched through Municode to compare with other cities. The dollar amounts were arrived at by looking at Jax as well as others. Attorney Eick said she could provide the names, if the Board would like. She continued explaining some of her findings adding, the previous version did not offer credits for preserving trees except for very large trees. The vast majority of developers wouldn't receive any credits so that was one of the objectives for the new ordinance.

Board Member Greenwood stated that he likes the newer version. He added that he had a couple of comments, one about who would oversee adherence to the guidelines, would Code Enforcement be the best choice, as stated in the presentation, or would the Building Official be an option and asked for the Board's input. He likes the increase in the tree diameter and also asked the Board to consider mentioning the difference in Oak types.

Chairperson Simpson replied, stating the appropriate department to oversee would be Code Enforcement as that is what they do. He felt changing it would complicate the matter.

Board Member Anderson clarified that there is a difference between the Code Board and Code Enforcement. Chairperson Simpson agreed and added additional clarification reminding the Board that they would be hearing these situations.

Board Member Anderson asked for some clarification with regard to specimen trees. Attorney Eick replied, explaining that the changes include additional credits for specimen trees in order to encourage their retention and for developers to design around them.

Board Member Park stated in Subsection E.2.b.1 he didn't see where "unacceptable risk" was defined. Attorney Eick replied that it was not, but explained the meaning from Florida Statute for the Board.

Board Member Park also asked about Subsection E, 3A that references E4C but could not find it. Attorney Eick replied that it was not included in this ordinance because it was not changed from the previous version.

Chairperson Simpson opened the hearing to the public. There being no questions or comments, the public portion of the hearing was closed.

* **MOTION BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER PARK TO RECOMMEND approval of Ordinance 20-2023 as presented. is requesting that the Tree Board/P&Z consider an amendment of the Land Development Code Appendix A, Zoning, Article XIII, Section 22 of the Zoning**

Ordinance of the City of Cocoa to amend its tree preservation and replacement requirements, to amend the requirements for contribution to the City's Arbor Mitigation Fund in certain circumstances where tree replacement is not feasible, and to amend other tree-related objectives, in order to more equitably balance the interests of tree preservation and encouraging beneficial development within the City while maintaining the City of Cocoa's "Tree City USA" designation.

AYES: SIMPSON, DOBRIN, ANDERSON, PARK, CHABOT, GREENWOOD, WHEELER

MOTION PASSED UNANIMOUSLY (7-0)

V. TREE BOARD

904 Fern Ave., Cocoa, FL 32922

A Level 2 assessment of a Southern Live Oak at 904 Fern Ave. was completed. The tree is uplifting the driveway as well as encompassing the water meter. Recommend the tree be removed to reduce the future damage and risk to the driveway and water meter.

Ms. Hopper presented, stating the tree is in the City's right-of-way. She shared pictures for explanation of the location.

The tree is a large (22-inch **DBH**) Southern Live Oak (*Quercus virginiana)* that is about 50 feet tall with an approximate 30-foot spread. The Southern Live Oak has been trimmed consistently throughout its life almost to a detrimental effect. One concern is the extra force on the lever arm of the tree causing a bending moment in the trunk/base. The tree is located in the right of way just on the owners' side of the side walk approximately 25 ft from the center of the road. It is the most prominent tree in the area, meaning that it is fully exposed to the wind.

The tree is about 25 years old and currently in good health based on a scale of poor, fair, good, and excellent.

Defects and conditions of concern. The tree looks to be in good health and there are no major defects. A major concern would be the overall LCR (Live Crown Ratio) potentially causing stress to the lower half of the tree.

Arborist Report
The primary concern here is the driveway uplifting causing property damage and a potential hazard. Secondly, the encompassing roots around the water meter and lines causing a leak and potentially a financial burden. Additionally, the extra stress of the uplifted canopy putting an increased amount of leverage on the trunk/base of the tree.

Risk of Failure.

1. The likelihood of failure is POSSIBLE
2. The likelihood of causing damage to the water meter is POSSIBLE
3. The likelihood of causing damage to the driveway is imminent
4. The consequences from damage of the roots is significant, damage to the driveway and water meter are imminent.

Mitigation and Recommendation

RISK MITIGATION OPTIONS
There are a few options that can be considered for mitigation to lower the risk from this tree.

1. Remove the tree and eliminate the potential risk of the driveway hazard, as well as encircling the water meter and causing damage.
2. Do nothing and continue to wait until the water meter needs to be replaced from damage, and the driveway continues to lift causing a hazard.

REINSPECTION
If option 2 is selected, then this tree should be re-inspected in 2 years unless additional health or safety concerns come up that would warrant more frequent attention. Tree inspection services should be performed by an ISA Tree Risk Assessment Qualified (TRAQ) arborist skilled in the science of tree risk assessment.

If approved, the proposed tree removal will prevent continued driveway lifting and associated risk as well as prevent root encroachment into the water meter.

LOCATION AND SPECIES OF REPLACEMENT
The City Arborist recommends that the tree be replaced with a live oak at the Bracco Pond Park.

RECOMMENDED MOTION:
Staff recommends that the tree at 904 Fern Ave., Cocoa, FL be removed.

Board Member Anderson asked who the request was from, property owner or City. Ms. Hopper replied it was at the request of the property owners.

Board Member Greenwood stated typically, he likely would say no and question if there was another way, i.e. remove roots near meter and sidewalks. He added that this one was a tough one and could be more in favor with the tree replacement standards that are in place.

Board Member Anderson stated he would typically would vote no, however, this one, when trimmed so high, could become unstable. It is supposed to have a canopy. He is also concerned it could be a liability to the home or to the City if it belongs to the City. He added that he would be in favor of removing this tree.

Board Member Chabot stated a similar problem and expressed sympathy to the homeowner.

* **MOTION BY BOARD MEMBER PARK; SECONDED BY BOARD MEMBER WHEELER TO RECOMMEND the tree be removed to reduce the future damage and risk to the driveway and water meter.**

AYES: SIMPSON, DOBRIN, ANDERSON, PARK, CHABOT, GREENWOOD, WHEELER

MOTION PASSED UNANIMOUSLY (7-0)

VI. OTHER BUSINESS:

1. **Planning and Zoning Board Open Discussion - None**

VII. NEXT MEETING DATE:

The next scheduled meeting for the Planning and Zoning Board will be held on Wednesday, November 1, 2023 at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VIII. ADJOURNMENT:

MEETING WAS ADJOURNED AT 7:15 PM.

Justin Simpson, Chairperson

Respectfully Submitted By:

Lori Chabot, Recording Secretary

Legislation Details (With Text)

File #:	23-740	**Version:** 1	**Name:**		
Type:	Minutes		**Status:**	Agenda Ready	
File created:	11/15/2023		**In control:**	Planning and Zoning / Local Planning Agency	
On agenda:	12/6/2023		**Final action:**		
Title:	Request Board Members approve the Minutes from the November 1, 2023, Planning & Zoning Meeting, either as written or with amendments.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	11-1-2023 Final.docx				

Date	Ver.	Action By	Action	Result

PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: November 15, 2023
Agenda Date: December 6, 2023
Prepared By: Lori Chabot, Recording Secretary
Through: Stacy Hopper, Planner; Stockton Whitten, City Manager
Requested Action:
Request Board Members approve the Minutes from the November 1, 2023, Planning & Zoning Meeting, either as written or with amendments.

BACKGROUND:

Board Members approve the minutes at the beginning of the meeting.

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Request Board Members approve the Minutes from the November 1, 2023, Planning & Zoning Meeting, either as written or with amendments.

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Planning and Zoning Board Meeting

October 4, 2023



430 Brevard Avenue

Land Development Code Amendment



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430 Brevard Ave. Land Development Code Amendment
Location Map

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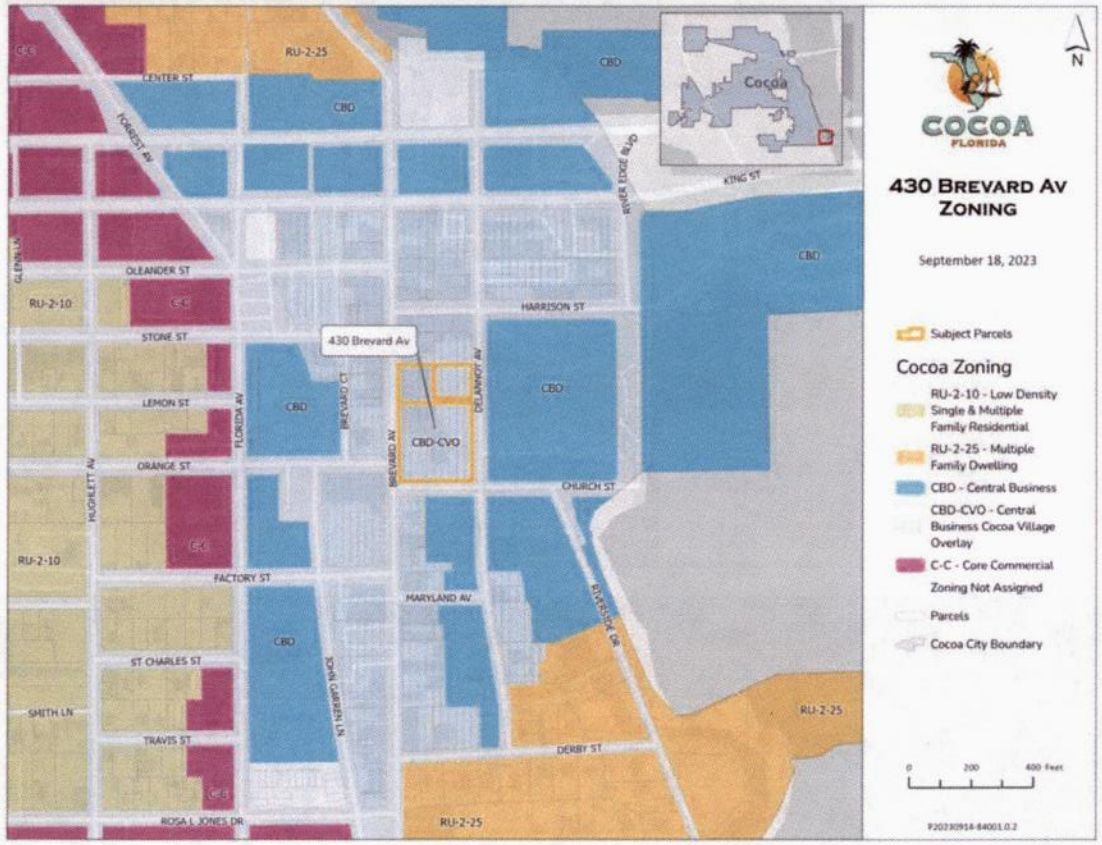


- The +/-1.95 acre Subject Property is located at the NE corner of Brevard Ave. and Church St.
- It is the old Bank of America site.
- The Subject Property is not currently occupied.

430 Brevard Ave. Land Development Code Amendment

Zoning Map

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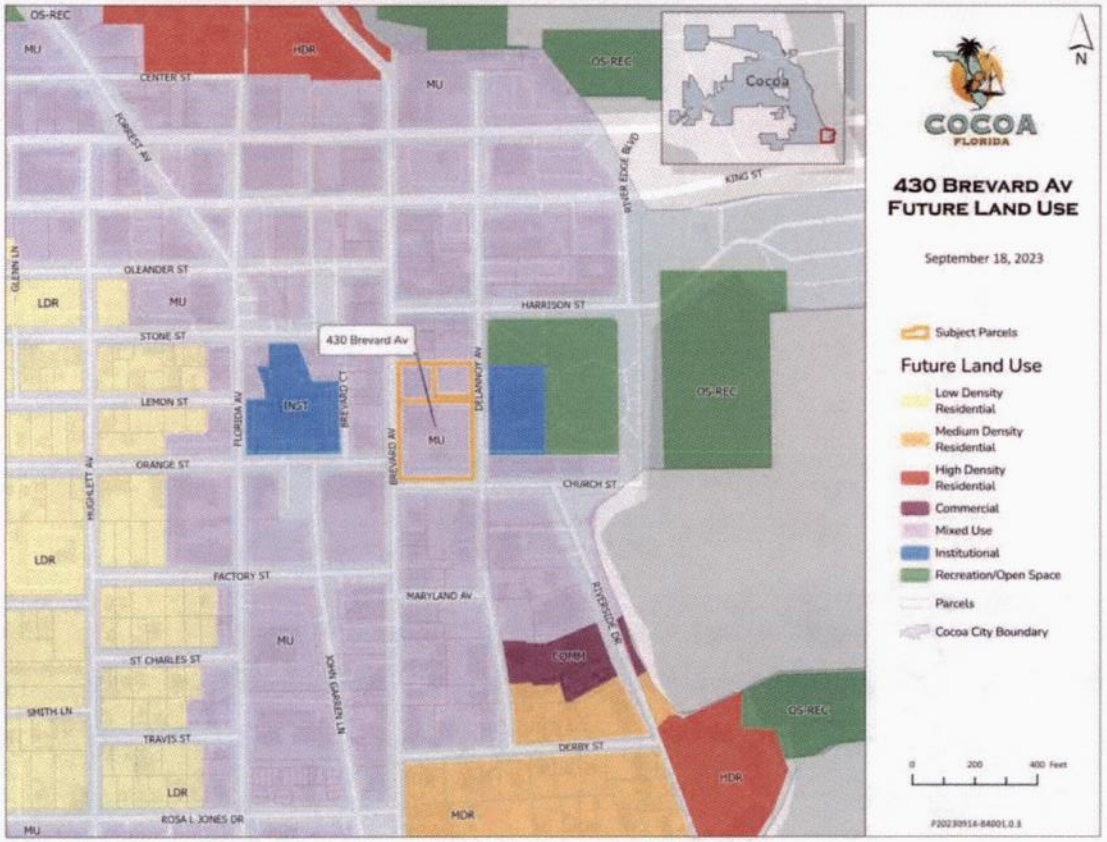


- Current zoning of the Subject Property is CBD-CVO (Central Business District – Cocoa Village Overlay)

430 Brevard Ave. Land Development Code Amendment

Future Land Use Map

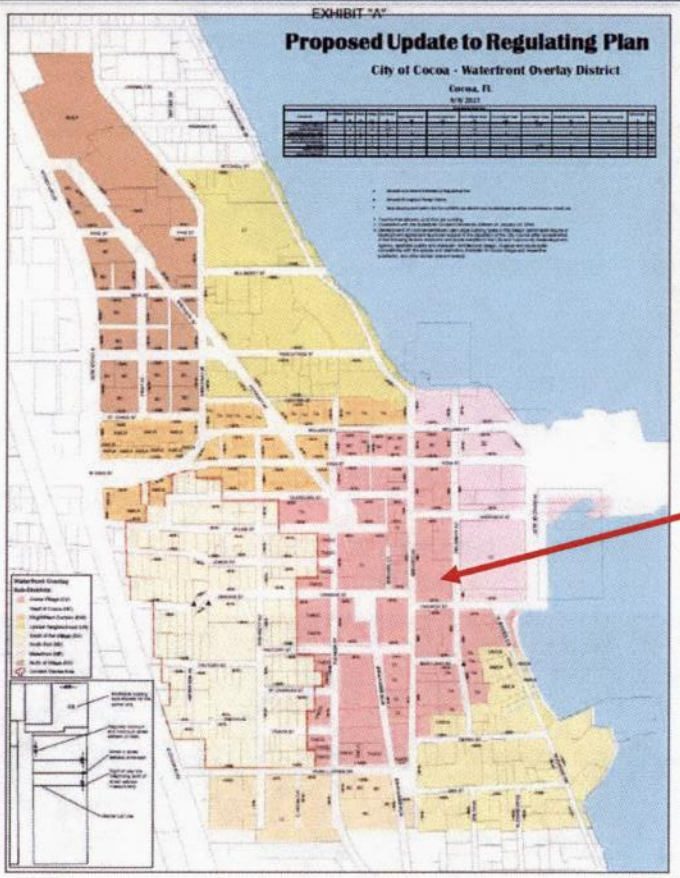
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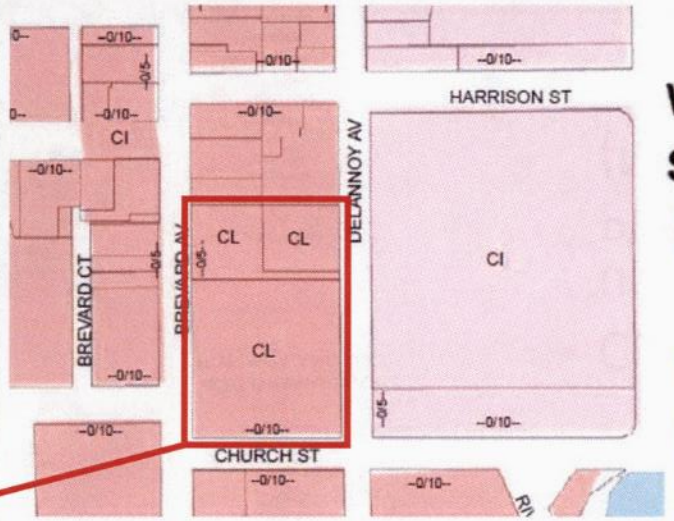


- Current future land use of the Subject Property is MU (Mixed-Use)

430 Brevard Ave.
Land Development Code Amendment
Existing Waterfront Overlay District Regulating Plan

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Waterfront Overlay Sub-Districts:

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

430 Brevard Ave. Land Development Code Amendment

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- The Owner of the Subject Property, 430 Brevard, LLC has requested the City to consider an amendment to the Waterfront Overlay District Regulating Plan to designate the Subject Property as " Commercial/Mixed Use Large Buildings
- This would allow the subject property to be developed with a "vertically mixed use building" at a maximum of eight 8 stories in height, subject to and conditioned upon City Council approval of a development agreement following consideration of multiple factors

430 Brevard Ave. Land Development Code Amendment

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- Modifying the Regulating Plan to designate the Subject Property as "CL" would in no way vest any level of entitlements for this development program.
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- The Owner Framework Group would be required to enter into a Developer's Agreement ('DA') with the City and have that Development Agreement approved by the City Council. While those initial discussions have occurred, and an application provided, the details of the DA is not up for discussion or vote as part of this request.

430 Brevard Ave. Land Development Code Amendment

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- 1(G)(2), the planning board shall consider and study:
  - The need and justification for the change.
  - The relationship of the proposed amendment to the purposes and objectives of the comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this zoning code and other codes, regulations, and actions designed to implement the comprehensive plan.

430 Brevard Ave. Land Development Code Amendment

COCOA
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- The need and justification for the change.
- Currently, the tallest building that could be constructed on the Subject Property is a five-story, "commercial/mixed-use medium" building type in accordance with the Cocoa Waterfront Overlay District Regulating Plan.
- In order to achieve the 125 du/acre density, the building heights associated with "commercial/mixed-use medium", which has a 5-story max, would not generate the building intensities needed to maximum the density allowed by the FLU designation.
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430 Brevard Ave. Land Development Code Amendment

COCOA
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430 Brevard Ave. Land Development Code Amendment

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- The need and justification for the change.
  - The Cocoa Redevelopment Agency (Cocoa CRA) continues to seek major redevelopment opportunities to revitalize the Cocoa Community Redevelopment Area.
  - The Long-Range Land Use Concept Plan details three Catalyst Mixed-Use Development Sites that have been identified as under utilized due to "outdated land use or building design" and provided the following guidance for the Subject Property specifically:
    - "430 Brevard Avenue (former Bank of America site): Determine status of potential time frame for redevelopment of the property and utilize former development studies as the basis for attracting developers to consider the parcel at the corner of Church Street and Brevard Avenue."

430 Brevard Ave. Land Development Code Amendment

COCOA
FLORIDA

- The need and justification for the change.
  - The Subject Property is also noted as one of two "Medium Priority Projects" (Bank of America Site) as a Catalyst Mixed Use Redevelopment Site. Within the section describing Cocoa Village: "Significant redevelopment opportunities exist at several sites in the Village, including Bank of America, the former City Hall and Sun Trust Bank sites." The proposed change also conforms with the following from the 2022 CRA Plan Update:
    - Goal III
      - Objective 1
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      - Objectives 3, 4, and 5
    - Goal VI
      - Objective 5
    - Goal VIII
      - Objective 1, 2, 3, and 4
    - Goal XIII
      - Objectives 1 and 3

430 Brevard Ave. Land Development Code Amendment

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- The need and justification for the change.
  - The proposed amendment is not contrary to the goals and objectives of the Waterfront Master Plan, Cocoa CRA Redevelopment Plan, or the Comprehensive Plan MU FLU policies. The proposed change allows for zoning bulk requirements that are more in line with the existing density
  - policies which allow for up to 125 du/acre

430 Brevard Ave. Land Development Code Amendment

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- *The relationship of the proposed amendment to the purposes and objectives of the comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this zoning code and other codes, regulations, and actions designed to implement the comprehensive plan.*
- Since zoning district will not change, there will be no conflict with *the comprehensive plan. This amendment is consistent with the following policies:*

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- *The relationship of the proposed amendment to the purposes and objectives of the comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this zoning code and other codes, regulations, and actions designed to implement the comprehensive plan.*
- Future Land Use Element
  - Policy 1.1.2.6, Mixed-Use
  - Objective 1.2.1, Smart Growth Principals
  - Policy 1.2.1.6
  - Figure FLU-1

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- *The relationship of the proposed amendment to the purposes and objectives of the comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this zoning code and other codes, regulations, and actions designed to implement the comprehensive plan.*
  - Housing Element
  - Goal 3.1
  - Objective 3.1.1, Housing Supply
  - Policy 3.1.1.1
  - Policy 3.1.1.2
  - Policy 3.1.1.6
  - Goal 3.7
  - Objective 3.7.1, Infill Development

430 Brevard Ave. Land Development Code Amendment

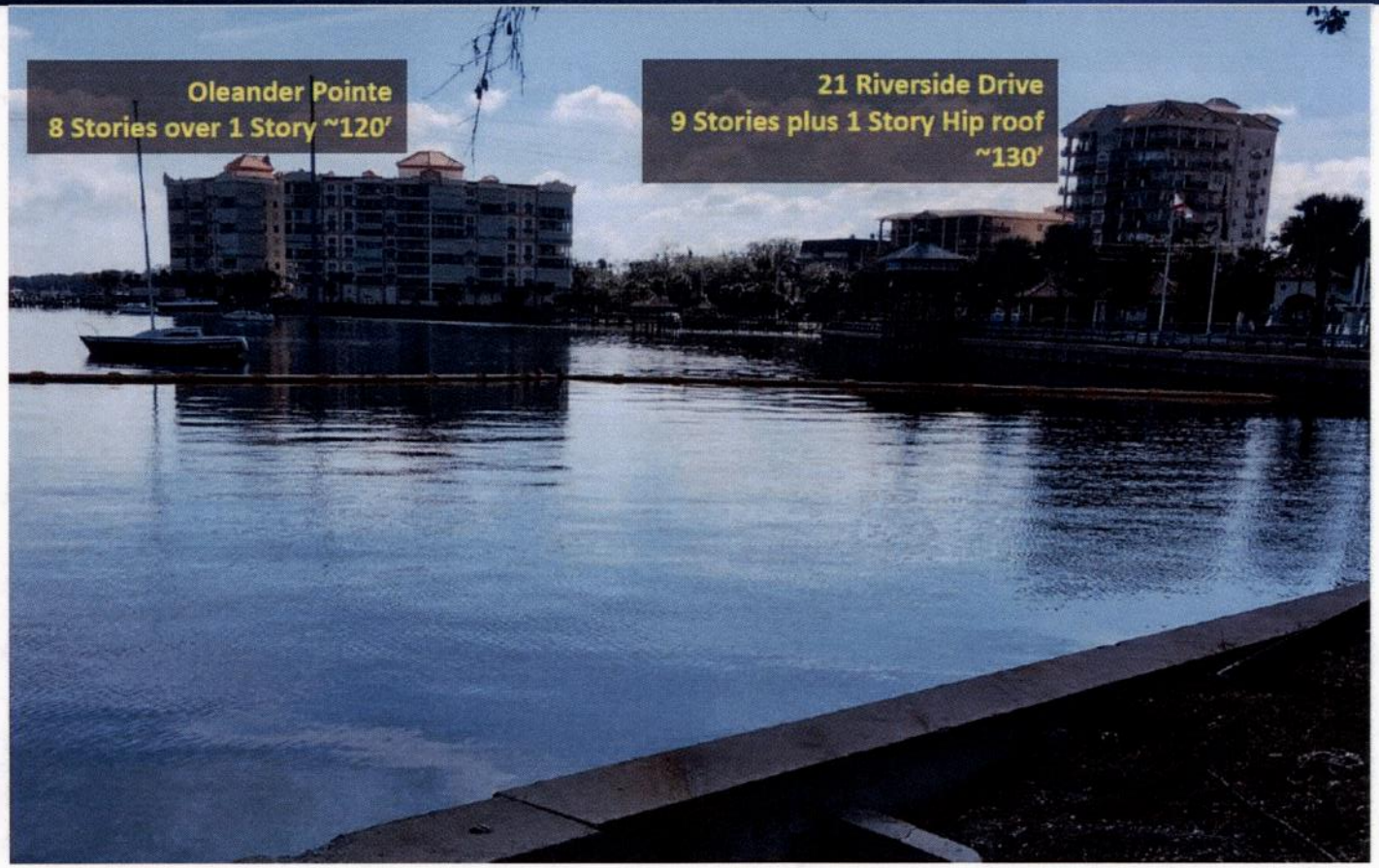
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Options: 5 Story Hotel vs 8 story Hotel (view from Factory looking south)

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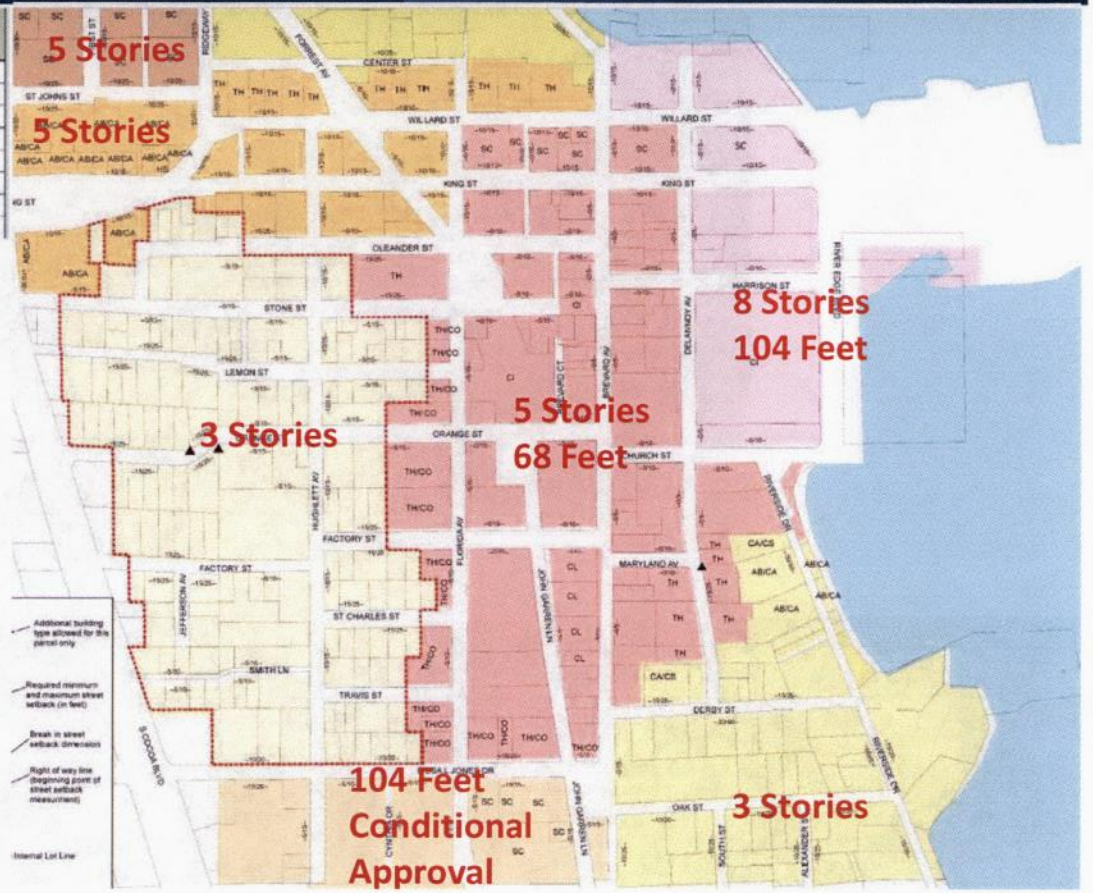
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ALLOWABLE BUILDING TYPE

SUB DISTRICT	Homestead HO	Estate ES	House HS	Cottage CO	Townhouse TH	Apartment Building AB	Courtyard Apartment CA	Comm/Mixed Use - Small* CS	Comm/Mixed Use - Med* CM	Comm/Mixed Use - Large* CL	Single-Story Commercial SC	Large Format Commercial LF	Institutional IT	Civic CI
Cocoa Village (CV)				□	□	■	■	■	■		□		■	□
Heart of Cocoa (HC)		■	■	■	■ (2)			■ (3)					■	
King/Willard Corridor (KW)					□	□	□	■	■		■		■	
Uptown Neighborhood (UN)		■	■	■	■								■	□
South of the Village (SV)	■	■	■	■	■	□	□	□					■	
South End (SE)				■	■	■	■	■	■		□		■	
Waterfront (WF)						■	■	■	■	■			■	□
North of Village (NV)					■	■	■	■	■		□	□	■	

Sub District

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



430 Brevard Ave. Land Development Code Amendment

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- Staff has determined that the request for the Land Development Code Amendment complies with all relevant sections of the City of Cocoa Code of Ordinances and Comprehensive Plan.
- Staff recommends APPROVAL of the requested Land Development Code Amendment to Appendix A, Article XI, Section 22 of the Zoning Ordinance of the City of Cocoa to allow Large Scale Commercial/Mixed-Use Buildings on certain properties within the Cocoa Waterfront Overlay District, as described in the staff report.