City of Cocoa

65 Stone Street
Cocoa, FL 32922

Meeting Agenda

Wednesday, April 5, 2023

6:00 PM

Cocoa City Council Chambers

Planning and Zoning / Local Planning Agency

I. CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA AND MINUTES:

AGENDA:

23-224 Approve the April 5, 2023 Regular Planning & Zoning Board Agenda as written or with amendments.

Attachments: PZ Short Agenda April 5, 2023.pdf

MINUTES:

23-169 Approval of the March 1, 2023 Regular Meeting Minutes as written or with amendments.

Attachments: 03-01-2023 DRAFT.pdf

Exhibit A - March 1 2023 PZ Presentation.pdf

III: OLD BUSINESS:

IV: NEW BUSINESS:

23-146 Staff is requesting the Planning and Zoning Board to affirm the determination of the Community Development Director to deny the Small-Scale Site Plan application for a self-service storage facility pursuant to Appendix A, Zoning Article XIII, Section 1 (H) in the Manufacturing and Industrial District (M-2)...End

Attachments:
Exhibit A - Location Map.pdf
Exhibit B - Zoning Map.pdf
Exhibit C - FLU Map.pdf
Community Development Director Determination.pdf
12_14_2022_Appeal Ltr received from K. Rezanka.pdf
Ord 06-2020 - (Signed) Self-Service Storage Facilities.pdf
2.) APP-SS-ADVANTAGE SELF STORAGE.pdf
City Council Agenda Item -Ord. 06-2020
June 16 2020 PZ Minutes.pdf
City Council June 24 2020 Meeting Minutes.pdf
PZ Presentation - Text Amend - Self Service Storage.pdf
Legal Ad.pdf

23-145 Consideration of a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXII, changing the Official Zoning Map designation of 77 parcels totaling ±11.59 acres from Commercial Neighborhood (C-N) to Multi-Family District (RU-2-15)...End

Attachments:
Attachment 1 Quail Ridge 77 Parcels.pdf
Attachment 2 Quail Ridge Zoning Map
Attachment 3 Quail Ridge Rezoning Area.pdf
Attachment 4 Quail Ridge Legal Ad Proof.pdf
Attachment 5 Ordinance 03-2023 Rezoning Quail Ridge from CN to RU-2-15.pd

23-210 Consideration of Ordinance 04-2023, a citizen-initiated Zoning Map amendment consistent with the requirements of Code of the City of Cocoa (Code) Article XXI, Section 1, to change the zoning designation of a parcel of real property totaling ±0.27 acres, identified as Brevard County Parcel ID No. 24-36-33-02-0000-0-0004.00, from City of Cocoa Core Commercial (C-C) to City of Cocoa "Multiple-Family Dwelling District" (RU-2-25)...End

Attachments:
1.Zoning Amend Application 63 Mulberry St.pdf
2.Deed 63 Mulberry.pdf
3.BCPA 63 Mulberry.pdf
4.DRH 63 Mulberry.pdf
5.Scketch 63 Mulberry.pdf
Attachment 1_Figure 1_63 Mulberry_Location Map .pdf
Attachment 2_Figure 2_63 Mulberry_Zoning Map .pdf
Attachment 3_Figure 3_63 Mulberry_FLU Map_.pdf
Attachment 4_Figure 4_63 Mulberry_Surroundig Area Map.pdf
Attachment 5_63 Mulberry_Legal Ad.pdf
Ordinance No. 04-2023 - 63 Mulberry Rezoning CC to RU-2-25

23-130 Consider a Zoning Text AMENDMENT CONSISTENT WITH APPENDIX A, ARTICLE XI, SECTIONS 10A THROUGH 17, AND SECTION 22 OF THE ZONING ORDINANCE OF THE CITY OF COCOA; CHANGING THE DISTRICT REGULATIONS REGARDING GYM AND FITNESS FACILITIES AS FOLLOWS: ALLOWING GYM AND FITNESS FACILITIES OF ANY SIZE AS A PERMITTED USE IN THE GENERAL COMMERCIAL, COMMERCIAL PARKWAY, WHOLESALE COMMERCIAL, AND PLANNED UNIT DEVELOPMENT DISTRICTS; ALLOWING GYM AND FITNESS FACILITIES OF LESS THAN 7,500 SQUARE FEET AS A PERMITTED USE IN THE RESTRICTED COMMERCIAL AND NEIGHBORHOOD COMMERCIAL DISTRICTS; ALLOWING GYM AND FITNESS FACILITIES OF 7,500 SQUARE FEET OR GREATER AS A SPECIAL EXCEPTION IN THE RESTRICTED COMMERCIAL AND NEIGHBORHOOD COMMERCIAL DISTRICTS; AND ALLOWING GYMS AND FITNESS FACILITIES OF LESS THAN 7,500 SQUARE FEET AS A PERMITTED USE IN THE CENTRAL BUSINESS DISTRICT AND CERTAIN SUBDISTRICTS OF THE COCOA WATERFRONT OVERLAY DISTRICT.

Attachments:
Attachment A Ordinance No. 02-2023 - Adding Gym and Fitness Facilities.pdf
Attachment B Gym and Fitness Location Map.pdf
Attachment C Legal Ad Proof - to be replace.pdf

V. OTHER BUSINESS:

Open Discussion by Board Members

VI. NEXT MEETING DATE:

The next regularly scheduled meeting of the Planning & Zoning Board will be on Wednesday, May 3, 2023 at 6:00 PM at Cocoa City Hall, 65 Stone Street, Cocoa, Florida.

VII. ADJOURNMENT

NOTICE TO THE PUBLIC:

This is a public meeting. All interested parties may attend in person. The facility wherein this public meeting will be held is accessible to the physically handicapped. In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Carie Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@cocoafl.gov.

Additionally, interested persons may view or listen to the meeting electronically at the following internet sites:
(1) https://tinyurl.com/s5e875r or
(2) https://cocoa.legistar.com/DepartmentDetail.aspx?ID=26365&GUID=FF9D3369-D354-4FAB-800A-57D0AEE30153&Mode=MainBody

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

Interested persons may submit their written comments or questions regarding the meeting prior to the meeting through Email at lribeiro@cocoafl.gov, or via E-comments through the online agenda. Any electronic comments submitted will be made part of the meeting record. Written comments or questions not relevant to the Board's meeting agenda will not be made part of the meeting record but will be maintained as public record.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that: if a person decides to appeal any decision made by the Board or City Council with respect to any matter considered at its meeting or hearing, that person will need a record of the proceedings and for such purpose, affected persons may need to assure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals otherwise not allowed by law.

Although members of the public are entitled to be heard by the Board on certain items on the meeting agenda pursuant to the City Council Rules of Procedure, members of the public are not entitled to an immediate response by either administrative staff members or the Board; however, the Board or administrative staff may provide a response at their discretion. When presenting before the Board, all comments or questions should be directed to the chair of the meeting. Comments or questions should not be made directly to administrative staff without permission from the chair.

Public debate by individual speakers from the audience on public hearing items shall be limited to three (3) minutes. Applicants or representatives of recognized groups with special interests in a matter shall be limited to ten (10) minutes; and total debate on a single issue shall be limited to thirty (30) minutes. Only one presentation per person per item shall be allowed.

A Board member may add an item to the agenda during the meeting only at the time the agenda is approved. If the item requires action by the Board, then it may be added to the agenda by an affirmative vote of the Board, and written documentation must be submitted at the time the item is added to the agenda. Matters may also be raised by the Board, City Manager or City Attorney under reports and acted upon by the Board.

This agenda is posted on the Municipal Bulletin Board for public review.

Legislation Details (With Text)

File #:	23-224	**Version:**	1	**Name:**	
Type:	Agenda			**Status:**	Agenda Ready
File created:	3/28/2023			**In control:**	Planning and Zoning / Local Planning Agency
On agenda:	4/5/2023			**Final action:**	
Title:	Approve the April 5, 2023 Regular Planning & Zoning Board Agenda as written or with amendments.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	PZ Short Agenda April 5, 2023.pdf				

Date	Ver.	Action By	Action	Result

PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: March 28, 2023
Agenda Date: April 5, 2023
Prepared By: Luci Ribeiro, Planner
Through:
Requested Action:
Approve the April 5, 2023 Regular Planning & Zoning Board Agenda as written or with amendments.

BACKGROUND:

N/A

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Approve the April 5, 2023 Regular Planning & Zoning Board Agenda as written or with amendments.

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

Cocoa City Hall
65 Stone Street
Cocoa, FL 32922

AGENDA
Regular Meeting
April 5, 2023
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 April 5, 2023
2. MINUTES: Meeting of March 1, 2023

III. OLD BUSINESS: None

IV. **NEW BUSINESS:**

A. PZ-23-00200002 – Small-Scale Site Plan Appeal (Advantage Self Storage)
An appeal relating to the denial of a Small-Scale Site Plan application for a self-service storage facility pursuant to Appendix A, Zoning, Article XIII, Section 1 (H) in the Manufacturing and Industrial District (M-2). The 2.99-acre site is identified as Parcel 24-35-12-00-759 through the Brevard County Property Appraiser.

B. PZ-23-02100002 – Quail Ridge | City of Cocoa
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; amending the Official Zoning Map designation of seventy-seven (77) parcels of real property, totaling 11.59 acres, more or less, and generally located on the southeast corner of Quail Ridge Court and Otterbein Avenue, in Cocoa, Florida, from C-N (Neighborhood Commercial District) to RU-2-15 (Multiple-Family Dwelling District); providing for the repeal of prior inconsistent ordinances and resolutions, severability, and an effective date.

C. PZ-23-02100001 - 63 Mulberry Street (DRH Designs, Inc.)
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; amending the official zoning map designation of one (1) parcel of real property totaling 0.27 acres, more or less, and generally located on the South side of Mulberry Street, approximately sixty feet east of the intersection with Forrest Avenue, in Cocoa, Florida, from Core Commercial District (C-C) to Multiple Family

Dwelling District (RU-2-25); providing for the repeal of prior inconsistent ordinances and resolutions, severability, and an effective date.

D. PZ-23-02000001 – Gym and Fitness – Zoning Text Amendment

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; changing the lists of permitted and Special Exception uses in Appendix A, Article XI of the Zoning Ordinance of the City of Cocoa related to gym and fitness facilities in the restricted Commercial, Neighborhood Commercial, General Commercial, Central Business District, Commercial Parkway, Wholesale Commercial, Planned Unit Development, and Cocoa Waterfront Overlay Districts; adopting a definition of "gym and fitness facilities"; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the code, severability, and an effective date.

V. OTHER BUSINESS: Planning and Zoning Board Open Discussion

VI. NEXT MEETING DATE:
Wednesday, May 3rd at 6:00 pm

VII. ADJOURNMENT

General Notice Information:

This is a public meeting. Interested parties are hereby advised that they may appear at said meeting and be heard. The facility wherein this public meeting will be held is accessible to the physically handicapped. In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Carie Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@cocoafl.org.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the BOA, P&Z Board/LPA or City Council with respect to any matter considered at its meeting or hearing, that person will need a record of the proceedings and for such purpose, affected persons may need to assure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals otherwise not allowed by law.

The BOA or PZ Board/LPA meeting may include the attendance of one (1) or more members of the Cocoa City Council who may or may not participate in the Board discussions held at this public hearing. The BOA, PZ Board/LPA and City Council reserve the right to continue or postpone hearings to a date certain without re-advertising.

Public Participation Information:

Members of the public may view the meeting agenda, ordinances, project applications, supporting documents, and staff reports on the City's website at the following link prior to attending or commenting:

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

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

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

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

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

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

Special Information for Quasi-Judicial Hearings:

Any person that (1) can demonstrate that they may suffer special damages different in kind and degree from that of the general public at large; and (2) wishes to present factual or expert witnesses and/or evidence at the quasi-judicial hearing is highly encouraged to immediately contact Dodie Selig, Planning and Zoning Manager, at (321) 433-8535 or lribeiro@cocoafl.org, to make proper arrangements for presentation of witnesses and/or evidence. All witnesses should be identified and all evidentiary documents and exhibits that are intended to be distributed to the BOA, P&Z/LPA and City Council should be submitted to Ms. Selig via email or mail at least three (3) days prior to the hearing.

Legislation Details (With Text)

File #:	23-169	**Version:**	1	**Name:**	
Type:	Minutes			**Status:**	Agenda Ready
File created:	3/2/2023			**In control:**	Planning and Zoning / Local Planning Agency
On agenda:	4/5/2023			**Final action:**	
Title:	Approval of the March 1, 2023 Regular Meeting Minutes as written or with amendments.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	03-01-2023 DRAFT.pdf Exhibit A - March 1 2023 PZ Presentation.pdf				

Date	Ver.	Action By	Action	Result

PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: March 2, 2023
Agenda Date: April 5, 2023
Prepared By: Monica Arsenault, Recording Secretary
Through:
Requested Action:
Approval of the March 1, 2023 Regular Meeting Minutes as written or with amendments.

BACKGROUND:

Approval of the March 1, 2023 Regular Meeting Minutes as written or with amendments.

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Approval of the March 1, 2023 Regular Meeting Minutes as written or with amendments.

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MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
March 1, 2023

A Regular meeting of the Planning & Zoning Board Local Planning Agency was held on March 1, 2023 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noted.

I. CALL TO ORDER:

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

ROLL CALL:

Justin Simpson	Chairperson
Michael Dobrin	Vice Chairperson
Todd Anderson	Board Member
Chris Bankhead	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
Chris Bankhead	Board Member
Ron Chabot	Board Member
Aleck Greenwood	Board Member
Wesley Park	Board Member
Marcus Wheeler	Board Member
Katherine Stewart	Alternate Member

ABSENT:

Veronica Lopez	Board Member
Merrybeth Burgess	Alternate Member

STAFF PRESENT:

Kristin Eick, Board Attorney; Luci Ribeiro, Planner; Alex Goins, Councilmember, and Monica Arsenault, Recording Secretary.

Chairperson Simpson led the assembly in the Pledge of Allegiance.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of March 1, 2023

* **MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY BOARD MEMBER ANDERSON TO AMEND THE AGENDA TO REMOVE ITEMS 1 AND 2 UNDER NEW BUSINESS.**

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

MOTION PASSED UNANIMOUSLY (9-0)

2. MINUTES: Meeting of November 2, 2022
Meeting of December 7, 2022
Meeting of February 1, 2023

* **MOTION BY BOARD MEMBER PARK; SECONDED BY BOARD MEMBER GREENWOOD TO APPROVE THE MINUTES OF NOVEMBER 2, 2022, DECEMBER 7, 2022 AND FEBRUARY 1, 2023 AS WRITTEN.**

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

MOTION PASSED UNANIMOUSLY (9-0)

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

1. **PZ-22-00200013 (Quail Ridge) – Staff is Requesting Removal of the Staff Initiated Rezoning Application**

2. **PZ-23-002000002 – Small-Scale Site Plan Appeal (Advantage Self Storage) TABLED**

3. **PZ-22-00200012 – Large-Scale Site Plan (Grissom Parkway Storage)**

Ms. Ribeiro provided a presentation[1] and explained that this is for a RV Storage Facility with a combination of fully enclosed, covered, open-air storage buildings with an office and associated parking. She shared a location, zoning and future land use map of the subject property as well as a site plan.

She noted that staff has determined this site plan to be consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives and recommends approval of the Large-Scale Site Plan.

Mr. Bryan Potts, 2494 Rose Spring Drive, Orlando, FL, the applicant, offered to answer any questions from the Board.

Chairperson Simpson asked the applicant about wetland impact to Plot 5. In response, Mr. Potts explained that since it is below half an acre no mitigation was required.

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 PARK; SECONDED BY VICE CHAIRPERSON DOBRIN TO APPROVE THE LARGE-SCALE SITE PLAN CONSISTENT WITH APPENDIX A, ZONING, ARTICLE XI, SECTION 19, MANUFACTURING AND INDUSTRIAL DISTRICT (M-2) TO ALLOW CONSTRUCTION OF A STORAGE FACILITY FOR RECREATIONAL VEHICLE PARKING WITH ASSOCIATED INFRASTRUCTURE.**

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

MOTION PASSED UNANIMOUSLY (9-0)

4. <u>Zoning Map Amendment – Ordinance No. 01-2023</u>

Ms. Ribeiro shared that this item is for consideration of a Zoning Map Amendment to change the zoning designation of two parcels from County Single-Family Residential (RU-1-9) to City single Family Residential (RU-1-7). These parcels were annexed from Brevard County on May 28, 2004 as part of Ordinance 11-2004. While a Future Land Use of Low Density Residential was applied, the zoning was never amended. She pointed out that the requested zoning is consistent with the surrounding uses and zoning districts.

She provided a location, zoning and future land use map of the subject property. Additionally, she explained that staff has determined this application to be consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives. Staff is recommending that the Planning & Zoning Board recommend approval to the City Council of Ordinance No. 01-2023.

[1] Exhibit A: 03/01/2023 PowerPoint Presentation

Board member Wheeler asked what the overall intention is for this parcel. In response, Ms. Ribeiro reiterated that these parcels were annexed from Brevard County as part of Ordinance 11-2004. While a Future Land Use of Low Density Residential was applied, the zoning was never amended. Additionally, there is an applicant who is seeking to build a church on the property and is seeking to rezone the property prior to building.

Board member Wheeler explained that he lives in this area and he is concerned about parking as it is already an issue and how they will accommodate the churchgoers.

Homer Brown, 992 Demaret Dr., Rockledge, the applicant and representative of Paradise Church, provided the history of the property and explained that previously it was a drug house that the City tore down. Since then, they have purchased and cleaned up the property. They are proposing to build a church that can accommodate around one hundred people which would require at least thirty-three parking spaces if this is even possible. They are trying to work with the City to achieve their goal.

Board member Wheeler noted that while he finds himself in a position to support a motion, he would like further clarification. He lives in the area and knows the property well. He questioned whether this property will accommodate thirty-three parking spaces. He believes that if there is a way to accommodate parking than this will be an asset to the community. In response, Mr. Brown agreed and noted that if the community does not support this project than he will not do it.

Mr. Brown shared that he has spoken with both the Mayor and the Police Chief to address some of the crime going on in the area. In response, Board member Greenwood suggested adding additional lighting and security cameras.

Chairperson Simpson opened the hearing to the public.

Bernice Cox, 701 Aurora St., Cocoa, stated that this property has been well kept since it was purchased, however parking is an issue there and it has not been enforced by the City. Additionally, there was a drug bust two days ago and she has heard gun shots in the area. She has lived there for over fifty years and there are several ongoing issues. She wished Mr. Brown the best and appreciates him keeping the property clean.

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

* **MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY BOARD MEMBER WHEELER TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF ORDINANCE NO. 01-2023, A ZONING MAP AMENDMENT CHANGING THE OFFICIAL ZONING MAP DESIGNATION OF TWO (2) PARCELS FROM COUNTY SINGLE-FAMILY RESIDENTIAL (RU-1-9) TO CITY SINGLE-FAMILY RESIDENTIAL (RU-1-7).**

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

MOTION PASSED UNANIMOUSLY (9-0)

5. Zoning Text Amendment – Ordinance No. 02-2023 TABLED

Ms. Ribeiro explained that this item is for Consideration of a Zoning Text Amendment to change district regulations regarding Gym and Fitness Facilities in various zoning districts. Currently, Gym and Fitness Facilities are only allowed within the Central Business District and Urban Mixed-Use District. There are currently several of these facilities in other zoning districts where they are not permitted and staff has received interest from other parties wishing to create new gym and facilities in the City. Staff reviewed the City's zoning districts to determine the which one may be appropriate for the gym and fitness use. Limitations on square footage were also included as necessary.

Ms. Ribeiro provided a summary chart of the proposed changes and stated that staff has determined this site plan to be consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives. Additionally, staff recommends that the Planning & Zoning Board recommend approval to the City Council of the requested zoning text amendment related to gym and fitness facilities as provided in the proposed Ordinance No. 02-2023.

Board member Anderson asked if the definition for gym and fitness facilities is included in the zoning. In response, Board Attorney Eick stated that she does not believe so.

Board member Anderson noted that prior to voting on this he would feel more comfortable if the definition was included in the zoning because this could be a very broad use.

Board Attorney Eick shared that if the Board feels more comfortable, this item can be continued at the April 5, 2023 meeting so that further research can be done to include a definition for gym and fitness facilities.

* **MOTION BY CHAIRPERSON SIMPSON; SECONDED BY BOARD MEMBER GREENWOOD TO BRING THIS ITEM BACK TO THE APRIL 5, 2023 MEETING.**

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

MOTION PASSED UNANIMOUSLY (9-0)

V. OTHER BUSINESS:

1. Tree Board Update: Request to Remove Two Oak Trees at 2514 Suwannee Dr. and 307 Blake Avenue

Ms. Ribeiro explained that the Public Works Department is requesting to remove two separate oak trees from two different locations. The first location is 2514 Suwannee Drive. An ISA Tree Risk Assessment was performed and determined a "High" risk rating

related to the adjacent house, roadway, and sidewalk. Large amounts of decay and pests were noted by the assessor and the recommendation is to remove this tree.

The second location is at 307 Blake Avenue at the Leon and Jewel Collins Museum of African American History and Culture at the Harry T. Moore Center. The tree is encroaching on the building causing damage to the building and utilities and it is completely surrounded by concrete to the trunk. The recommendation is to remove this tree.

Ms. Ribeiro shared that the replacement location for both trees is recommended at Bracco Pond.

Board member Wheeler asked if an oak tree is removed if it has to be replaced with the same type of tree. In response, Ms. Eick shared that it is the responsibility of the Board to determine what species of tree they would like to replace it with.

Board member Wheeler suggested replacing the tree with a magnolia tree as it may be a more sustainable option.

Board member Park added that there are already several oak trees at Bracco Pond and would like to see a large canopy tree such as a magnolia that can withstand high winds.

Board member Greenwood explained that the City of Cocoa is known for its oak trees and shared some background history on the Tree Board and the City's Tree City USA designation. He added that these trees do not look rotten to him but could use some much-needed pruning. He stated that he is more inclined to get further information before the Board makes a motion to remove them. If a licensed arborist does feel that they need to be removed than he would like to see them replaced with oak trees so as to keep the City's reputation for having oak trees.

Chairperson Simpson shared that he would feel comfortable holding off on the tree located at Suwannee Drive because the pictures do not depict any probable issues and further investigation could be done, however the tree at Blake Avenue is cracking the concrete and is very close to the building. He would feel comfortable voting to remove this particular tree and replacing it at Bracco Pond.

Board member Greenwood asked if the Board would consider allowing a licensed arborist to take a look at both trees before the Board votes to remove either one.

Board member Wheeler stated that he feels the tree at 307 Blake Avenue should be removed because the evidence can be seen in the photos and he knows that the roots of an oak tree can grow twice as big as the canopy. He added that he agrees that the Board should wait for further information on the tree located at 2514 Suwannee Drive.

* **MOTION BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER WHEELER TO RECOMMEND DENIAL TO THE CITY COUNCIL OF THE REMOVAL OF THE TREE LOCATED AT 2514 SUWANNEE DRIVE TO INCLUDE AN ANNUAL INSPECTION BY A LICENSED ARBORIST.**

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

MOTION PASSED UNANIMOUSLY (9-0)

* **MOTION BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER BANKHEAD TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE REMOVAL OF THE TREE LOCATED AT 307 BLAKE AVENUE TO PRESERVE HISTORIC PROPERTY AND TO INCLUDE A REPLACEMENT TREE OF A MAGNOLIA TREE AT BRACCO POND.**

AYES: SIMPSON, DOBRIN, ANDERSON, BANKHEAD, CHABOT, PARK, WHEELER, STEWART

NAYES: GREENWOOD

MOTION PASSED (8-1)

2. Recent Development

3. Open Discussion by Board Members

Board member Chabot asked if the Board would be willing to go around the room to introduce themselves to each other since there are several new board members.

VI. NEXT MEETING DATE:

The next scheduled meeting for the Planning and Zoning Board will be held on Wednesday, April 5, 2023 at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VII. ADJOURNMENT:

* **MOTION BY BOARD MEMBER ANDERSON; SECONDED BY VICE CHAIRPERSON DOBRIN TO ADJOURN THE REGULAR MEETING OF MARCH 1, 2023.**

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

MOTION PASSED UNANIMOUSLY (9-0)

MEETING WAS ADJOURNED AT 7:23 PM.

_____
Justin Simpson, Chairperson

Respectfully Submitted By:

_____
Monica Arsenault, Recording Secretary

Exhibit A – 03/01/2023 PowerPoint Presentation

Planning and Zoning Board Meeting

March 1, 2023

PZ-22-00200012 – Consideration of a Large-Scale Site Plan

- Consideration of a Large-Scale Site Plan consistent with Appendix A, Zoning, Article XI, Section 19, Manufacturing and Industrial District (M-2) to allow construction of a storage facility for recreational vehicle parking with associated infrastructure
- RV Storage Facility with a combination of fully enclosed, covered, open-air storage buildings with an office and associated parking.

PZ-22-00200012 – Consideration of a Large-Scale Site Plan

- Location Map:



PZ-22-00200012 – Consideration of a Large-Scale Site Plan

- Zoning Map:



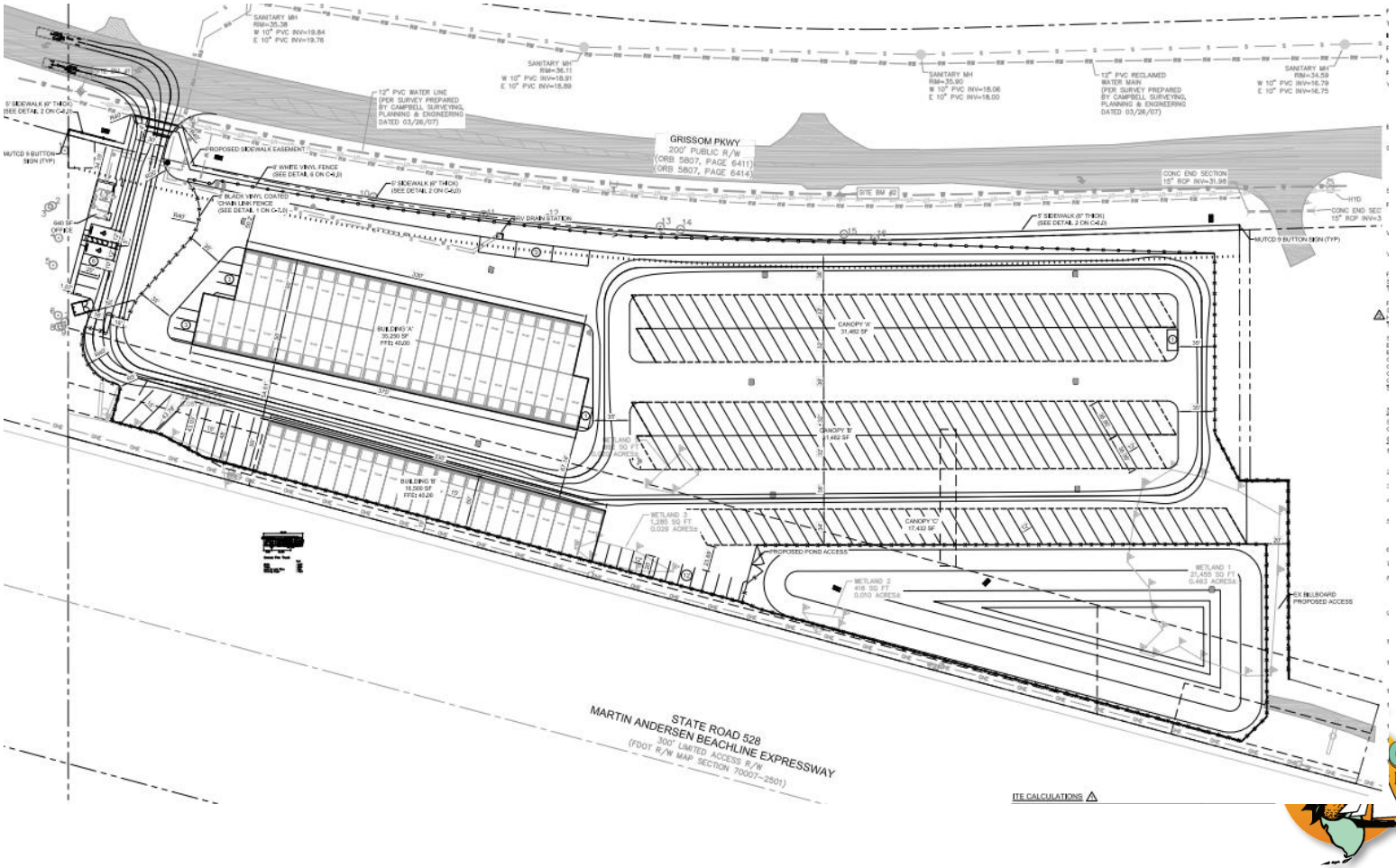
PZ-22-00200012 – Consideration of a Large-Scale Site Plan

- Future Land Use Map:



PZ-22-00200012 – Consideration of a Large-Scale Site Plan

- Site Plan:



PZ-22-00200012 – Consideration of a Large-Scale Site Plan

- Staff has determined this site plan to be consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives
- Staff recommends **APPROVAL** of a Large-Scale Site Plan consistent with Appendix A, Zoning, Article XI, Section 19, Manufacturing and Industrial District (M-2) to allow construction of a storage facility for recreational vehicle parking with associated infrastructure on a ±9.66-acre portion of a site identified as Parcels 24-35-12-00-760, 24-35-12-00-766, 24-35-12-00-778, 24-35-12-00-779, 24-35-12-00-780 through the Brevard County Property Appraiser

PZ-22-00000006 – Consideration of Applicant Requested Zoning Map Amendment (Ordinance 01-2023)

- Consideration of a Zoning Map Amendment to change the zoning designation of two parcels from County Single-Family Residential to City single Family Residential (RU-1-7)
- These parcels were annexed from Brevard County on May 28, 2004 ad part of Ordinance 11-2004. While a Future Land Use of Low Density Residential was applied, the zoning was never amended.
- The requested zoning is consistent with the surrounding uses and zoning districts

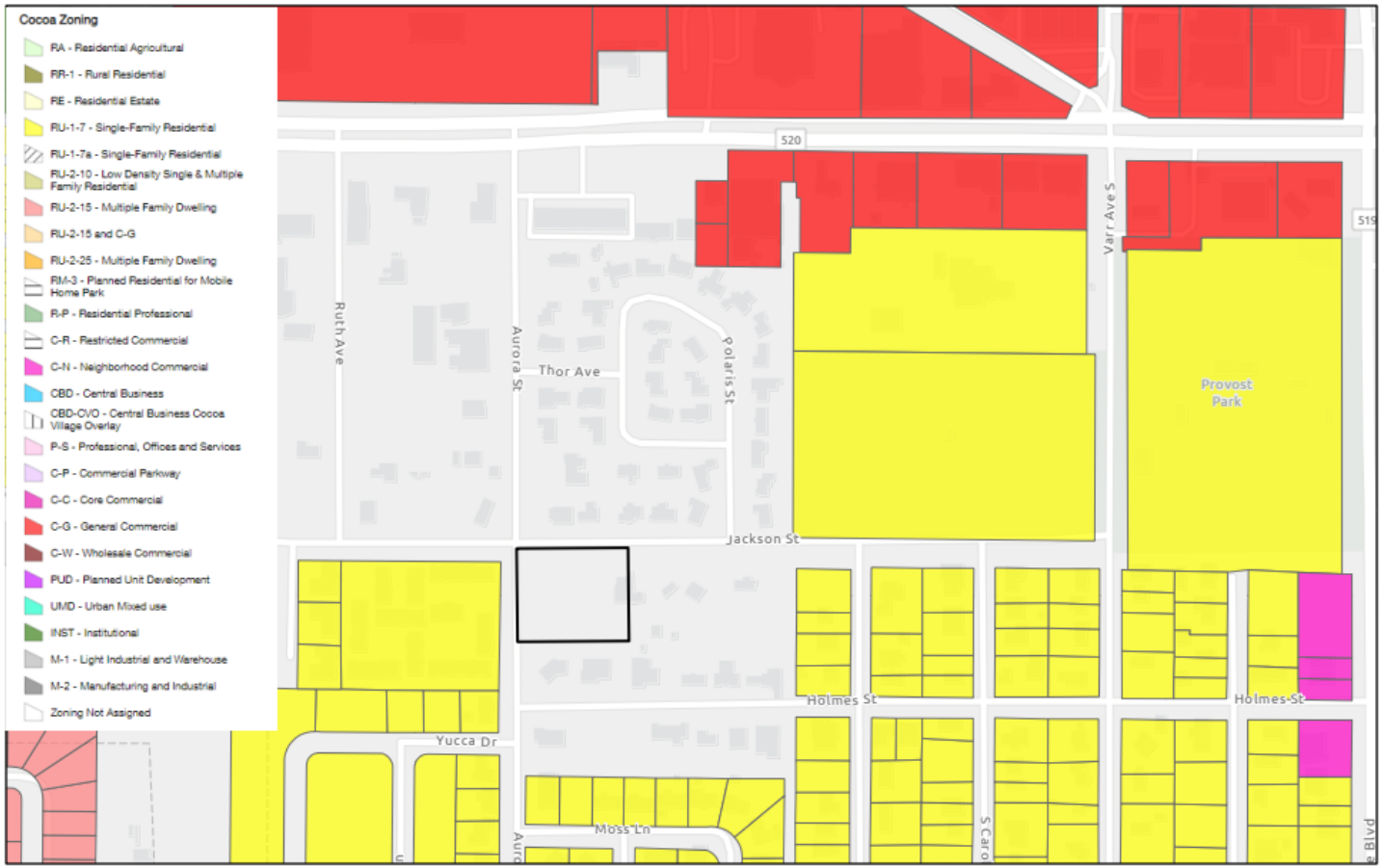
PZ-22-00000006 – Consideration of Applicant Requested Zoning Map Amendment (Ordinance 01-2023)

- Location Map:



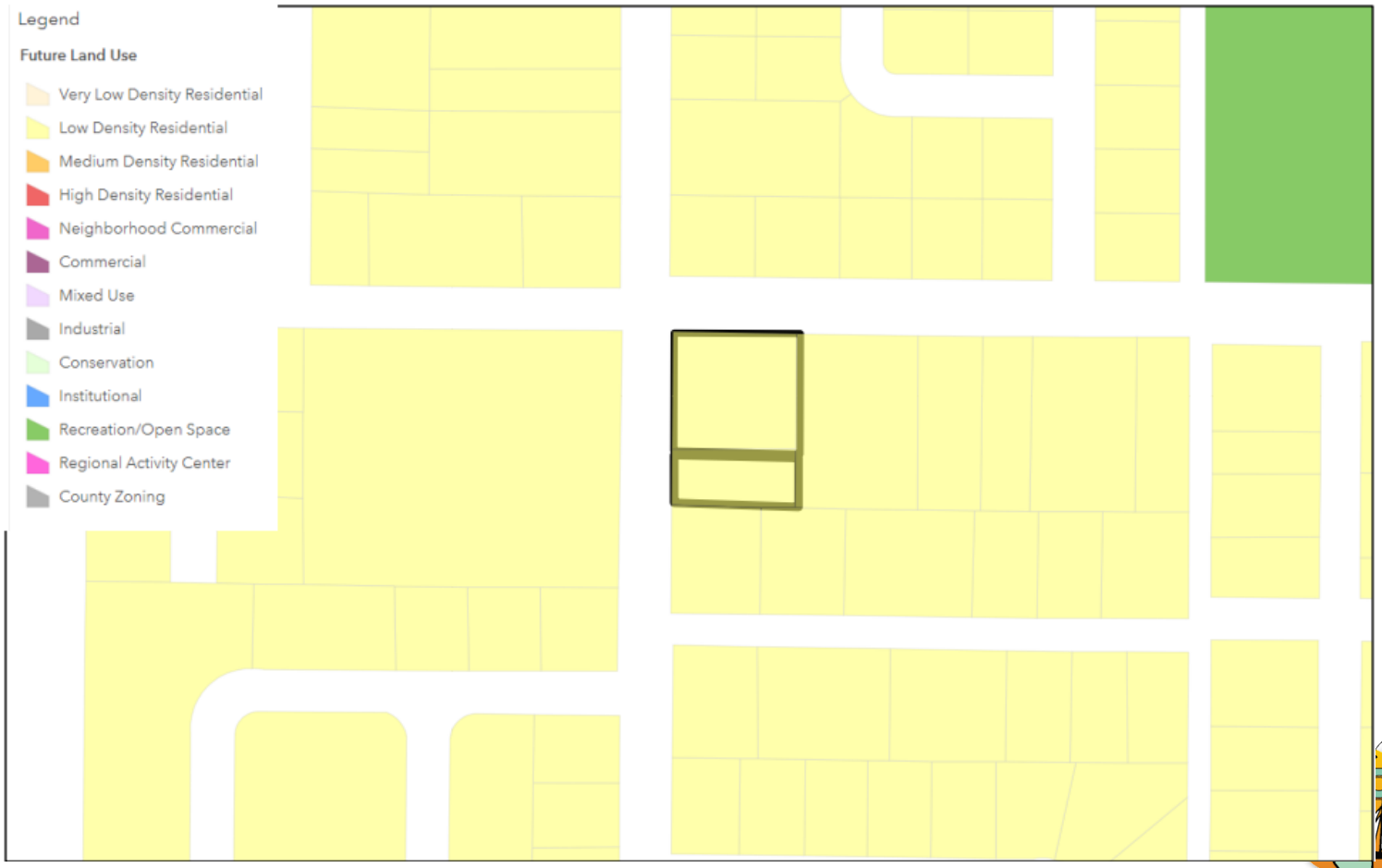
PZ-22-00000006 – Consideration of Applicant Requested Zoning Map Amendment (Ordinance 01-2023)

- Zoning Map:



PZ-22-00000006 – Consideration of Applicant Requested Zoning Map Amendment (Ordinance 01-2023)

- Future Land Use Map:



PZ-22-00000006 – Consideration of Applicant Requested Zoning Map Amendment (Ordinance 01-2023)

- Staff has determined this site plan to be consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives
- Staff recommends the Planning and Zoning Board recommend **approval** to the City Council of Ordinance 01-2023 a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXII, changing the Official Zoning Map designation of two (2) parcels totaling ±.64 acres from County Single-Family Residential (RU-1-9) to City Single-Family Residential (RU-1-7).

PZ-23-02000001 – Consideration of Staff Requested Zoning Text Amendment (Ordinance 02-2023)

- Consideration of a Zoning Text Amendment to change district regulations regarding Gym and Fitness Facilities in various zoning districts.
- Currently, Gym and Fitness Facilities are only allowed within the Central Business District and Urban Mixed Use District
- There are currently several of these facilities in other zoning districts where they are not permitted and staff has received interest from other parties wishing to create new gym and facilities in the City
- Staff reviewed the City's zoning districts to determine the which one may be appropriate for the gym and fitness use. Limitations on square footage were also included as necessary.

PZ-23-02000001 – Consideration of Staff Requested Zoning Text Amendment (Ordinance 02-2023)

- Summary of Proposed Changes:

District	Appendix A Article XI Section #	Current Status of Gym and Fitness Facilities	Proposed Change
CR	10A	Not allowed	Permitted < 7500sqft Special Exception > 7500sqft
CN	11	Not allowed	Permitted < 7500sqft Special Exception > 7500sqft
CG	12	Not allowed	Allowed as permitted use any size
CBD	13	Allowed as principal use; no size restriction	Allowed as principal use; must be < 7500sqft
CP	15	Not allowed	Allowed as permitted use any size
CW	15	Not allowed	Allowed as permitted use any size
M-1	16	Not allowed	*Will be allowed any size as a result of cumulative zoning with C-W*
PUD	17	Not allowed	Allowed as permitted use any size
CWOD	22	Permitted use in certain subdistricts; no size restriction	Permitted in certain subdistricts < 7500sqft; newly added to North of Village and additional areas of King Willard

PZ-23-02000001 – Consideration of Staff Requested Zoning Text Amendment (Ordinance 02-2023)

- Staff has determined this site plan to be consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives
- Staff recommends that the Planning and Zoning Board recommend approval to City Council of the requested zoning text amendment related to gym and fitness facilities as provided in the proposed Ordinance 02-2023.

Tree Board Consideration of Staff Requested Tree Removals

- The Public Works Department is requesting to remove two separate Oak Trees from two different locations:
- 2514 Suwannee Drive:
  - ISA Tree Risk Assessment was performed and determined a “High” risk rating related to the adjacent house, roadway, and sidewalk.
  - Large amounts of decay and pests were noted by the assessor.
  - Recommendation is to remove this tree
- 307 Blake Avenue – Leon and Jewel Collins Museum of African American History and Culture at the Harry T. Moore Center (National Register of Historical Places)
  - Tree is encroaching on the building causing damage to the building and utilities
  - Tree is completely surrounded by concrete to the trunk
  - Recommendation is to remove this tree
- Replacement Location for both trees is recommended at Bracco

Legislation Details (With Text)

File #:	23-146	**Version:**	1	**Name:**	
Type:	Agenda			**Status:**	Agenda Ready
File created:	2/22/2023			**In control:**	Planning and Zoning / Local Planning Agency
On agenda:	4/5/2023			**Final action:**	
Title:	Staff is requesting the Planning and Zoning Board to affirm the determination of the Community Development Director to deny the Small-Scale Site Plan application for a self-service storage facility pursuant to Appendix A, Zoning Article XIII, Section 1 (H) in the Manufacturing and Industrial District (M-2)...End				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Exhibit A - Location Map.pdf Exhibit B - Zoning Map.pdf Exhibit C - FLU Map.pdf Community Development Director Determination.pdf 12_14_2022_ Appeal Ltr received from K. Rezanka.pdf Ord 06-2020 - (Signed) Self-Service Storage Facilities.pdf 2.) APP-SS-ADVANTAGE SELF STORAGE.pdf City Council Agenda Item -Ord. 06-2020 June 16 2020 PZ Minutes.pdf City Council June 24 2020 Meeting Minutes.pdf PZ Presentation - Text Amend - Self Service Storage.pdf Legal Ad.pdf				

Date	Ver.	Action By	Action	Result

PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: February 22, 2023
Agenda Date: April 5, 2023
Prepared By: Bryant Smith III, P.E., CFM - Public Works Director / Interim Growth and Economic Development Director
Through: Bryant Smith III, P.E., CFM - Public Works Director / Interim Growth and Economic Development Director
Requested Action:
Staff is requesting the Planning and Zoning Board to affirm the determination of the Community Development Director to deny the Small-Scale Site Plan application for a self-service storage facility pursuant to Appendix A, Zoning Article XIII, Section 1 (H) in the Manufacturing and Industrial District (M-2).

BACKGROUND:

Project Name:	Advantage Self Storage
Project No:	PZ-23-00200002
Applicant:	ADG Cocoa Holding, LLC John King P.O. Box 271107 Louisville, CO 80027
Property Owner:	Same as Applicant
Project Location:	The subject property is comprised of one parcel located on the south side of Grissom Parkway. The property is identified by the Brevard County Property Appraiser as Parcel ID 24-35-12-00-759 and is depicted within Exhibit A - Location Map.
Public Notice	Advertised in the newspaper on March 19, 2023.

Project Information:

The applicant is proposing to construct a self-storage facility within the Manufacturing and Industrial District (M-2). Self-storage facilities are not permitted within the M-2 District. The City received an application in October 2022 for a small-scale site plan on the above-referenced 2.99-acre parcel. On November 1, 2022, the Interim Growth and Economic Development Director (this role serves as the Community Development Director) notified the Applicant that the application appears to be complete. Upon review of the site plan application and associated documents, staff determined that based on the permitted uses within the M-2 Zoning District, the proposed use was not allowed. Staff notified the applicant by email on November 14, 2022, of the denial. Since this project was denied due to the prohibited use of Self-Service Storage, which is explicitly defined within the City Code, the complete review process for compliance with the City Code did not begin. All site plans are required to meet all current applicable code requirements. Self-Storage cannot meet the applicable code requirements of the M-2 District since it is not a permitted use.

Furthermore, the City removed Self-Service Storage from the M-2 Zoning District through Ordinance 06-2020 on July 8, 2020. This was a large-scale text amendment to the code which amended locations for self-service storage facilities and applied specific regulations for these facilities related to parking, recreational equipment storage, and landscaping. The rationale specific to the removal of self-service storage facilities, which at the time was referred to as “personal storage”, in the M-2 Zoning District was that this use is incompatible with the district's intent. Staff proposed this amendment to remove M-2 in an effort to limit the proliferation of self-storage facilities within a zoning district that is intended for more intensive uses. This district intent, as stated in Appendix A, Article XI, Section 19 of the City Code is below.

The provisions of this district are intended to preserve the function of various industrial activities, warehousing and distribution without creating hazards or negatively influencing surrounding land uses. This district shall be located in areas accessible to collector or higher classification roadways and be served by public services and facilities. These districts shall be discouraged from locating next to areas designated for residential or low-intensity commercial uses.

The applicant has argued in their appeal letter that self-service storage facilities are encompassed within the definition of Warehousing/Distribution. These uses are defined as follows in Appendix A, Article V of the City Code:

> *SELF-SERVICE STORAGE FACILITIES. A fully enclosed building or buildings having individual compartmentalized units, stalls or lockers with privately controlled access points*

which are to be rented only as storage space for customer's goods, wares or personal property. The term is synonymous with mini-warehouses, mini-storage, self-storage facilities and self-storage warehouses.

WAREHOUSING/DISTRIBUTION. An activity involving the storage of goods or materials before or after manufacture and before final sales or use, and includes transshipment of such goods or materials (loading and unloading) but excludes manufacturing and processing.

The Self-Service Storage Facility use is intended for the personal storage of property, while Warehousing/Distribution is clearly defined as a transition point in the supply chain of goods or materials after they are manufactured and prior to them being transported to a final sales point or use.

Furthermore, while “general storage” is included as a principal use as part of Appendix A, Article XI, Section 19 (A) (4), Self-Service Storage is not within this list and is a specific use that is defined within Appendix A, Article V. As stated in Appendix A, Article XI, Section 19 (D)(1), which defines Prohibited Uses and Structures within the M-2 Zoning District, “All uses not specifically or provisionally permitted herein”. Since Self-Service Storage is not specifically or provisionally permitted within the Principal Uses or Special Exceptions of the M-2 Zoning District, it is prohibited.

Based on the definitions provided within Appendix A, Article V of the City Code, and personal storage being explicitly removed, staff does not feel that there is any ambiguity regarding this use.

Should the Planning and Zoning Board reverse the decision of the Community Development Director to deny to site plan application, the application will be further processed and reviewed for compliance with the City Code.

As a result of the decision of denial, the applicant has elected to appeal the decision of the Community Development Director as part of Appendix A, Article XIII, Section 1(H)(1) which allows any party to appeal a determination. It is the Planning and Zoning Board’s responsibility to hear and consider the evidence and testimony of the interested party and either affirm or reverse, wholly or in part, the determination of the Community Development Director.

Future Land Use Designation: Industrial (IND)

Zoning District: Manufacturing and Industrial (M-2)

Existing Land Use: Vacant Land

Council District: District 3 - Councilmember Rip Dyal

Please see the existing site and surrounding zoning and future land uses on the map included as Exhibits “B” and “C”

Overview of Surrounding Area:

	Future Land Use Des	Zoning Districts	Land Uses
North	Industrial	M-2	Vacant M-2

South	Unincorporated Count	Unincorporated County	Residential
East	Industrial	M-2	Vacant M-2
West	Industrial	M-2	Plant Nursery and Landscaping Services

I. Site Plan Analysis

"Consistent with Appendix A, Article XIII, Section 1(D), "All site plans shall be required to meet all current applicable code requirements."

Consistency with the Code of the City of Cocoa

The site plan does not meet the applicable code requirements related to M-2 since it is a prohibited use.

Consistency with Comprehensive Plan Policies and Objectives

Future Land Use Element, Comprehensive Plan, 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.

Staff Response: The proposed use of Self-Storage may not provide the higher industrial use as intended by the underlying zoning district.

BUDGETARY IMPACT:

None.

PREVIOUS ACTION:

The City Council approved the removal of Self-Service Storage (formally known as Personal Storage) from the M-2 Zoning District on the second and final reading at the July 8, 2020, City Council Meeting.

RECOMMENDED MOTION:

Staff is requesting the Planning and Zoning Board to affirm the determination of the Community Development Director to deny the Small-Scale Site Plan application for a self-service storage facility pursuant to Appendix A, Zoning Article XIII, Section 1 (H) in the Manufacturing and Industrial District (M-2).

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Exhibit A – Location Map



Exhibit B – Zoning Map

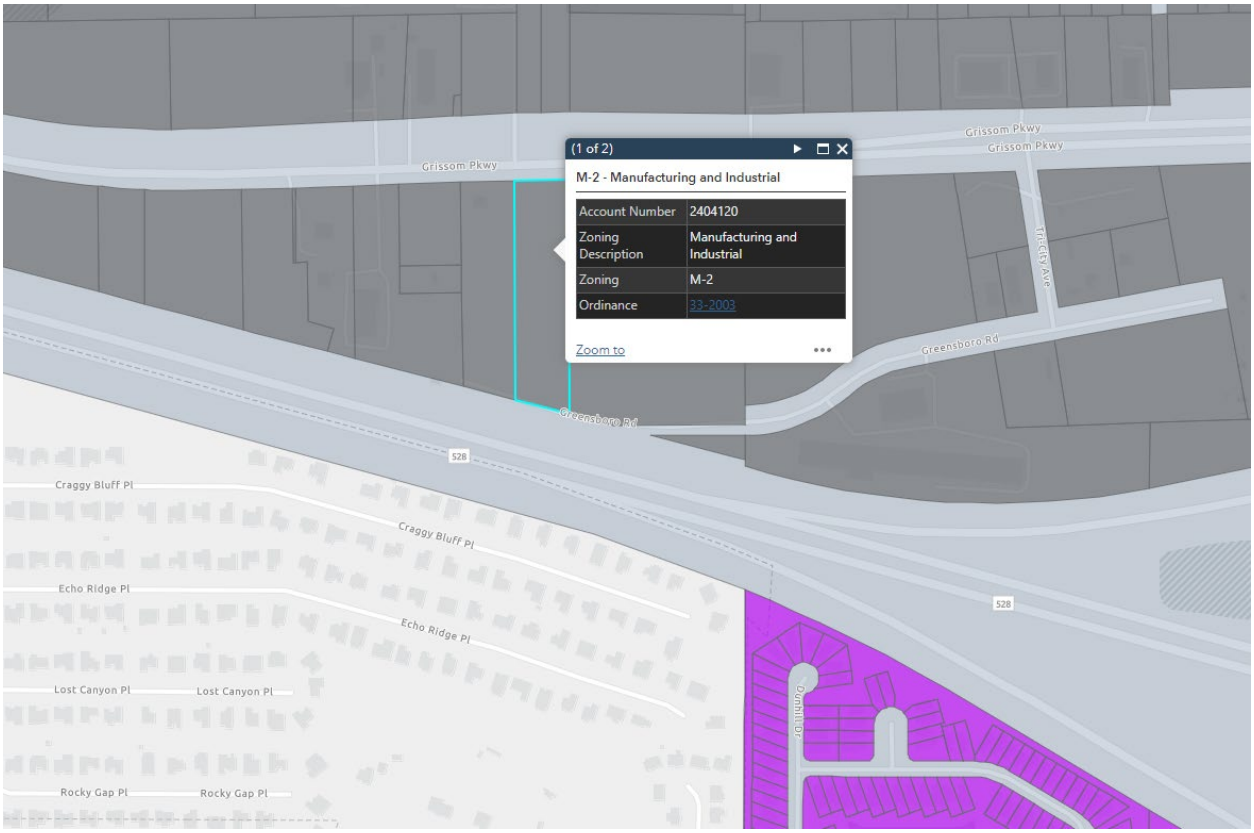
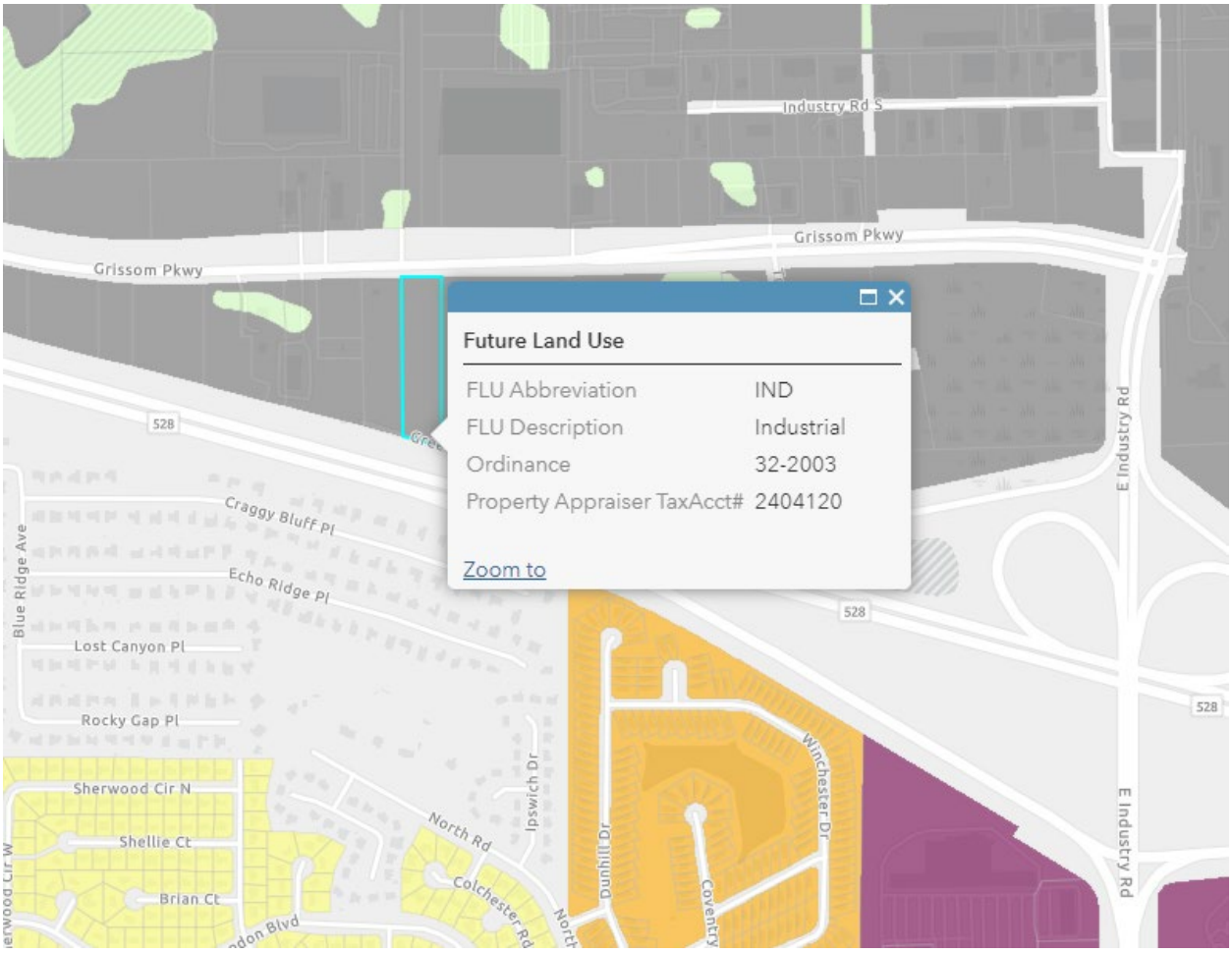


Exhibit C – FLU Map



From:	Bryant Smith
To:	johnking@storageanalysts.com; Z. Sid Chehayeb, PE (CCEI); CCEI Project Admin
Cc:	Kristin Eick (keick@Orlandolaw.net); Stockton Whitten; Beth Clendenin; Charlene Neuterman
Subject:	Advantage Self Storage - Application Rejection
Date:	Monday, November 14, 2022 9:38:00 AM
Attachments:	image002.png image004.png image006.png image008.png image018.png image022.png
Importance:	High

All,

I am not sure if a Pre-Application Meeting was held with the previous Planning Staff regarding this self-storage project. I do not believe a zoning confirmation letter was ever generated for this site as well. Unfortunately, based on the zoning category and proposed use, this project cannot proceed as Self Storage and this application is being rejected. If payment has been sent, we can either provide a refund or proof of a destroyed check.

The parcels associated with this project are located within the M-2 Zoning which does not allow for Self-Storage. The Code section below details the allowable uses within M-2. Note that the Storage Uses within (4) do not include Self Storage. Self Storage is a specific use only allowed in certain zoning categories.

https://library.municode.com/fl/cocoa/codes/code_of_ordinances?nodeId=PTIICO_APXAZO_ARTXISCDIRE_S19DIIN2MAINDI

Regards,
Bryant

Bryant Smith III, P.E., CFM
Public Works Director / City Engineer
Interim Growth & Economic Development Director
155 N. Wilson Ave • Cocoa, FL 32922
(321) 433-8770 bsmith@cocoafl.gov
www.CocoaFL.gov

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LACEY · LYONS
REZANKA
ATTORNEYS AT LAW

RECEIVED
Office of the City Clerk
DEC 14 2022
Time: 3:36 pm JK

Stephen J. Lacey
Attorney, Managing Member

Aaron D. Lyons
Attorney, Managing Member

Kimberly B. Rezanka
Partner

Robyn W. Hattaway
Partner

Ethan B. Babb
Associate Attorney

December 14, 2022

Via Email: cshealy@cocoafl.gov; cityclerk@cocoafl.org
And Via Hand Delivery

Ms. Carie Shealy
City Clerk, City of Cocoa
65 Stone Street
Cocoa, FL 32922

Re: Appeal of Denial of Site Plan, PZ-22-000022
Property: Parcel ID 24-35-12-00-759; Grissom Parkway Industrial Park

Dear Ms. Shealy:

This Firm represents ADG Cocoa Holdings, LLC ("ADG") regarding the denial of the above-referenced Small Scale Site Plan ("Site Plan") by Bryant Smith, the Interim Growth & Economic Development Director. The Site Plan for the referenced Parcel was deemed complete on November 1, 2022, after a Pre-Application meeting was held on July 28, 2022. The denial email is enclosed herein.

The basis of the denial was "the zoning category and proposed use". However, the storage use was discussed at the Pre-Application meeting, at which Sandra Leone was present, and at an informal meeting with Sandra Leone and Paul Body on May 23, 2022. At no time during those meetings was ADG ever advised that a storage facility was not permissible in M2 zoning district. In fact, ADG was specifically told by Sandra Leone, who held herself out as the City Planner, that the proposed storage facility is a permissible use in M2 zoning district.

ADG seeks a hearing before Planning & Zoning Board, pursuant to Appendix A – Zoning, Art. XIII, Sec. 1 (H)(1) of the City's Code, as it is an adversely affected party due to Mr. Smith's denial of the Site Plan. ADG is adversely affected as it relied upon City Planning Staff's determination that the use was allowed, and in reliance upon that determination, ADG purchased the Property and engaged experts to comply with the City requirements to achieve Site Plan Approval. To say that ADG was stunned by Mr. Bryant's denial is a gross understatement.

We have reviewed the City Code, Ordinance 06-2020, and the Agenda Item for File#20-356, and believe Mr. Smith has misinterpreted Art. XI, Sec. 19 District and Intent - M2. This current misinterpretation is obvious as no one at the Pre-Application meeting, or in the six (6) months this project was under discussion, ever indicated that the proposed storage facility was not appropriately located in M2. A review of the surrounding uses, as reflected in the enclosed map, shows existing uses are compatible to the proposed use: Cocoa Auto Salvage; a landscaping business; Brewer Paving; a proposed Grissom Parkway Storage; Autohaus Body Shop; and Outdoor Images Sign Shop. All of these businesses' buildings have metal façades with roll up doors. The proposed architecture for ADG's project, especially regarding the three-story building, will be far superior to that of the surrounding uses.

A review of the City Code definitions reveals the patent ambiguity in the City Code. The two definitions of importance are:

> SELF-SERVICE STORAGE FACILITIES. A fully enclosed building or buildings having individual compartmentalized units, stalls or lockers with privately controlled access points which are to be rented only as storage space for customer's goods, wares or personal property. The term is synonymous with mini-warehouses, mini-storage, self-storage facilities and self-storage warehouses.
>
> WAREHOUSING/DISTRIBUTION. An activity involving the storage of goods or materials before or after manufacture and before final sales or use, and includes transshipment of such goods or materials (loading and unloading) but excludes manufacturing and processing.

While the intent may have been to create two different and distinct uses, the City Code allows either definition to apply to ADG's proposed storage facility. Since the City Code restricts uses, in derogation of private property rights – now in the City Comprehensive Plan – the Applicant ADG has right to choose its definition for its use. Furthermore, any ambiguity must be resolved in the favor of ADG.

ADG is entitled to have its Site Plan Application reviewed for technical issues and for approval by the Community Development Director or its designee. ADG has been extensively involved with City Staff regarding this Project and vehemently disagrees with the City's denial of the Site Plan. ADG worked closely with the Planning

Department for months, purchased the almost three (3) acre parcel, engaged engineers and experts to create the Site Plan, including environmental consultant, soils engineer, surveyor, landscape architect, lighting consultant and civil engineer. Full and final construction drawings have prepared. ADG has responded to the Utilities Department comments and resubmitted the plans for final approval. Had ADG been told that the storage facility was not allowed, it would not have purchased the property, If the use is inappropriate, the City would not have allowed a Site Plan Pre-Application meeting.

Please schedule this for the next available regular Planning and Zoning Board meeting. We request thirty (30) minutes for our presentation as experts will be appearing to assist the Board with this de novo proceeding.

Thank you for your attention to this matter.

Sincerely,

Kimberly B. Rezanka

KBR/bms
enclosures

cc: Anthony Garganese, Esq. (agarganese@orlandolaw.net)
Stockton Whitten (Swhitten@cocoafl.gov)
Bryant Smith (Bsmith@cocoafl.gov)
Client

Kim Rezanka

From: johnking storageanalysts.com <johnking@storageanalysts.com>
Sent: Wednesday, November 23, 2022 12:28 PM
To: Kim Rezanka
Subject: Re: Advantage Self Storage - Application Rejection

John King
720-220-7799
www.linkedin.com/in/johnhkingiii

From: Bryant Smith <bsmith@cocoafl.gov>
Sent: Monday, November 14, 2022 7:38 AM
To: johnking storageanalysts.com <johnking@storageanalysts.com>; Z. Sid Chehayeb, PE (CCEI) <sid@cceifl.com>; CCEI Project Admin <admin@cceifl.com>
Cc: Kristin Eick (keick@Orlandolaw.net) <keick@Orlandolaw.net>; Stockton Whitten <swhitten@cocoafl.gov>; Beth Clendenin <bclendenin@cocoafl.gov>; Charlene Neuterman <cneuterman@cocoafl.gov>
Subject: Advantage Self Storage - Application Rejection

All,

I am not sure if a Pre-Application Meeting was held with the previous Planning Staff regarding this self-storage project. I do not believe a zoning confirmation letter was ever generated for this site as well. Unfortunately, based on the zoning category and proposed use, this project cannot proceed as Self Storage and this application is being rejected. If payment has been sent, we can either provide a refund or proof of a destroyed check.

The parcels associated with this project are located within the M-2 Zoning which does not allow for Self-Storage. The Code section below details the allowable uses within M-2. Note that the Storage Uses within (4) do not include Self Storage. Self Storage is a specific use only allowed in certain zoning categories.

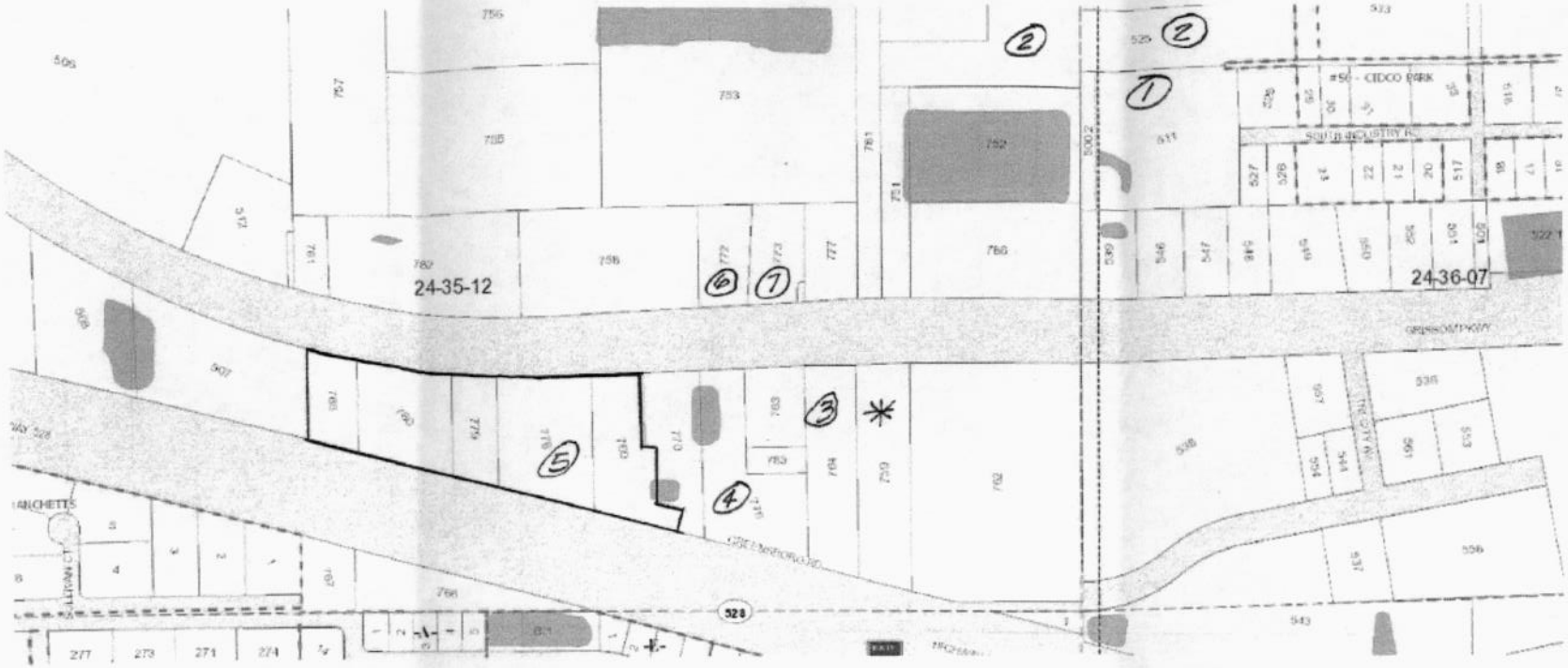
https://library.municode.com/fl/cocoa/codes/code_of_ordinances?nodeId=PTIICO_APXAZO_ARTXISCDIRE_S19DIIN2MAINDI

Regards,
Bryant

Bryant Smith III, P.E., CFM
Public Works Director / City Engineer
Interim Growth & Economic Development Director
155 N. Wilson Ave • Cocoa, FL 32922
(321) 433-8770 bsmith@cocoafl.gov www.CocoaFL.gov

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Advantage Storage Surrounding land Uses



1 Cocoa Auto Salvage Property Use: 4900
2 Use Code 4900
3 Landscaping Business w/ Inventory
4 Brewer Paving & Development
5 Proposed Grissom Parkway Storage
6 Autohaus Body Shop
7 Outdoor Images Sign Shop

* Subject Property

See Detailed List and Info Below

ORDINANCE NO. 06-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ZONING, OF THE CITY CODE TO AMEND PERMITTED LOCATIONS FOR SELF-SERVICE STORAGE FACILITIES AND FURTHER AMENDING REGULATIONS RELATED TO THIS USE; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

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

WHEREAS, the City's Zoning Code provides for the location of self-service storage facilities, using various terms such as "personal storage," "personal storage warehouses," or "mini-warehouses"; and

WHEREAS, the City Council desires to amend the Zoning Code to alter the permitted locations for self-service storage facilities and to provide additional regulations relating parking, outdoor storage of major recreational equipment, and landscaping as provided further herein; 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, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The foregoing recitals are hereby fully incorporated herein by this reference as legislative findings and the intent and purpose of the City Council of the City of Cocoa.

Section 2. **Code Amendment.** Appendix A, Zoning, Articles V, XI, and XII of the Code of Ordinances, City of Cocoa, Florida, are hereby amended as follows (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (* * *) indicate a deletion from the Ordinance of text existing in these Articles. It is intended that the text in these Articles denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.):

APPENDIX A - ZONING

* * *

ARTICLE V. – DEFINITIONS

* * *

SELF-SERVICE STORAGE FACILITIES ~~PERSONAL STORAGE WAREHOUSE~~. A fully enclosed building or buildings having individual compartmentalized units, stalls or lockers with privately controlled access points which are to be rented only as storage space for customer's goods, wares or personal property. The term is synonymous with mini-warehouses, mini-storage, self-storage facilities and self-storage warehouses.

* * *

ARTICLE XI. – SCHEDULE OF DISTRICT REGULATIONS

* * *

Sec. 10A. - District and intent—C-R, Restricted Commercial District.

The provisions of this district are intended to apply to an area adjacent to major arterial streets and convenient to residential neighborhoods. The types of uses permitted are intended to serve the commercial needs of the surrounding residential neighborhoods. Lot sizes, design control, and other restrictions are intended to integrate quality commercial development with the existing natural environment.

* * *

(C) SPECIAL EXCEPTIONS.

(1) Any other use in keeping with the neighborhood commercial intent of the district.

(2) Commercial recreation structures such as theaters, driving ranges, and bowling alleys, except drive-in theaters (enclosed structures [shall be air conditioned]).

(3) Sewer lift stations.

(4) Public parks and playgrounds.

(5) Churches, rectories, parish houses, temples, synagogues and associated buildings, including educational and recreational facilities.

(6) Security mobile home or facility located on public or private property.

(7) Television dish receivers and antennae as regulated by article XIII, section 21, Television dish receivers and antennae.

(8) Electronic communication/transmission facilities and exchanges.

(9) Retail automotive gasoline/fuel sales as an accessory use to convenience stores, subject to the following provisions:

a. Access: Convenience stores selling gasoline/fuel shall be located on arterial roadways or on corner lots at intersections of collector roads or roads of higher functional classification (as identified in the City of Cocoa Comprehensive Plan). No driveway or point of access shall be permitted within one hundred (100) feet of an intersection of collector roads or roads of higher functional classification.

b. Minimum street frontage: One hundred fifty (150) feet on each abutting street.

c. Location of facilities: Gasoline/fuel pumps and other service island equipment shall be set back at least twenty (20) feet from all property lines, fifteen (15) feet from any building, and one hundred (100) feet from the nearest residentially zoned land. In addition, pumps and other service island equipment shall not interfere with the safe and orderly movement of traffic in parking and other vehicular use areas.

d. Tank storage: Underground storage is required for all receptacles for combustible materials in excess of two hundred (200) gallons.

e. Number of pumps: The maximum number of gasoline/fuel pumps allowed in this district is four (4).

(10) Adult congregate living facility (ACLF).

(11) Self-Service Storage Facilities~~Mini-warehouses (storage only)~~, subject to the following provisions:

a. Minimum lot area: An area not less than twenty thousand (20,000) square feet having a minimum width of one hundred (100) feet and a minimum depth of two hundred (200) feet.

b. There shall be a minimum of ~~five (5) parking spaces and a maximum of ten (10) parking spaces per site.~~ one (1) parking space for the office manager, one (1) parking space for each 600 square feet of office space, one (1) parking space for each 50 storage units, and one (1) parking space for each 5,000 square feet of major recreational equipment storage area.

c. Where a self-service storage facility abuts residentially-zoned property, an opaque fence or wall, at least six (6) feet in height, shall be provided. ~~Setbacks:~~

~~1. Front: Forty (40) feet (includes corner lot side setback).~~

~~2. Side: Thirty (30) feet when contiguous to a residential land use classification; fifteen (15) feet when contiguous to any other land use classification.~~

~~3. Rear: Thirty (30) feet when contiguous to a residential land use classification; twenty (20) feet when contiguous to any other land use classification.~~

d. All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property or street/roads. The lighting may be of sufficient intensity to discourage vandalism and/or theft. ~~Reference article XIV, Performance Standards, section (f) glare and lighting standards.~~

e. The structure shall not be utilized as a place of business by renters or lessors of space and no local business tax receipt shall be approved where the business operation takes place on the property other than that of the ~~mini-warehouse~~ self-service storage facility owner/operator.

f. ~~There shall be no outside storage.~~ Outdoor storage of major recreational equipment shall be permitted with the following conditions:

1. Outdoor storage areas shall be screened from view on all sides visible from rights-of-way and adjoining property by either a solid wall or opaque fence at least 10 feet in height or an on-site building. Where such outdoor storage area abuts a right-of-way, the required wall or fence shall be set back a minimum of five (5) feet from the property line and a landscape buffer installed between the property line and the fence. See subsection (g) below on landscaping.

2. Gates in fencing shall be of the same opaque material as the fence. Gates in a wall shall be of an opaque material.

3. Gate width for vehicle entry/exit and interior drive access aisles shall be sized to accommodate the turning radius needed for large vehicles.

4. Outdoor storage of vehicles such as cars or trucks shall not be permitted.

5. Outdoor storage of major recreational equipment exceeding thirteen and one-half (13½) feet in height shall not be permitted.

6. On-site light, minor maintenance and cleaning of any major recreational equipment permitted by this section is allowed. However, the following shall be strictly prohibited: refueling, oil and engine fluid changes, major restoration, part salvage, major part replacement, engine repair, transmission repair, body repair, and other heavy and major repairs.

7. No major recreational equipment may be stored which is wrecked, being stripped for parts, awaiting salvage or recycling, or inoperable.

8. Major recreational equipment permitted under this section shall not be used as living quarters.

g. Landscaping: A five (5) foot landscape buffer shall be provided along all road right-of-ways and shall consist of trees and high profile shrubs together with suitable ground cover to include native grasses and mulching, where appropriate. Landscaping shall be designed, placed and maintained in such a manner as not to impair vehicle visibility at corner intersections. The landscaping requirements shall conform to article XIV, Landscaping Requirements of the Zoning Code, of the City of Cocoa.

~~Landscaping: Where property abuts residentially zoned property a ten (10) foot landscape buffer/screening strip shall be provided. A five (5) foot landscape/screening strip shall be provided along all side and rear lot lines, regardless of zoning on the abutting property. Said buffer and screening strip shall consist of trees and high profile shrubs together with suitable ground cover to include native grasses and mulching, where appropriate. Frontage shall be appropriately landscaped, but shall not be required to perform a buffer or screening function. Landscaping shall be designed, placed and maintained in such a manner as not to impair vehicle visibility at corner intersections. The landscaping requirements shall conform to article XIII, Landscaping Requirements of the zoning code of the City of Cocoa.~~

h. When the application for special exception is submitted, it shall be accompanied by a site plan addressing specific provisions identified herein, and shall be considered binding upon use as a ~~mini-warehouse~~ self-service storage facility.

(12) Automobile laundry or quick wash.

* * *

Sec. 12. - District and intent—C-G, General Commercial District.

The provisions of this district are intended to apply to an area intended to be developed and preserved as a major commercial center serving the commercial needs of the community and region. The type of uses and other restrictions are intended to promote adequate protection from conflicts with adjacent residential and other noncommercial uses, and to minimize the interruption of traffic along adjacent thoroughfares.

* * *

(C) SPECIAL EXCEPTIONS.

(1) Automotive repair establishments when conducted entirely within an enclosed structure.

(2) Service stations and car wash establishments, subject to the following provisions:

a. Minimum lot size: Ten thousand (10,000) square feet.

b. Minimum floor area: Three hundred (300) square feet exclusive of interior servicing area.

c. Height: Twenty-five (25) feet.

d. Setbacks other than required elsewhere in this district: 1) Gasoline pumps and other service island equipment: Twenty (20) feet from property line; 2) Building or other structure: Fifteen (15) feet each side.

e. Tank storage: Underground storage required for all receptacles for combustible materials in excess of two hundred (200) gallons.

f. A visual screen meeting the specifications of article XIII, section 5, Visual screens, Supplementary District Regulations, shall be provided along the rear and the length of the sides of the site.

(3) Commercial recreation structures such as theaters, driving ranges, and bowling alleys, except drive-in theaters.

(4) Telecommunications towers and antennas pursuant to article XIII, section 26.

(5) Passenger transportation terminals with subordinate freight facilities.

(6) Sewer lift stations.

(7) Any other use in keeping with the intent of the district.

(8) Churches, rectories, parish houses, temples, synagogues, and associated buildings, including educational and recreational facilities.

(9) Mortuaries and funeral homes.

(10) Security mobile home or facility located upon public or private property.

(11) Child care centers, day nurseries or kindergartens.

(12) Half-way houses.

(13) A bar or lounge, with or without a package store, or a package store.

(14) Self-Service Storage Facilities ~~Mini-warehouses (storage only)~~, subject to the following provisions:

a. Minimum lot area: An area not less than twenty thousand (20,000) square feet having a minimum width of one hundred (100) feet and a minimum depth of two hundred (200) feet.

b. There shall be a minimum of ~~five (5) parking spaces and a maximum of ten (10) parking spaces per site.~~ one (1) parking space for the office manager, one (1) parking space for each 600 square feet of office space, one (1) parking space for each 50 storage units, and one (1) parking space for each 5,000 square feet of major recreational equipment storage area.

c. Where a self-service storage facility abuts residentially-zoned property, an opaque fence or wall, at least six (6) feet in height, shall be provided. ~~Setbacks:~~

~~1. Front: Forty (40) feet (includes corner lot side setback).~~

~~2. Side: Thirty (30) feet when contiguous to a residential land use classification; fifteen (15) feet when contiguous to any other land use classification.~~

~~3. Rear: Thirty (30) feet when contiguous to a residential land use classification; twenty (20) feet when contiguous to any other land use classification.~~

d. All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property or street/roads. The lighting may be of sufficient intensity to discourage vandalism and/or theft. ~~Reference article XIV, Performance Standards, section (f) glare and lighting standards.~~

e. The structure shall not be utilized as a place of business by renters or lessors of space and no local business tax receipt shall be approved where the business operation takes place on the property other than that of the ~~mini-warehouse~~ self-service storage facility owner/operator.

f. ~~There shall be no outside storage.~~ Outdoor storage of major recreational equipment shall be permitted with the following conditions:

1. Outdoor storage areas shall be screened from view on all sides visible from rights-of-way and adjoining property by either a solid wall or opaque fence at least 10 feet in height or an on-site building. Where such outdoor storage area abuts a right-of-way, the required wall or fence shall be set back a minimum of five (5) feet from the property line and a landscape buffer installed between the property line and the fence. See subsection (g) below on landscaping.

2. Gates in fencing shall be of the same opaque material as the fence. Gates in a wall shall be of an opaque material.

3. Gate width for vehicle entry/exit and interior drive access aisles shall be sized to accommodate the turning radius needed for large vehicles.

4. Outdoor storage of vehicles such as cars or trucks shall not be permitted.

5. Outdoor storage of major recreational equipment exceeding thirteen and one-half (13½) feet in height shall not be permitted.

6. On-site light, minor maintenance and cleaning of any major recreational equipment permitted by this section is allowed. However, the following shall be strictly prohibited: refueling, oil and engine fluid changes, major restoration, part salvage, major part replacement, engine repair, transmission repair, body repair, and other heavy and major repairs.

7. No major recreational equipment may be stored which is wrecked, being stripped for parts, awaiting salvage or recycling, or inoperable.

8. Major recreational equipment permitted under this section shall not be used as living quarters.

g. Landscaping: A five (5) foot landscape buffer shall be provided along all road right-of-ways and shall consist of trees and high profile shrubs together with suitable ground cover to include native grasses and mulching, where appropriate. Landscaping shall be designed, placed and maintained in such a manner as not to impair vehicle visibility at corner intersections. The landscaping requirements shall conform to article XIV, Landscaping Requirements of the Zoning Code, of the City of Cocoa.

~~Landscaping: Where property abuts residentially zoned property a ten (10) foot landscape buffer/screening strip shall be provided. A five (5) foot landscape/screening strip shall be provided along all side and rear lot lines, regardless of zoning on the abutting property. Said buffer and screening strip shall consist of trees and high profile shrubs together with suitable ground cover to include native grasses and mulching, where appropriate. Frontage shall be appropriately landscaped, but shall not be required to perform a buffer or screening function. Landscaping shall be designed, placed and maintained in such a manner as not to impair vehicle visibility at corner intersections. The landscaping requirements shall conform to article XIII, Landscaping Requirements of the zoning code of the City of Cocoa.~~

h. When the application for special exception is submitted, it shall be accompanied by a site plan addressing specific provisions identified herein, and shall be considered binding upon use as a ~~mini-warehouse~~ self-service storage facility.

(15) Television dish receivers and antennae as regulated by article XIII, section 21, Television dish receivers and antennae.

(16) Electronic communication/transmission facilities and exchanges.

* * *

Sec. 13. – District and intent – CBD, Central Business District.

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

It is intended that high density multiple-family residential development in this area is to be promoted and encouraged, either in separate buildings or in combination with office and supporting, retail and service areas, and that such supporting, uses shall be scaled and designed to serve the needs of the district. All uses and design should recognize the proximity to the areas of great natural beauty which are historically significant to the city. High density, so long as it provides public and scenic access to these natural and historic areas, is permitted. Water views, easy access to contiguous waterwalks, and several key water vistas should be made available to the public. The purpose of this district is to allow for the development of fully integrated, mixed-use pedestrian oriented neighborhoods. Streets, pedestrian paths and bike paths should contribute to a system of fully-connected and interesting routes to all destinations.

Within the Central Business District is a subarea known as "Cocoa Village" for which additional and supplemental use, intensity, design and development standards are necessary in order to maintain the special and distinctive character of the area, which is an important objective of the comprehensive plan and redevelopment plan. The supplemental regulations applicable to the Cocoa Village subdistrict shall be applied through imposition and mapping of a "Cocoa

Village Overlay" zoning district. The regulations are in addition to and not in substitution of the underlying Central Business District zoning regulations which shall also remain applicable to the Cocoa Village Overlay subdistrict. The Cocoa Village Overlay subdistrict is designed to preserve and extend the "Cocoa Village" uses, scale and theme within the Central Business District. Where the regulations of the Cocoa Village Overlay subdistrict are more restrictive than those of the Central Business District, the former shall be controlling. The Cocoa Village Overlay subdistrict (identified by the suffix CVO following the designation CBD) shall be mapped on the official "Zoning Map" of the City of Cocoa.

* * *

(C) SPECIAL EXCEPTIONS.

(1) Schools, including public, private, business, technical, vocational and trade but not involving operations of an industrial nature.

(2) Other commercial uses in keeping with the Central Business District character of the district.

(3) Churches, rectories, parish houses, temples, synagogues, and associated buildings, including educational and recreational facilities.

(4) Security building.

(5) Child- and day-care facilities, preschools.

(6) A bar or lounge, with or without a package store.

(7) Commercial recreation facilities, such as theatres, driving ranges, and bowling alleys, except drive-in theaters.

(8) Repair service establishments, such as household appliances, radio and television and similar uses.

(9) Parking lots and garages, public or private.

(10) Dry cleaning establishments using non-inflammable solvent and cleaning fluids as determined by the fire chief.

(11) Sewer lift stations.

(12) Adult living facilities.

(13) Animal clinics with or without kennels.

(14) Commercial radio and television broadcasting transmitters, towers, and antennae.

(15) Drive-through facilities.

(16) Electronic communication/transmission facilities and exchanges.

(17) General contractors without open storage or display.

(18) Nursing and convalescent homes.

(19) Outdoor arenas, facilities, flea markets, or similar outdoor or indoor/outdoor sales complexes, temporary or permanent race tracks (auto, dog, go-kart, horse, motorcycle).

(20) Package store.

(21) Parks—Public and private,

~~(22) Personal storage.~~

(22~~23~~) Public facilities/uses.

(23~~24~~) Sales office—Temporary.

(24~~25~~) Shopping center.

(25~~26~~) Craft breweries, with or without a bar and/or lounge area as an accessory use, subject to the following:

a. Onsite production shall be limited to beer, only; and

b. No alcohol consumption, other than that associated with a bar and lounge area, shall be permitted on-site; and

c. All materials and supplies related to the brewery operation shall be stored in an enclosed structure.

* * *

Sec. 15. - District and intent—C-W, Wholesale Commercial District.

The provisions of this district are intended to apply to an area in close proximity to transportation facilities and which can serve warehousing, distribution, wholesaling and other related functions of the city and region.

(A) PRINCIPAL USES AND STRUCTURES.

(1) All uses allowed in section 12, general commercial district except uses specifically prohibited.

(2) Warehousing and wholesaling in enclosed structures, enclosed refrigerated storage.

(3) Service and repair establishments, dry cleaning; and laundry plants, business services, printing plants, welding shops, taxidermists and similar uses.

(4) Building materials supply and storage, contractor's storage yard, except scrap materials. Outside storage areas shall be effectively walled on all sides to avoid any deleterious effect on adjacent properties.

(5) Automotive, major recreational equipment, mobile home and marine, storage and repair establishments such as body shops, tire recapping, paint shops and the like.

(6) Freight-handling facilities, transportation terminals.

(7) Vocational and trade schools, including those of an industrial nature.

(8) Veterinary hospitals and clinics.

(9) *Reserved.*

(10) Low intensity industrial uses, such as the manufacturing and assembly of various items, which include scientific, electrical, optical and precision instruments or equipment, within an enclosed structure.

(11) Television dish receivers and antennae as regulated by article XIII, section 21, Television dish receivers and antennae.

(12) Electronic communication/transmission facilities and exchanges.

(13) Service stations, subject to the provisions of article XI, section 12, C-G (General Commercial District), subsection (C)(2).

(14) Retail automotive gasoline/fuel sales as an accessory use to convenience stores subject to the following provisions:

a. Access: Convenience stores selling gasoline/fuel shall be located on arterial roadways or on corner lots at intersections of collector roads or roads of higher functional classification (as identified in the City of Cocoa Comprehensive Plan). No driveway or point of access shall be permitted within one hundred (100) feet of an intersection of collector roads or roads of higher functional classification.

b. Minimum street frontage: One hundred fifty (150) feet on each abutting street.

c. Location of facilities: Gasoline/fuel pumps and other service island equipment shall be set back at least twenty (20) feet from all property lines, fifteen (15) feet from any building, and one hundred (100) feet from the nearest residentially zoned land. In addition, pumps and other service island equipment shall not interfere with the safe and orderly movement of traffic in parking and other vehicular use areas.

d. Tank storage: Underground storage is required for all receptacles for combustible materials in excess of two hundred (200) gallons.

(15) Self-Service Storage Facilities subject to the following provisions:

a. Minimum lot area: An area not less than twenty thousand (20,000) square feet having a minimum width of one hundred (100) feet and a minimum depth of two hundred (200) feet.

b. There shall be a minimum of one (1) parking space for the office manager, one (1) parking space for each 600 square feet of office space, one (1) parking space for each 50 storage units, and one (1) parking space for each 5,000 square feet of major recreational equipment storage area.

c. Where a self-service storage facility abuts residentially-zoned property, an opaque fence or wall, at least six (6) feet in height, shall be provided.

d. All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property or street/roads. The lighting may be of sufficient intensity to discourage vandalism and/or theft.

e. The structure shall not be utilized as a place of business by renters or lessors of space and no local business tax receipt shall be approved where the business operation takes place on the property other than that of the self-service storage facility owner/operator.

f. Outdoor storage of major recreational equipment shall be permitted with the following conditions:

1. Outdoor storage areas shall be screened from view on all sides visible from rights-of-way and adjoining property by either a solid wall or opaque fence at least 10 feet in height or an on-site building. Where such outdoor storage area abuts a right-of-way, the required wall or fence shall be set back a minimum of five (5) feet from the property line and a landscape buffer installed between the property line and the fence. See subsection (g) below on landscaping.

2. Gates in fencing shall be of the same opaque material as the fence. Gates in a wall shall be of an opaque material.

3. Gate width for vehicle entry/exit and interior drive access aisles shall be sized to accommodate the turning radius needed for large vehicles.

4. Outdoor storage of vehicles such as cars or trucks shall be permitted in an outdoor storage area, not to exceed a maximum of ten (10) vehicles.

5. Outdoor storage of major recreational equipment exceeding thirteen and one-half (13½) feet in height shall not be permitted.

6. On-site light, minor maintenance and cleaning of any major recreational equipment permitted by this section is allowed. However, the following shall be strictly prohibited: refueling, oil and engine fluid changes,

major restoration, part salvage, major part replacement, engine repair, transmission repair, body repair, and other heavy and major repairs.

7. No major recreational equipment may be stored which is wrecked, being stripped for parts, awaiting salvage or recycling, or inoperable.

8. Major recreational equipment permitted under this section shall not be used as living quarters.

g. Landscaping: A five (5) foot landscape buffer shall be provided along all road right-of-ways and shall consist of trees and high profile shrubs together with suitable ground cover to include native grasses and mulching, where appropriate. Landscaping shall be designed, placed and maintained in such a manner as not to impair vehicle visibility at corner intersections. The landscaping requirements shall conform to article XIV, Landscaping Requirements of the Zoning Code, of the City of Cocoa.

* * *

Sec. 19. - District and Intent—M2 Manufacturing and Industrial District.

The provisions of this district are intended to preserve the function of various industrial activities, warehousing and distribution without creating hazards or negatively influencing surrounding land uses. This district shall be located in areas accessible to collector or higher classification roadways and be served by public services and facilities. These districts shall be discouraged from locating next to areas designated for residential or low-intensity commercial uses.

(A) PRINCIPAL USES AND STRUCTURES. The following uses and structures are permitted for any use or group of uses that are developed, either separately, or as a unit with certain site improvements shared in common:

(1) Industrial uses, industrial processing, and manufacturing.

(2) Commercial greenhouses.

(3) Schools (industrial and vocational in nature).

(4) Storage facilities (excluding salvage yards), including automobiles, mobile homes, commercial vehicles and heavy equipment, building materials, general, refrigerated, and recreational vehicles pursuant to Appendix A, Article XIII, Sec. 5 of the Code of the City of Cocoa.

~~(5) Personal storage warehouses.~~

(5 ~~6~~) Research facilities:

a. Where the use does not involve:

1) Creation of excessive noise, fumes, dirt; or

2) Damage or interference with other properties.

b. Where all work is done within an enclosed structure.

(6 ~~7~~) Transportation facilities; passenger and/or freight.

(7 ~~8~~) Warehousing and distribution.

(8 ~~9~~) Mobile home repair facilities.

(9 ~~10~~) Contractor's office and storage yard, except scrap materials. Outside storage shall be effectively screened on all sides to avoid any deleterious effect upon adjacent properties and right of ways.

(10 ~~11~~) Sales or rental of new and/or used commercial vehicles and heavy equipment, major recreational equipment, and mobile homes as regulated by Appendix A, Art. XIII, Sec. 28 of the Code of the City of Cocoa.

(11 ~~12~~) Limited commercial uses, as identified in this section, shall be permitted with the following conditions:

a. Commercial uses shall only be located on property having a minimum of one hundred fifty (150) feet of frontage along Grissom Parkway.

b. Commercial uses shall only be located within four hundred (400) feet of Grissom Parkway, as measured from the right-of-way line. All on-site commercial-related improvements, such as retention, parking, loading/unloading, etcetera, shall be contained within this four hundred (400) foot area. Retention areas may be provided outside of the four hundred (400) foot requirement if the proposed commercial use is part of a master planned industrial park with an associated retention system.

c. Commercial uses shall have no outdoor storage or display.

d. Commercial uses shall be limited to:

1. Retail sales of carpet, tile, pool, furniture, construction products or materials sold directly to the end user (builder, installer, or homeowner).

2. Restaurants located within one (1) principal structure, including the sale of beer and wine for on-site consumption only, with a minimum three thousand (3,000) linear feet spacing requirement between restaurant uses as measured between the nearest property lines. This distance requirement shall not apply if the proposed restaurant is part of a master planned industrial park and the restaurant is located within four hundred (400) feet of Grissom Parkway.

3. Business service establishments.

4. Veterinary hospitals, clinics, and animal boarding facilities.

5. Indoor shooting ranges, with ancillary retail sales and restaurant subject to the requirements of subsection (A)(12)(d)2. of this section, shall be permitted with the following conditions:

   a. All firing shall take place within a completely enclosed building.

   b. Site plan applications for the development of an indoor shooting range shall include a plan by a Florida registered engineer demonstrating that the building is soundproof and appropriately designed for such use.

* * *

ARTICLE XII. – OFF-STREET PARKING AND LOADING REGULATIONS

* * *

Sec. 1. – Off-street parking and loading regulations.

* * *

(d) *Requirements for off-street parking.* There shall be provided at the time of the erection of any main building or structure or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guests rooms, floor area, seats, or change of use which changes parking generating factors, minimum off-street parking spaces with adequate provisions for ingress or egress in accordance with the following requirements:

* * *

(41) *Storage facilities.* One (1) space for every one thousand (1,000) gross square feet of floor area. ~~Mini storage warehouse shall provide one (1) space per twenty (20) storage rental units.~~ Self-service storage facilities shall have one (1) parking space for the office manager, one (1) parking space for each 600 square feet of office space, one (1) parking space for each 50 storage units, and one (1) parking space for each 5,000 square feet of major recreational equipment storage area.

* * *

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. **Incorporation Into Code.** This Ordinance shall be incorporated into the City Code for the City of Cocoa, and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the City Code may be freely made.

Section 5. **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 6. **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 8th day of July, 2020.

Jake Williams Jr., Mayor

ATTEST:

Carie Shealy, MMC, City Clerk

First Reading: 06/24/2020
Second Reading: 07/08/2020
Legal Ads Published: 06/05/2020 & 06/30/2020
Effective Date: 07/08/2020

Application # PZ - 22-000000222

SITE PLAN APPLICATION

Community Services Department
Planning and Zoning Division
65 Stone Street

Phone: (321) 433-8535
Fax: (321) 433-8543
Web: http://www.cocoafl.org

For Office Use Only - Date Received
Note: Applications received after 3:00 pm will be date stamped the next day.

This form is divided into steps, which will help you prepare your application and provide supplemental items. A pre-application meeting with Staff is **recommended**.

All applications MUST be complete in order to be reviewed by staff. Incomplete applications will be returned.

Please TYPE or PRINT this application legibly.

1. **Type of Application:** (select the one that best describes your project)

☐ **Minor Amendment**
- Any site plan amending a previously approved site plan or existing development by 25% or less, being that any structural or impervious surface area is increased by 25% or less of the existing amount of structure or impervious surface area.
- Notwithstanding, any site plan containing a structure greater than 50 feet in height shall be subject to the site plan submittal requirements of a large-scale review.

☒ **Small-Scale**
- Any multi-family structure or combination of structures containing less than 25 units and less than 45,000 square feet; or
- Any non-multi-family structure or combination of structures of less than 45,000 square feet.
- Notwithstanding, any site plan containing a structure greater than 50 feet in height shall be subject to the site plan submittal requirements of a large-scale review.

☐ **Large-Scale**
- Any multi-family structure or combination of structures containing greater than or equal to 25 units and greater than or equal to 45,000 square feet; or
- Any non-multi-family structure or combination of structures of greater than or equal to 45,000 square feet.

2. **Project Name:** Advantage Self Storage

3. **Applicant Information:** * NOTE: For Large-Scale the Applicant is the main contact and must attend the meeting.

Company (if applicable): ADG COCOA HOLDING LLC

Name: John King

Mailing Address: P.o. Box 271107

City: Louisville State: Co Zip Code: 80027

Phone #: 303-642-7198 Fax #:

Mobile #: 720-220-7799 E-mail: johnking@storageanalysts.com

4. **Property Owner Information:** * *Check here if same as Applicant* → ☑
* *If more than one owner, attach additional sheet with names and addresses.*

Company (if applicable): ADG COCOA HOLDING LLC

Name:

Mailing Address: P.O Box 271107

City: Louisville State: CO Zip Code: 80027

Phone #: Fax #:

Mobile #: E-mail:

5. **Engineer/Architect/Planner:** * *Check here if same as Applicant* → ☐

Company (if applicable): Consulting Civil Engineers, Inc

Name: Z. Sid Chehayeb P.E.

Mailing Address: 3650 Bobbi Lane Suite 119

City: Titusville State: Fl Zip Code: 32780

Phone #: 321-269-9930 Fax #:

Mobile #: E-mail: sid@cceifl.com

6. **Property Information:**

Street Address and Location: Not yet assigned

Parcel ID: * *If more than two Parcel IDs, attach additional sheet with Parcel IDs.*

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Tax Account Numbers: * *If more than two Tax Account #s, attach additional sheet with Tax Account #s.*

2 4 0 4 1 2 0 ☐☐☐☐☐☐☐

Land Area: square feet or 2.99 acres

Future Land Use *(to be completed by City)*: IND - Industrial

Zoning District *(to be completed by City)*: M-2 Manufacturing and Industrial

Existing Use(s) on Property: Vacant Industrial land

Proposed Use(s) on Property: Self Storage

7. **Minor Site Plan Amendment - Please submit the following items in order complete a Minor Amendment application only:**

a. [X] **Notarized application.**

b. [X] **Application fee.** Please make checks payable to the 'City of Cocoa' and submit payment **ONLY** to the Community Services Department. See Schedule of Fees, Charges and Expenses for applicable fees.

c. [X] **Proof of ownership.** A copy of the most recent recorded warranty deed is required.

d. [X] **Letter of authorization.** If the applicant is not the property owner, a notarized letter of authorization or agent affidavit is required, unless the applicant is the Attorney of the owner. Each property owner must complete a separate authorization form or other suitable documentation to allow the agent to act upon his/her behalf.

e. [X] **Corporate documents.** If the applicant/owner is representing a company, articles of incorporation which show the applicant/owner is authorized to represent the company is required. A data record printout from the Florida Department of State, Division of Corporations website may also be provided (http://www.sunbiz.org/corpweb/inquiry/search.html).

f. [X] **Utility plans.** Site plan approval is contingent on approval of your Utility plans. Please submit potable, reclaim and waste water plans along with the following documents directly to the Utilities Department (351 Shearer Blvd., Cocoa, Florida 32922):

1. $500 Plan Review Fee
2. One hard copy set of signed and sealed plans for the initial review.
3. Hydraulic Analysis Report supporting the Required Fire Flow plus the Max Day Flow.
4. Lift Station Calculations

g. [X] **Certified boundary survey.** Submit a certified survey showing all existing structures, easements, driveways, etc.

h. [X] **Certified site plan.** Submit 2 paper copies (folded to about 8-1/2 x 11") and 1 electronic file in pdf format of a plan drawn to scale and showing the required site plan elements. See the site plan checklist below for details. Minor Site Plans shall not be smaller than 11 x 17".

i. [X] **Additional information (optional).** Submit any information that may be helpful in understanding the request. This may include photos, sketches, elevations, or letters from adjoining property owners.

8. **Small-Scale Site Plan – In addition to the items in #7 above, please submit the following items in order complete a Small-Scale application:**

a. [X] **Certified site plan.** Small Scale Site Plans shall not be smaller than 24" x 36".

9. **Large-Scale Site Plan - In addition to the items in #7 above, please submit the following items in order complete a Large-Scale application:**

a. [ ] **List of owners within 500 feet.** A "radius map package" from Brevard County containing a certified mailing list with mailing labels and a map of all property owners of record who reside within a 500-foot radius of the subject property is required for public notice. It is the applicant's responsibility to obtain these materials from the following for a nominal fee:

Brevard County Planning and Zoning, Attn: Graphics.
Brevard County Government Center, Building A
2725 Judge Fran Jamieson Way
Viera, FL 32940
Phone: (321) 633-2060 Fax: (321) 633-2152

b. [ ] **Application fee.** Public notice mailing and legal advertising fees must also be paid a few weeks after application submittal. Contact the Planning and Zoning Division for details.

c. [ ] **Certified site plan.** The site plan shall not be smaller than 24" x 36".

10. **Site plan re-submittals.** All changes to the site plan must be bubbled on the re-submitted plans. Site plan re-submittals must be accompanied by a list of changes/responses to staff comments, and a certified statement by the site plan preparer that no other changes have been made to the drawings. Otherwise, delays may be experienced due to extra staff review time. Each resubmittal shall follow the same requirements. An additional 4 paper copies of the plans will be required to be submitted prior to public hearing or staff approval.

Site Plan Elements Checklist Please include the items below in each site plan submittal (combine elements on several sheets where applicable). For Minor Amendments, certain elements may be omitted from being shown on the site plan, if approved by the City.

A. Cover sheet (1st page) (*Appendix A, Art. XIII, Sec.1 Site Plans*):

- ☐ ***Type of Application and Title.***
- ☐ ***General vicinity map***. Provide the following:
  - ☐ Principal roads.
  - ☐ City limits.
  - ☐ Other pertinent orientation information.
- ☐ ***General statement***. Provide a general description of the project, including but not limited to, the existing uses and site conditions, and proposed uses.
- ☐ ***Legal description***. Provide a legal description of the overall site and individual phases, if applicable.
- ☐ ***Contact information***. Provide the names, addresses, telephone numbers, fax numbers and e-mail addresses of the following parties:
  - ☐ Owner(s) of the subject property.
  - ☐ Applicant (if different than owner).
  - ☐ Site plan preparers.
- ☐ ***Title block***. Provide a title block on each sheet, showing the following:
  - ☐ North arrow.
  - ☐ Date.
  - ☐ Name of project.
  - ☐ Graphic scale (not less than one inch equals fifty feet – 1"=50').
- ☐ ***Approval stamp blank***. Provide a minimum 4" x 4" space for the approval stamp, located at the bottom right corner of the cover sheet.
- ☐ ***Sheet index***.

B. Surveys and Inventories (after Cover Sheet):

- ☐ ***Boundary survey***. Provide a certified and current boundary survey.
- ☐ ***Topographic survey***. Provide a certified and current topographic survey, which also includes the delineation of any and all wetlands on the project site. This may be included on the boundary survey if approved by the City.
- ☐ ***Tree survey***. Provide a tree survey locating all trees on the property. Include a list of the number of existing trees by species and d.b.h. Trees on the survey shall be depicted as defined in the City Code. (*Appendix A, Art. XIII, Sec. 22)*
- ☐ ***Designated animal and plant species inventory***. Provide an inventory of all protected animal and plant species (*City of Cocoa Comprehensive Plan, Chapter 6 Conservation Element, Policy 6.4.6, etc.*).
- ☐ ***Soil types and conditions inventory***.
- ☐ ***Flood zones***.

C. Demolition and protection plans:

- ☐ ***Tree and vegetation preservation plan***. On the landscape plan, indicate all trees that will be removed as well as all trees that will be preserved on the project site. Include a list of all trees removed and trees preserved by species and d.b.h. (*Appendix A, Art. XIII, Sec. 22*)
- ☐ ***Demolition plan***. If applicable, provide a demolition plan showing the following details:

- ☐ Limits of demolition.
- ☐ Indicate all structures planned for demolition.
- ☐ Include the following note, "All areas disturbed in the right of way shall be returned to original condition or better.

D. <u>Proposed development plans</u>:

☐ ***Land use data table***. Provide the following land use data:

- ☐ Zoning category.
- ☐ Future land use category.
- ☐ Previously approved variances, special exceptions, waivers, re-zonings, subdivisions and any other action(s) taken upon the subject property within the past five (5) years.

☐ ***Site plan data table***. Provide the following (list or table/chart format is sufficient):

- ☐ Tabulation of gross acreage and square footage.
- ☐ Tabulation of density (*City of Cocoa Comprehensive Plan, Chapter 1 Future Land Use Element*).
- ☐ Number of units proposed.
- ☐ Location and acreage of open space and recreational areas.
- ☐ Area and percentage of lot covered by structures (separated by type of use).
- ☐ Floor area of dwelling units by type.
- ☐ Impervious surface area (*City of Cocoa Comprehensive Plan, Chapter 1, Figure FLU-1*).
- ☐ Gross floor area (area of lot covered by structure times number of floors).
- ☐ Floor area ratio (total floor area in square feet divided by gross acre of lot in square feet) (*Appendix A, Art. V Definitions*).
- ☐ Number of required and proposed parking spaces with formulas and calculations (*Appendix A, Art. XII Off-Street Parking*).
- ☐ Height of structures and number of floors, including parking garages (*Appendix A, Art. XI, Zoning District Regulations*).
- ☐ If the project is divided into phases, provide a Site Plan Data Table for the entire project and for each individual phase.

☐ ***General notes***. Provide the following general notes:

- ☐ Lighting. Lighting shall be designed, installed, maintained, and directed so as to avoid glare on adjoining properties and rights-of-way through the use of semi- and full-cutoff shields.

☐ ***Site plan elements***. Provide the following site plan elements:

- ☐ Property and rights of way lines.
- ☐ Depiction of abutting aprons
- ☐ Existing and proposed easements.
- ☐ Right-of-way improvements.
- ☐ Open water bodies (lakes, rivers, ponds, canals, etc.).
- ☐ Jurisdictional wetlands boundary as determined by the St. Johns River Water Management District.
- ☐ Uplands buffer from wetlands (*City of Cocoa Comprehensive Plan, Chapter 6 Conservation Element, Policy 6.4.16(E)*).
- ☐ Paving (including typical details) (*Chapter 18, Art. III and Appendix A, Art. XII, Sec. 3*).
- ☐ Curbs and gutters (*Chapter 18, Art. III and Appendix A, Art. XII, Sec. 3*).
- ☐ On and off-site sidewalks (*Chapter 18, Art. III and Appendix A, Art. XII, Sec. 3*).
- ☐ Trash receptacles/dumpsters and enclosures (*Chapter 9, Art. II, Division 3, Sec. 9-29*).
- ☐ Site lighting fixtures and locations (*Appendix A, Art. XIII, Sec. 10.1*).
- ☐ Fences and walls including (*Appendix A, Art. XIII, Sec. 5*):
  - i. Height.
  - ii. Type.
- ☐ All structures and major features fully labeled and dimensioned including (*Depends on Zoning District from Appendix A, Art. XI, Sections 1 thru 20*):
  - i. Setbacks.
  - ii. Distances between structures.
  - iii. Floor area.
  - iv. Addresses of each separate structure and unit numbers within each structure, if applicable.
- ☐ Proposed parking and circulation plan including (*Appendix A, Art. XII, Sec. 3*):

i. Width of driveways.
ii. Parking spaces, including dimensions.
iii. Existing and proposed points of ingress to and egress from the site.
iv. Handicap accessible parking spaces.
v. Identify paving type and surface.

☐ ***Landscape plan elements***. Including but not limited to the following (*Appendix A, Art. XIII, Sec. 22 (C), (D) & (E)*):

- ☐ Location and dimension of all buffers.
- ☐ Location and dimension of all internal landscaping.
- ☐ Plant schedule (legend, quantity, specifications, common name and botanical name of all landscape materials).
- ☐ Property boundary.
- ☐ Location and area of off-street parking and vehicular use areas.
- ☐ Location of sprinklers and/or outlet locations.
- ☐ Calculations for the determination of internal landscaping requirements.
- ☐ Location of principle structure(s).
- ☐ Location, size, and type of existing and replacement trees if applicable.

☐ ***Drainage plan elements***. Including but not limited to the following:

- ☐ One foot interval contours based upon coast and geodetic data.
- ☐ Proposed finished elevation of each building site and first floor level.
- ☐ All existing and proposed drainage facilities with size and grade.
- ☐ Proposed orderly disposal water runoff.
- ☐ Center line elevations along adjacent streets.
- ☐ Cross-sections of stormwater pond slopes.
- ☐ Compliance with Floodplain requirements (City Code, Chapter 6)
- ☐ Compliance with Compensatory Storage requirements (City Comprehensive Plan, Stormwater Element)

☐ ***Potable water, reclaimed water, wastewater, and other utility elements***. Provide a general plan showing the following (detailed plans for permitting must be submitted directly to the Utilities Engineering Department):

- ☐ All utilities (including utility poles and guy lines, fire mains, fire hydrants, meters, potable water, reclaimed water, and sewer lines).
- ☐ The location and availability of capacity for potable water, reclaimed water, and wastewater facilities to serve the proposed site, including a description of any required improvements or extensions of existing off-site facilities.

☐ ***Details***. At a minimum, provide details for the items listed below. Additional details may be required by the City.

- ☐ Paving and curbing.
- ☐ Handicap accessible parking space.
- ☐ Sidewalks.
- ☐ Trash receptacles/dumpsters and enclosures.
- ☐ Fences, walls, and gates.
- ☐ Stormwater conveyance structures.
- ☐ Cross-section of tree protection devices.

E. <u>Accessory items</u>:

☐ ***Stormwater permits***. Provide a copy of a St. John's River Water Management District (SJRWMD) stormwater permit or exemption letter for the site.

☐ ***Driveway permits***. Provide a copy of a City of Cocoa, Brevard County, and/or Florida Department of Transportation (FDOT) driveway permit or exemption letter if a City of Cocoa, Brevard County, and/or FDOT right-of-way is affected.

☐ ***Land dedications***. Lands to be dedicated or transferred to a public or private entity and the purposes for which lands will be held and used.

LARGE-SCALE SITE PLAN ***Public Hearing process information - please read this!***

- **Dates and locations of public hearings.** All Large-Scale Site Plans require one hearing before the Planning & Zoning Board. All regularly scheduled Planning & Zoning Board hearings are held on the first Wednesday of each month at 6:00 pm in the Cocoa City Council Chambers located at 65 Stone Street, Cocoa, Florida unless otherwise notified.

- **Presence required at the public hearings.** The applicant or his/her representative must be present to answer any questions concerning the application. If there are extenuating circumstances why the applicant or his/her representative cannot attend, he or she must notify the City in writing prior to the public hearing.

- **Preparing for the public hearings.** It is the applicant's responsibility to research and know all laws that may be applicable and may affect the outcome of any decision on the application request. The City assumes no responsibility or liability relating to the applicant's failure to research and know all applicable laws including, but not limited to state, federal, and city laws, codes, land development regulations, and the comprehensive plan.

- **Exhibits at public hearings.** If photographs, documents, maps or other materials are provided to the Board as evidence at the public hearing, the applicant must leave those instruments with the Recording Secretary. By law those instruments automatically become part of the public records and cannot be returned to the applicant.

- **Witnesses at public hearings.** For the purposes of making a decision on the application, the Board shall only consider testimony of qualified witnesses. A witness is determined by the Board and is generally based on:

    1. The witness has personal knowledge of the fact in which the witness will testify; and/or

    2. In the case of testimony consisting of opinions or inferences, the testimony is qualified as the following:

        Layman witness: Testimony of a witness other than an expert witness is qualified only if:
        - The witness can readily, and with equal accuracy and adequacy, communicate what he or she perceived to the Board without testifying in the form of opinions or inferences.
        - The opinions and inferences do not require any special knowledge, skill experience or training.

        Expert witness: Testimony of an expert witness is qualified only if:
        - The subject matter is proper for expert testimony because scientific, technical, or other specialized skill will help the Board understand the evidence being presented, or helps establish a fact in issue.
        - The witness is adequately qualified to express an opinion on the matter.

Signatures and Notarization.

STATE OF Colorado COUNTY OF Boulder. I, _____
being first duly sworn, depose and say that:

☑ I am the applicant, or if corporation, I am the officer of the corporation authorized to act on this request.

☐ I am the legal representative of the applicant of this application and a notarized Letter of Authorization form or agent affidavit accompanies this application giving written, unless the applicant is the Attorney representing the owner.

I hereby certify that I have read, completed and understand this application and understand that if my application and all associated attachments are not complete and accurate in all respects, the application will not be scheduled for a public hearing. I further understand that this application must be complete and accurate prior to the legal advertising of a public hearing.

_____ Aditya Shrestha
(APPLICANT SIGNATURE) (Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ☐ OR Produced Identification ☑

Type of I.D. Produced Driver License

ADITYA SHRESTHA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164021606
MY COMMISSION EXPIRES 09-14-2026

_____
(NOTARY PUBLIC SIGNATURE)

STATE OF FLORIDA, COUNTY OF BREVARD

Sworn and subscribed to before me this _____ day of _____, 20 _____

FOR OFFICE USE ONLY

Fee of $ _____ in cash ☐ or check ☐ (No. _____) payable to the "City of Cocoa".

Receipt Number: _____

Date: _____

Signature from Planning & Zoning Division:

_____

File #: 20-356, **Version:** 1

CITY COUNCIL AGENDA ITEM

Memo Date: June 25, 2020
Agenda Date: July 8, 2020
Prepared By: Dodie Selig, Planning & Zoning Manager
Through: Nancy A. Bunt, Community Services Director
Requested Action:
Pass on Second Reading: Ordinance No. 06-2020; amending permitted locations for self-service storage facilities and amending the definition thereof.

BACKGROUND:

The Applicant has proposed a change to the city code related to self-service storage facility use. They represent a client with an existing self-storage business within the city wishing to expand. Because of inconsistencies within the existing city code, the applicant's client is unable to move forward and has requested staff's help to modify the code. A review of how the use is treated in different areas of the code has highlighted the need to make some modifications. The City desires to simplify and clarify the code descriptions of self-service storage facilities, also referred to in the code as "personal storage," "personal storage warehouses," or "mini-warehouses." Therefore, the following changes are proposed by this ordinance:

- Amendment of the conditions for self-service storage facilities under the C-R (Restricted Commercial) and C-G (General Commercial) zoning districts, where such facilities require special exception approval.
- Addition of the use as a principal use under the C-W (Wholesale Commercial) zoning district, with conditions.
- Removal of the use "personal storage" and "personal storage warehouses" from the CBD (Central Business District) and the M-2 (Manufacturing and Industrial) zoning districts, respectively.
- Amendment to the definition of a "personal storage warehouse" and retitling the use as a "self-service storage facility," which will be a consistently used term for all zoning code references to this use.
- Amendment to the parking regulations for "storage facilities" to provide a consistent parking requirement for the self-service storage facility use in all zoning districts.

Zoning Ordinance Amendment Analysis

In accordance with Appendix A. Zoning, Article XXI, Section 1(G)(2) of the Code of the City of Cocoa, the Planning and Zoning Board shall consider and study the following when an amendment to the zoning code is proposed:

a. The need and justification for the change.

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

Need and justification for change

The proposed changes will provide consistency for the use throughout the city, eliminate confusion and provide greater stability for the business sector. At the present time, the use is described in different language in several zoning districts causing confusion for both staff and the public. In addition, the parking standards related to storage uses a different term. Also compounding the problem, the parking standard for this use under the C-G zoning district regulations differs from the general parking regulations for the use with no apparent purpose.

The use of “personal storage” is included under the CBD (Central Business District) zoning district, and the use of “personal storage warehouses” is included as a principle use under the M-2 (Manufacturing and Industrial) zoning district. However, the use is not included under the zoning definitions and causes confusion as to the intent. Moreover, it is proposed by this ordinance to remove the use from both zoning districts as being incompatible with the district intent of each district.

The C-W (Wholesale Commercial) zoning district does not currently allow self-service storage or mini-warehouse use in the zoning district. However, the district is “intended to apply to an area in close proximity to transportation facilities and which can serve warehousing, distribution, wholesaling and other related functions of the city and region”. Among the principal uses listed in the district are “warehousing and wholesaling in enclosed structures”. It is felt therefore that the inclusion of self-service storage facilities in this district will be compatible with the surrounding uses and intent of the district.

The applicable conditions for self-service storage facilities have been modified relating to required parking spaces, setbacks and screening, landscaping, and outdoor parking and storage for major recreational equipment. The proposed revised conditions will be consistent for all zoning districts where the use is permitted. Of note, rather than requiring use-specific setbacks and a landscaping buffer, self-service storage facilities abutting residentially-zoned property will need to be screened by an opaque fence or wall at least six feet in height. Landscape buffers shall be required along all rights-of-way rather than the rear and side lot lines. Outdoor storage of major recreational equipment at self-service storage facilities was previously not permitted but will now be allowed upon meeting certain conditions. The area designated for outdoor storage of major recreational equipment must be

screened from view on all sides visible from rights-of-way or adjoining property by either a solid wall or opaque fence at least 10 feet in height. State law provides that recreational-type vehicles cannot exceed 13.5 feet in height.

Relationship and consistency with Comprehensive Plan Policies and Objectives

The following Comprehensive Plan policy supports the proposed zoning text amendment:

GOAL 1.1: Create and maintain a broad range of land use activities that maximize the City's potential as a growth center while protecting the public health, safety, welfare, and appearance through the thoughtful planned use and development of the land and public facilities.

Policy 1.1.4.5: The City shall protect and buffer residential areas in the Cocoa (Downtown) Redevelopment Area from uses of high density or intensity.

Policy 1.1.5.1: More intense development such as commercial, mixed-use and industrial uses shall be designed to minimize the negative impacts on lower intensity land uses through such means as, for example, landscaping and appropriate transitional uses including low-scale professional offices or medium density residential development. In the absence of transitional land uses, potential adverse impacts to surrounding residential should be mitigated through the use of:

A. Buffer areas that will provide a separation between commercial and single-family residential structures;
B. Landscaping and/or trees separating the commercial and residential land use; and
C. Walls and/or opaque vegetative screens separating the commercial and single-family residential land use.

Policy 1.1.5.3: The City's land development regulations shall maintain appropriate standards and nuisance regulations to limit the impact of more intense development on established residential zones.

Policy 2.1.15.3: The City shall update parking standards to minimize the amount of surface parking through the establishment of maximum parking standards and shared and co-located parking.

Recommendation by the Planning & Zoning Board

During the Planning & Zoning Board meeting of June 16, 2020, there was discussion concerning the parking of commercial vehicles in a self-service storage facility. The applicant had requested the board to consider allowing the parking of personal vehicles (cars and trucks) in addition to outsized personal recreational vehicles (RV's and boats) in a self-service storage facility. Staff had previously discussed this request with the applicant prior to drafting the ordinance and was not in support of adding personal vehicles to the ordinance for two reasons:

1) The primary purpose of a self-service storage facility is the storage of personal belongings. The intent of the ordinance change to allow outside storage in conjunction with a self-service storage facility is to provide for personal recreation vehicles that are too large to be accommodated within the typical garage sized storage unit of such facility. A car or truck however can be stored within such a unit so outdoor space is not necessary.

2) The storage of personal automobiles and commercial vehicles is a type of use already provided for under the M-2 (Manufacturing and Industrial) zoning district as follows:

(4) Storage facilities (excluding salvage yards), including automobiles, mobile homes, commercial vehicles and heavy equipment, building materials, general, refrigerated, and recreational vehicles pursuant to Appendix A, Article XIII Sec 5 of the Code of the City of Cocoa.

The zoning code provides the following definition of a commercial vehicle:

COMMERCIAL VEHICLES AND HEAVY EQUIPMENT. Commercial, industrial or agricultural vehicles, equipment or machinery, whether or not the vehicle, equipment or machinery is licensed or otherwise authorized to travel

upon the roads of the state, specifically including, but not limited to: semi-trailers; tractors for semi-trailers; trucks; step-vans; box trucks; construction equipment; cement mixers; compressors; forklifts; buses; tow trucks; dump trucks; trucks with roll-back beds; trailers; any other similar vehicles, equipment and machinery classified as commercial by the manufacturer; and pickup trucks, passenger vans, and cargo vans used for commercial purposes.

Based on the above therefore, the code already provides the means for the storage of commercial vehicles within the City.

A larger issue, that of the parking of commercial vehicles in residential neighborhoods, was also discussed during the meeting in conjunction with the proposed ordinance. The definition of commercial vehicles provided in the City Code, Appendix A. Zoning, Article IV listed above applies to zoning topics covered by the Appendix. Parking in residential areas or on streets is governed by the City Code, Chapter 20, Traffic, Article 2 Stopping, Standing and Parking, Division 1, Section 20-58 Parking buses, large trucks in residential areas or on streets:

(a) It is hereby declared unlawful for any individual to park, cause to be parked, or allow to be parked any semitrailer truck or any other truck or bus greater than one (1) ton capacity for a longer period than fifteen (15) minutes in any residential area of the city, or the public streets or rights-of-way thereof, as defined on the master zoning map of the city which is on file in the office of the city clerk, unless the actual loading or unloading of such vehicle is involved and in progress, or unless a permit is secured from the city for the parking of such vehicle.

Residential streets are not commercial corridors and therefore they are not constructed to withstand the weight of large trucks or vehicles. Excessive or highly repetitive heavy vehicle traffic will cause a breakdown of the roadbed, shortening the life of the pavement and increasing costs to the City for repair or replacement. For this reason, the Code limits their use on residential streets.

The definition above does not include vehicles such as painter's vans, small cars belonging a cleaning service or insect repellant business, taxicabs, pickup trucks used by contractors or lawn care business owners with trailers of mowers and other related equipment.

Under Appendix A. Zoning, Article XIII, Section 17, a home based business is prohibited from exterior storage of materials or parking of business vehicles anywhere except the driveway or garage. The code does not prohibit the parking of a commercial vehicle in a residential area, except as defined in Sec. 20-58 above.

Some Planning & Zoning Board members felt that a commercial vehicle was best defined as one that is over a specific weight limit. Some felt that a commercial vehicle was one which actively advertised a business use. Whether there is a city wide issue based on the current definition of a commercial vehicle would need further study. Any proposed change will need to address the esthetic root of the perception of a commercial vehicle parked in a residential area while also considering the economic impact to those residents, some of whom may not have any means of transportation except the company vehicle they drive.

Because of the complexity of the commercial parking issue, it is staff's recommendation to Council that if they feel this topic should be addressed that it be done separately from the self-service storage facility ordinance.

STRATEGIC PLAN CONNECTION:

BUDGETARY IMPACT:

N/A

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PREVIOUS ACTION:

The Planning & Zoning Board made the following recommendation at its meeting on June 16, 2020:

“Recommend approval to the city council of ordinance no. 06-2020 providing for the amendments permitting locations for self-service storage facilities and further amending regulations related to this issue and to review the verbiage for recreational vehicles and commercial vehicles and to add this to the ordinance.”

City Council approved the item at its regular meeting on June 24, 2020. However, some of the Council expressed the desire to accommodate cars and trucks in addition to recreational vehicles. In speaking with the applicant, staff would suggest that Council amend the Ordinance to include cars and trucks within the outside storage area but limit the number of cars and trucks to five (5) such vehicles.

RECOMMENDED MOTION:

Pass on Second Reading: Ordinance No. 06-2020; amending permitted locations for self-service storage facilities and amending the definition thereof.

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MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
JUNE 16, 2020

A Special meeting of the Planning & Zoning Board Local Planning Agency was held on June 16, 2020 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noted.

I. CALL TO ORDER:

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

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
Lawrence Koss	Board Member
Russell Sengel	Board Member
Ariel Glass	Alternate Member
Aleck Greenwood	Alternate Member
Debbie Joyce	School Board Representative
Kristin Eick	Assistant City Attorney

PRESENT:

Michael Dobrin	Chairperson
Todd Anderson	Board Member
Jeri Blanco	Board Member (via phone)
Sherry Ervin	Board Member (via phone)
Marilyn Green	Board Member (via phone)
Lawrence Koss	Board Member
Russell Sengel	Board Member
Aleck Greenwood	Alternate Member
Debbie Joyce	School Board Representative
Kristin Eick	Assistant City Attorney

ABSENT:

Al Washington	Vice Chairperson
Trina Gilliam	Board Member
Ariel Glass	Alternate Member

STAFF PRESENT:

Dodie Selig, Planning & Zoning Manager, Jake Williams Jr., Mayor, Angela Essing, Economic Development Manager and Monica Arsenault, Recording Secretary.

Chairperson Dobrin led the assembly in the Pledge of Allegiance.

Ms. Selig welcomed Mr. Todd Anderson back to the Planning & Zoning Board. She also welcomed Ms. Ariel Glass and Ms. Debbie Joyce to the Board.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of June 16, 2020

* **MOTION BY BOARD MEMBER KOSS; SECONDED BY BOARD MEMBER SENGEL TO APPROVE THE JUNE 16, 2020 AGENDA AS WRITTEN.**

AYES: DOBRIN, ANDERSON, BLANCO, ERVIN, GREEN, GREENWOOD, KOSS, SENGEL

* **MOTION PASSED UNAMIOUSLY (8-0)**

2. MINUTES: February 5, 2020

Board member Blanco pointed out a grammatical error on page 6.

* **MOTION BY BOARD MEMBER SENGEL; SECONDED BY BOARD MEMBER KOSS TO APPROVE THE MINUTES AS AMENDED.**

AYES: DOBRIN, ANDERSON, BLANCO, ERVIN, GREEN, GREENWOOD, KOSS, SENGEL

* **MOTION PASSED UNAMIOUSLY (8-0)**

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

A. PZ-20-02000001 – Zoning Text Amendment – Self-Service Storage Facilities

Ms. Selig provided a brief presentation[1] and gave a summary of the project. She explained that staff is recommending that the Planning and Zoning Board recommend approval to City Council of Ordinance No. 06-2020 providing for the amendments permitting locations for self-service storage facilities and further amending regulations related to this use.

Chairperson Dobrin asked if the applicant is expanding their business. In response, Ms. Selig responded affirmatively.

Mark Barnebey, representing Store Space Cocoa, explained the location of the property and pointed out that it is zoned C-W. Storage is allowed under this zoning but not self-storage at this time. He referred to the ordinance and discussed the current parking requirements. He also asked the board to consider allowing small cars and trucks to park on location as the ordinance does not allow for this.

Ms. Selig further explained that staff would like to propose one parking space per fifty units and to allow small cars and trucks to be stored in the self-storage units and leave outdoor storage for larger vehicles such as RVs.

Board member Anderson asked if there was a way to determine the weight of a vehicle and to regulate what can and can't be stored to avoid turning the property into a junk yard. In response, Ms. Selig stated she would discuss the issue with Code Enforcement to see what can be done.

Mayor Williams pointed out that there are a lot of home offices that park their large vehicles in their front yard after 5pm when Code Enforcement goes home such as pressure washing trucks, CAT trucks, etc.

Board member Koss inquired how these commercial vehicles are distinguished. He asked if it is because there is a company name on it or if it is by size. In response, Board member Blanco explained that a commercial vehicle can be distinguished by a wrap or sign that's displayed on it.

Board member Blanco asked if the business has restrictions in place to monitor what types of vehicles are permitted to park. In response, Mr. Barnebey replied affirmatively and explained that they also only allow operational vehicles to park on site as they don't want junk vehicles parked on the property.

Chairperson Dobrin opened the hearing to the public. There being no response, the public portion of the hearing was closed.

* **MOTION BY BOARD MEMBER ANDERSON; SECONDED BY ALTERNATE MEMBER GREENWOOD TO RECOMMEND APPROVAL**

[1] Zoning Text Amendment Self-Service Storage Facilities Presentation

TO THE CITY COUNCIL OF ORDINANCE NO. 06-2020 PROVIDING FOR THE AMENDMENTS PERMITTING LOCATIONS FOR SELF-SERVICE STORAGE FACILITIES AND FURTHER AMENDING REGULATIONS RELATED TO THIS ISSUE AND TO REVIEW THE VERBAGE FOR RECREATIONAL VEHICLES AND COMMERCIAL VEHICLES AND TO ADD THIS TO THE ORDINANCE.

Ms. Joyce asked if the board would want to re-consider what is being proposed for parking.

Further discussion was held regarding the parking requirements.

AYES: DOBRIN, ANDERSON, BLANCO, ERVIN, GREEN, GREENWOOD, KOSS, SENGEL

* **MOTION PASSED UNANIMOUSLY (8-0)**

B. PZ-20-010 – Zoning Text Amendment – Pharmacies

Ms. Selig provided a presentation[2] and gave a brief summary of the project. She noted the proposed changes as follows:

- The addition of the language below under the list of principle uses for the following zoning districts; R-P (Residential Professional District), P-S (Professional, Offices and Services District), C-R (Restricted Commercial District), C-N (Neighborhood Commercial District) and UMD (Urban Mixed-Use District).

- The removal of pharmacies under the list of principle uses for the following zoning districts; CBD (Central Business District) zoning district and CWOD (Cocoa Waterfront Overlay District).

- The removal of the prohibition against medical marijuana treatment center dispensing facilities.

Furthermore, Ms. Selig explained that the City desires to remove the prohibition against medical marijuana treatment center dispensing facilities within the City and, at the same time, regulate the location of pharmacies within the City in general. The changes proposed by this ordinance will allow all pharmacy types within zoning districts allowing similar medical office uses. At the same time, the use will be removed from the historic downtown area which is largely oriented towards tourist/leisure/entertainment business.

[2] Zoning Text Amendment Pharmacies and Medical Marijuana Presentation

Ms. Selig added that staff is recommending that the Planning and Zoning Board recommend approval to City Council of Ordinance No. 05-2020 providing for the location of pharmacies and medical marijuana treatment center dispensing facilities.

Chairperson Dobrin asked what made the City change their mind back in 2018. In response, Board member Koss explained that back then the State was trying to control the regulations. Dispensaries at that time would have also been treated just as a pharmacy.

Board member Koss asked if a dispensary would be able to be located within five hundred feet of a school. In response, Assistant City Attorney Eick clarified that they cannot.

Board member Blanco pointed out that there are commercial zones that are within close proximity to residential neighborhoods that would allow these types of dispensaries.

Chairperson Dobrin opened the hearing to the public. There being no response, the public portion of the meeting was closed.

* **MOTION BY BOARD MEMBER SENGEL; SECONDED BY BOARD MEMBER KOSS TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF ORDINANCE NO. 05-2020 PROVIDING FOR THE LOCATION OF PHARMACIES AND MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES.**

AYES: DOBRIN, ANDERSON, ERVIN, GREEN, KOSS, SENGEL

NAYS: BLANCO, GREENWOOD

* **MOTION PASSED (6-2)**

C. PZ-20-00500001 – FLU Map Amendment – Cape Canaveral Heights

Ms. Selig provided a presentation[3] and explained the project summary. She shared several maps and pointed out that the subject parcels are currently under Brevard County Residential 2 designation which permits lower density residential development with a maximum density of up to two (2) dwelling units per acre. This may be increased to 2.5 dwelling units per acre where a planned unit development concept is utilized. The proposed City of Cocoa Low-Density Residential designation is intended for neighborhoods of single-family detached housing, limited multiple family attached housing and limited clustered single

[3] Future Land Use Map Amendment Presentation

family attached housing. During the annexation process the applicant entered into a Pre-Annexation Development Agreement wherein the primary property owners agreed that any PUD project eventually developed on 122.58 acres of the property would have the following characteristics:

- A maximum density of 4 dwelling units (d.u.) per gross acre
- Minimum lot widths of 50 feet
- Minimum Lot Size of 5,000 square feet
- Minimum of one (1) enclosed parking space and two (2) driveway spaces
- 4-foot-wide sidewalks along interior roadways
- Preserved wetlands counted as open space acreage on a one to one per Minimum internal roadway drive lane width of 11 feet, or 22 feet for a two-way street

Ms. Selig discussed the consistencies with the City Code and added that staff is recommending the Planning & Zoning Board recommend approval to City Council of the Comprehensive Plan Map Amendment changing the Future Land Use Map designation of the subject property from Brevard County "Residential 2 Units Per Acre" to City of Cocoa "Low Density Residential".

Ms. Selig read e-comments[4] from Tammy Green Clower and Dwight Coursey into the record.

Board member Koss asked for clarification regarding if the properties are developed or undeveloped. In response, Ms. Selig shared that Brevard County Property Appraiser listed the properties as undeveloped land. She also noted that the land was annexed into Cocoa in 2019.

Furthermore, Board member Koss clarified that the Board is not voting on the zoning this evening to which Ms. Selig stated that the zoning will be brought back at a later time.

Board member Sengel asked why the City is not seeking to re-zone to very low density as Adamson Creek and other subdivisions are. He expressed that his concern is inconsistency among these neighborhoods.

Ms. Kim Rezanka, Cantwell & Goldman PA, spoke on behalf of her client, the applicant, and clarified that this item is regarding the future land use and they are not seeking a re-zoning at this time. She provided background information regarding the item.

Chairperson Dobrin opened the hearing to the public.

[4] E-comments from Tammy Green Clower & Dwight Coursey

Mr. Dwight Coursey asked what the developer's intent is. He further asked what types of homes will be built on this property, whether it be single-family, multi-family, etc. In response, Ms. Rezanka explained that they will be single-family homes.

Ms. Selig provided further clarification regarding the PUD.

Christine Boothe, 550 Adamson Rd., expressed concern about being annexed into the City without her consent or without warning. She added that she does not want to be within the City limits and asked how to get out. She shared that the majority of the land is wetlands and she is concerned about flooding as well.

Jamie Bunnell, 6300 Highway 524, explained that he is concerned about neighbors coming in as he has wetlands all around his property and is worried about the land becoming too impacted. He asked the board to consider the situation as if they lived on the property.

Sara Wagner, 2205 Adamson Road, asked if the board, before moving forward, could ask if the applicant would consider very low density instead of low density. She wants the City to stop encroaching on county properties and believes that just because an individual has a smaller property does not mean they have less of a vote.

Catherine Bonadio, 6440 Sorrel Dr., expressed that she does not want the City to set a precedence by moving forward with this and asked them to reconsider.

Jerry Wagner, 900 Adamson Rd., asked if the pre-development agreement is legally binding. He pointed out that very low density would avoid a cluster of homes. He asked if there are any incentives for the City to allow subsidized housing in the PUD. In response, Mayor Williams stated no.

Ms. Wagner asked the Board to consider tabling the item.

Board member Koss suggested that he would like to see two units per acre, or very low density designation, and would consider disapproving the item and asking that the applicant submit an application for very low density for the Board to reconsider. Board member Ervin agreed with Board member Koss and noted that as the citizens stated, that area floods quite often.

Ms. Selig pointed out that the City does not currently have a zoning designation for very low density.

* **MOTION BY BOARD MEMBER KOSS; SECONDED BY BOARD MEMBER SENGEL TO RECOMMEND DISAPPROVAL TO THE CITY COUNCIL OF THE COMPREHENSIVE PLAN MAP AMENDMENT**

CHANGING THE FUTURE LAND USE MAP DESIGNATION OF THE SUBJECT PROPERTY FROM BREVARD COUNTY "RESIDENTIAL 2 UNITS PER ACRE" TO CITY OF COCOA "LOW DENSITY RESIDENTIAL".

AYES: DOBRIN, ANDERSON, BLANCO, ERVIN, GREEN, GREENWOOD, KOSS, SENGEL

* **MOTION PASSED UNANIMOUSLY (8-0)**

D. PZ-20-019 – Preliminary Subdivision / Large-Scale Site Plan – Lakeside Palms West

Ms. Selig provided a presentation[5] and gave a project summary.

Mr. Bryant Smith, Public Works Director, explained floodplains in detail and provided a project summary.

Ms. Selig added that staff is recommending the Planning & Zoning Board recommend approval to City Council of the Preliminary Subdivision with the conditions set forth below, as well as approval of the Large-Scale Site Plan with the conditions set forth below:

1. The Large-Scale Site Plan shall not be effective until and unless the Preliminary Subdivision has been approved by City Council.

2. Provide a conservation easement for Tract C in accordance with s. 704.06, Florida Statutes.

Mr. Andy Kirbach, Morgan & Associates Consulting Engineers, briefly discussed the City's Stormwater code and provided further clarification on. the project. He offered to answer any questions the Board may have.

Board member Koss asked if the City could be held liable in any way. In response, Assistant City Attorney Eick clarified that immunity doctrines would apply and the City would typically not be liable.

* **MOTION BY BOARD MEMBER KOSS; SECONDED BY BOARD MEMBER ANDERSON TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE PRELIMINARY SUBDIVISION TO INCLUDE THE CONDITIONS RECOMMENDED BY STAFF.**

[5] Preliminary Subdivision / Large-Scale Site Plan Lakeside Palms West Presentation

AYES: DOBRIN, ANDERSON, BLANCO, ERVIN, GREEN, GREENWOOD, KOSS

NAYS: SENGEL

* **MOTION PASSED (7-1)**

V. TREE BOARD:

None.

VI. OTHER BUSINESS:

1. Tree Board Update:

- Presentations by Angela Essing (day 1) and Larry Koss (day 2) of the Urban Forestry Institute's Tree Canopy event on March 5th and 6th.

Ms. Essing provided a presentation[6] regarding a broad overview of day 1 of the conference. Board member Koss provided a presentation[7] regarding day 2.

* **MOTION BY BOARD MEMBER BLANCO; SECONDED BY BOARD MEMBER ERVIN TO SEPARATE THE PLANNING AND ZONING BOARD FROM THE TREE BOARD OR TO CONSIDER INCORPORATING THE TREE BOARD WITH THE SUSTAINABILITY ADVISORY COMMITTEE.**

AYES: BLANCO, ERVIN, GREEN

NAYS: DOBRIN, ANDERSON, GREENWOOD, KOSS, SENGEL

* **MOTION FAILED (3-5)**

2. Recent Development Update

3. Open discussion by Board members

VII. NEXT MEETING DATE:

The next regularly scheduled meeting for the Planning and Zoning Board will be held on Wednesday, August 5th at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

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[6] 2020 Urban Forestry Institute – Expanding your Canopy

[7] Florida Urban Forestry Council

VIII. ADJOURNMENT:

* **MOTION BY BOARD MEMBER KOSS; SECONDED BY BOARD MEMBER SENGEL TO ADJOURN THE SPECIAL MEETING OF JUNE 16, 2020.**

AYES: DOBRIN, ANDERSON, BLANCO, ERVIN, GILLIAM, GREEN, KOSS, SENGEL

* **MOTION PASSED UNANIMOUSLY (8-0)**

MEETING WAS ADJOURNED AT 9:25 PM.

Michael Dobrin, Chairperson

Respectfully Submitted By:

Monica Arsenault, Recording Secretary

MINUTES
City of Cocoa
Regular Meeting of The City Council

June 24, 2020

A Regular City Council Meeting was held on Wednesday, June 24, 2020, in Cocoa City Hall, in City Council Chambers, located at 65 Stone Street, in Cocoa, Florida, 32922, as publicly noticed.

I. Opening Matters:

Mayor Williams called the meeting to order at 6:15 p.m.

Pastor Jarvis Wash provided the invocation and Councilmember Koss led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The City Clerk took the roll.

PRESENT:	Jake Williams, Jr.	Mayor
	James Goins	Deputy Mayor
	Don Boisvert	Councilmember
	Lorraine Koss	Councilmember
	Brenda Warner	Councilmember
	Anthony Garganese	City Attorney
	Matt Fuhrer	Interim City Manager
	Carie Shealy	City Clerk

OTHER STAFF MEMBERS PRESENT:

Tammy Gemmati, Administrative Services Director; Jack Walsh, Utilities Director; Michael Cantaloupe, Chief of Police; Jonathan Lamm, Fire Chief; Bryant Smith, Public Works Director; Rebecca Bowman, Finance Director; Nancy Bunt, Community Services Director; LeShawn Hinton, Helpdesk Support Tech; Samantha Senger, Assistant to the City Manager/PR Specialist; Dodie Selig, Planning Manager; Officer Dan Rhoades and K9 Bear and several other police officers.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of June 24, 2020. (20-344)

2. **Minutes:** (a) Regular meeting of May 13, 2020 (20-351)
(b) Regular meeting of May 27, 2020 (20-352)

Councilmember Koss requested to move Item VII.4 to VII.3, and to move Reports to the end of the meeting. Additionally, it was requested to move Council Business VIII.2 to a time certain of 7:15 p.m.

* **MOTION by Councilmember Koss; Seconded by Councilmember Warner, to approve the agenda as amended.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

* **MOTION by Councilmember Koss; Seconded by Councilmember Warner, to approve the Minutes for the Regular meetings of May 13, 2020 and May 27, 2020.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

1. Presentation by Representative Tyler Sirois to Officer Rhoades and K9 Bear. (20-347). (Rep. Sirois)

Rep. Tyler Sirois thanked Council for having them and was excited about things happening in the City of Cocoa. He thanked Pam Shaia for making this presentation possible. He read the proclamation to Officer Dan Rhoades into the record.

It was pointed out that all three of Cocoa's K9 teams were invited to be on America's Top Dog.

2. Citizens Academy Class 1 Graduation. (20-345). (Assistant to the City Manager/Public Relations Manager)

Ms. Senger advised that the Citizens Academy was derived from the Strategic Planning initiative and became a priority with the current Council. She provided an overview of what the academy participants did and believed that it was a great success. It was a nice opportunity to work with citizens and business owners. All participants were recognized and given a gift bag from the City.

Mr. Paul Kamus, a participant, felt that this was a great program and he hoped that it would continue. The class presented the City with an olive tree named "Love" that is to be planted somewhere in the City that needs "Love". He recognized Tricia at Rockledge Gardens for the tree and Erica at Ellen's Hallmark for the sign.

Councilmember Koss attended many of the sessions and it was all that she expected.

Mayor Williams thanked all for their participation. He mentioned that the City was applying for a grant that would aid in the continuation of this program.

Ms. Senger thanked all of the directors for helping put on a great program and making it engaging for everyone. She also thanked employees for taking pride in everything they do. She pointed out that most of the feedback was how dedicated employees were and that they have never seen that before.

Councilmember Warner has attended the Police Department and County academies and they are really good for citizens as well.

Council thanked Ms. Senger again for the program.

3. Presentation by Bethel Homes, Inc. (Mayor Williams)

Mr. Kevin Dardano introduced himself and Randy Mortenson who is the Chief Revenue Officer with Bethel Homes. Tom Nelson was also in attendance. He provided brief backgrounds on all of them.

He advised that they would like to create a public/private partnership with Cocoa to build affordable homes for families. He provided a presentation[1] on what their company was about.

He spoke about Cocoa's location and pointed out that it is central to Brevard's growth.

Their intent would be to have a facility here and take the home straight from the facility to the site.

Information was provided on the types of materials that are utilized when building these homes and he believes that they would be a good fit for the Michael C. Blake subdivision.

[1] EXHIBIT A: Bethel Home Builders Presentation

Prices for the homes would range from $150,000 to $170,000. Mr. Dardano believes that this would be a positive thing for Cocoa as he has already spoken to various clients who are interested in that area.

Mayor Williams stated that Deputy Mayor Goins had asked how many employees live in the City and the answer was around forty-five. One of the main reasons was that there was not housing for them.

Councilmember Warner mentioned that some steel frame homes were built on Pluckebaum a few years ago and asked who that builder was. It was pointed out that it was NextGen. She agreed that steel framing was very interesting and asked if it was recycled steel. Mr. Dardano confirmed that it was.

In closing, Mr. Dardano advised that they could build apartments, multi-family units, or just about anything. Costs are drastically less than traditional homes.

IV. Delegations:

Aleck Greenwood, 640 Brevard Avenue, Cocoa, pointed out that the City cannot afford a new civic center. He felt that the existing building could be enhanced. It was quoted at around $7 million for less square footage, when what we have could be upgraded. He further talked about a parking garage and the possible use of Rosa L. Jones Drive. The property is already owned by the City and it could be paved with a parking garage when the money is available in the future.

Rev. JB Dennis, 3710 Catalina Drive, Cocoa, spoke about modifying the Police Community Relations Advisory Committee. He also spoke of an incident where a Cocoa police officer took a picture of him sitting in his car at a store. It was car #29. He felt there were better things they could be doing with their time.

~~V. Reports:~~

VI. Consent Agenda:

1. Approve a Resolution Waiving the Competitive Bidding Process for the Purpose of Making Sole Source Purchases of Neptune Water Meters and Related Hardware from Sunstate Meter & Supply, Inc. and Approve Purchase of $300,000 of Neptune Meters for the Remainder of FY20. (20-255). (Utilities Director)

2. Approve a Resolution Waiving the Competitive Bidding Process for the Purpose of Making a Sole Source Purchase of Top End Rebuild for Generator Set #1

From Ring Power Corporation, Palm Bay, Florida, for the Dyal Water Treatment Plant. (20-296). (Utilities Director)

3. Authorize the Interim City Manager to Execute the FEMA Hazard Mitigation Grant Contract between the City of Cocoa and the Florida Division of Emergency Management (FDEM) for Replacement of Lift Station #1, Project # 4337-232-R, Contract # H0477 as Modified by the City Attorney; Approve a Budget Resolution Amending the FY20 Budget, Accepting the Grant Revenue and 25% City Match, from Fund Balance Reserves, BAF#20-078-A. (20-333). (Utilities Director)

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Warner, to approve the Consent agenda.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

VII. Public Hearings:

1. Pass on First Reading Ordinance No. 06-2020: Amending permitted locations for self-service storage facilities and amending the definition thereof. (20-337). (Community Services Director)

Attorney Garganese read Ordinance No. 06-2020 into the record, by title only, as follows. He advised that this was first reading of the ordinance.

ORDINANCE NO. 06-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ZONING, OF THE CITY CODE TO AMEND PERMITTED LOCATIONS FOR SELF-SERVICE STORAGE FACILITIES AND FURTHER AMENDING REGULATIONS RELATED TO THIS USE; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Williams noted the Planning & Zoning Board passed this item and there were additional things added.

Ms. Selig advised that in this ordinance they are clarifying the definition of a self-storage facility, clearing up inconsistences, and adding a use as wholesale with

the principal use. M2 and CBD were being removed from this and they were also clarifying parking and standardizing that.

She advised that discussion was held at the Planning & Zoning meeting and the board heard from the applicant who had a request to add commercial vehicles in some fashion. Ms. Selig pointed out that the way this was drafted was that the storage facility was a place to store personal belongings. Some units are big enough to store cars, jet skis, etc, and outdoor storage was specifically left out for cars and trucks because it could lead to potential issues.

The Planning & Zoning Board's motion was to approve the item but to allow some sort of language to allow commercial vehicles to be included. She advised that if Council wishes to do this as well staff would like their feedback. They would then look at it from a staff level and see how it would fit. The current definition in the City's Code is quite extensive.

Mayor Williams thought that this was something that could be looked at down the road as well, as there are no accommodations for vehicles. They could possibly look into where some of these facilities could be at, and possibly look into fencing or shielding the property so it does not show from the road.

Deputy Mayor Goins does not have a problem with this but does not want to be a city that does not allow vehicles to park as they may end up going to other cities.

Mayor Williams opened the hearing to the public.

Mark Barnebey, representing Storage Cap in Cocoa, spoke and noted that they are in the process of redeveloping the corner of Peachtree Street. They own over thirty self-storage facilities and currently own the property at Wilson and Peachtree Street. They clearly support the ordinance but noted some points they would like Council to consider.

He explained his reasonings behind these requested changes and mentioned that the second change was the parking requirements. They are requesting that be changed to one parking space for each 100 units instead of 50.

Mayor Williams asked Ms. Selig's take on one parking space for one hundred. In response, Ms. Selig believed that one per fifty was more than adequate. She has looked at several other facilities in the area and at existing ones in the City and did some calculations. Going one to fifty will not cause any issues.

City Attorney Garganese clarified the applicants recommended changed. Mr. Barnaby clarified that they were only requesting the change for the CW. City Attorney Garganese noted it would be limited to the CW.

Ms. Selig appreciated him providing them with definitions but it was simpler to allow passenger trucks to be parked outside only in the CW. She would shy away from creating another definition.

* **MOTION by Councilmember Boisvert to approve staff's recommendation.**

MOTION was Seconded by Councilmember Warner, for discussion.

Mayor Williams asked if the motion was to allow vehicles in the CW.

Councilmember Warner asked for clarification of Ms. Selig's recommendation, which are the changes outlined in the ordinance, outlining the parking standard, and standardizing languages in CR and CD and adding a use as a principal use in the CW with the same set of conditions.

Attorney Garganese advised that the distinction of what the applicant noted and staff presented was that the speaker wants to limit a proposed change in the CW and the condition is that cards and trucks should not be allowed, however, the speaker is proposing an exception of light duty trucks and vehicles. The other clarification was that staff is proposing one parking space for each fifty units and the speaker is proposing one per one hundred. The speaker is only requesting these for the CW.

Mayor Williams called the question. The Vote on the Motion was:

AYES: Boisvert, Koss, Warner

NAYS: Williams, Goins

THE MOTION CARRIED (3-2)

2. Pass on First Reading Ordinance 05-2020: Providing for the location of pharmacies and medical marijuana treatment center dispensing facilities. (20-338). (Community Services Director)

Attorney Garganese read Ordinance No. 05-2020 into the record by title only as follows. He advised this was the first reading of the ordinance.

ORDINANCE NO. 05-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ZONING, OF THE CITY CODE; PROVIDING FOR THE LOCATION OF PHARMACIES AND MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES IN THE CITY; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Ms. Selig presented the item and noted in 2016 Florida voters approved the medical marijuana initiative. She provided a brief history on the background of this ordinance.

She pointed out the districts in which the dispensaries would be allowed and which ones that they would be removed from.

Mayor Williams opened the hearing the public.

Ms. Senger read an E-Comment from Jeri Blanco[2] into the record.

Mayor Williams knows that these facilities fall under pharmacies which are already there.

Councilmember Warner also pointed out that this includes the medical marijuana treatment dispensary and most pharmacists will not be doing that. She mentioned that it is just like going into a doctors' office and they are not what she thinks that the public believes they are. She does not feel that 500 feet from schools is far enough but other than that she has no issues. She understands how someone would have reservations about it.

Ms. Selig noted they could certainly expand the distance.

There being no further response, Mayor Williams closed the hearing to the public.

* **MOTION by Deputy Mayor Goins; Seconded by Councilmember Koss, to approve Ordinance No. 05-2020 on First Reading.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

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2 EXHIBIT B: E-Comment from J. Blanco

3. Approval of a PRELIMINARY SUBDIVISION consistent with Chapter 18 Subdivisions and Appendix A Zoning of the City Code. The property owner desires to develop the existing vacant site as a single-family subdivision project containing 87 residential lots. (20-340). (Community Services Director)

Ms. Selig provided a presentation[3] on the proposed subdivision. She provided the Preliminary Subdivision Plat and a project summary, along with a detailed project history.

She spoke about the consistency with the Comprehensive Plan and mentioned that on May 11, 2020, the applicant submitted a letter containing some information regarding the economic feasibility of providing compensatory storage for the subdivision. Staff provided comments and on June 2, 2020, the applicant submitted a second letter regarding compensatory storage with some additional information. She spoke about compensatory storage in further detail and mentioned requirements that still had to be met.

Mr. Smith provided a background on flood plains and reviewed the flood map. He discussed comp plan requirements as well as costs associated with design aspects.

Councilmember Koss clarified that this was the property where they had removed trees.

Mr. Smith noted the homes on site were being lifted and he assured Council that they would be out of the water.

He pointed out that the typical FEMA requirement was to be at the base elevation.

Ms. Selig advised that the Planning & Zoning Board recommended approval with one condition of the Preliminary Subdivision application at its meeting on June 16, 2020.

The Planning & Zoning Board approved the Large-Scale Site Plan application at its meeting on June 16, 2020 with the following condition:

1. The Large-Scale Site Plan shall not be effective until and unless the Preliminary Subdivision has been approved by City Council.

Staff's Recommendation is as follows: Approval of the Preliminary Subdivision with the condition set forth below:

[3] EXHIBIT C: Presentation on the Preliminary Subdivision for Lakeside Palms West

1. Provide a conservation easement for Tract C in accordance with s. 704.06, Florida Statutes

Mayor Williams closed the hearing to the Council and opened it to the public. There being no response, the public portion of the hearing was closed.

* **MOTION by Councilmember Warner; Seconded by Councilmember Boisvert, to approve Staff's recommendation as follows: Approval of the Preliminary Subdivision with the condition set forth below: 1) Provide a conservation easement for Tract C in accordance with s. 704.06, Florida Statutes.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Approval of a large-scale Future Land Use MAP (FLUM) AMENDMENT consistent with Florida Statute Chapter 163 for Applicant and City initiated requests to change the Future Land Use Map designation of fifty-nine (59) parcels from Brevard County "Residential 2 Units Per Acre - R2" to City of Cocoa "Low Density Residential - LDR". (20-339). (Community Services Director)

Attorney Garganese read the ordinance into the record, by title only as follows. He noted that this was the first reading of this ordinance. This is a legislative message and it is the property recently annexed by the council and subject to the annexation agreement.

ORDINANCE NO. 04-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE MAP FOR FIFTY-NINE (59) PARCELS OF REAL PROPERTY WITHIN THE CITY OF COCOA, CONSISTING OF APPROXIMATELY 139.23 ACRES, GENERALLY LOCATED AT THE INTERSECTION OF STATE ROAD 524 AND STATE ROAD 520, AND MORE SPECIFICALLY WEST OF ADAMSON ROAD AND NORTH OF STATE ROADS 520 AND 524, BEING LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; CHANGING THE FUTURE LAND USE MAP DESIGNATION OF THE REAL PROPERTY FROM BREVARD COUNTY "RESIDENTIAL 2" TO CITY OF COCOA "LOW DENSITY RESIDENTIAL"; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE COMPREHENSIVE

PLAN, SEVERABILITY, AND AN EFFECTIVE DATE AND LEGAL STATUS OF THE PLAN AMENDMENT.

Ms. Selig noted that this property was recently annexed and she provided a presentation on the Future Land Use Map Amendment[4]. Ms. Selig provided a detailed project summary and shared a map with a grouping of said parcels.

She shared the consistency with the Comprehensive Plan and showed the future land use map.

Ms. Selig advised that the Planning and Zoning Board recommended denial at the June 16, 2020 meeting.

She further noted that staff's recommendation was to approve the Comprehensive Plan Map Amendment changing the Future Land Use Map designation of the subject property from Brevard County "Residential 2 Units Per Acre" to City of Cocoa "Low Density Residential".

Ms. Selig pointed out that an E-Comment was received after the Planning and Zoning Board meeting on this item which she read into the record from Harry and Iris Perrette[5].

Mayor Williams opened the hearing to the public.

Christine Boothe, P.O. Box 591, Groveland, Florida, owns land off of Adamson Road and noted that people were upset that this was annexed without being notified. She spoke in regards to her brother who is a Vietnam Vet and lives in that area because it was in the woods and he likes that way of life.

Cathie Bonnadio, 6440 Sorrel Drive, Cocoa, felt that passing this ordinance would set a precedence and would cause an inconsistent effect. It would not be consistent with the way of life in that area.

Sara Wagner, 2205 Adamson Road, Cocoa, has four generations of family that live on Adamson Road. She asked what amenities were provided by the City past I-95. In response to her question, the Interim City Manager noted that the City does not provide anything past F. Burton Park but they do have Fire and Police, and the dump belonged to the County not the City.

[4] EXHIBIT D: Future Land Use Map Amendment
[5] EXHIBIT E: E-Comment from Harry and Iris Perrette

Ms. Wagner asked why development agreements are not being looked over before they go into the record and that there was a reason they were trying to do low density instead of very low density.

Jamie Bunnell, 6300 Highway 524, Cocoa, has lived in Cocoa his whole life and does not want a bunch of homes on his property. He lives an active lifestyle and feels these would be encroaching on his property. He just asked that they be spread out a little more.

Holly Bunnell, 6300 Highway 524, Cocoa, advised that she had to rezone her property and pay $500-$600 in order to build on one acre. She would love to see two houses per acre for the same reasons her husband stated. There are a lot of wetlands in the area.

Ms. Senger read an E-Comment from Jeri Blanco into the record[6].

William Harris, 6450 Sorrel Drive, Cocoa, grew up on this road and lives across the street from his parents. He felt that there were a lot of things not being taken into consideration and that Council was not considering the needs of its future residents.

Kim Rezanka, Law Firm of Cantwell and Goldman, 96 Willard Street, Cocoa, was representing the applicants. She advised that this has been a long process which has been in the works for well over two years. These agreements are in the public records of Brevard County and nothing has been said before about this. This issue has been brought before Council before as well and the public had a chance to weigh in. The Future Land Use designation was recommended by the former City Manager. They have relied upon low density residential with all of this, as the low and very low density have the same criteria.

Ms. Rezanka noted that this was not inconsistent with Florida Statutes or the City's Plan. This will be a planned unit development. Additionally, it would be generally limited to the western part of the property due to the wetlands. In regards to public comments, there is school capacity and the developer will be bringing in sewer. She reiterated that this was for the future land use and it was a legislative policy decision and it meets the Code.

Mayor Williams closed the hearing to the public and reopened to Council for discussion.

[6] EXHIBIT F: E-Comment from Jeri Blanco

Deputy Mayor Goins asked if they could go to two units per acre. In response, Ms. Selig noted that was not possible at this time, as it is four units per acre.

Councilmember Warner clarified that the actual placement of lots and homes and those that might abut properties would be addressed in the PUD process and what was being approved tonight will not affect that. Ms. Selig responded in the affirmative.

Councilmember Warner further pointed out that those are designs that can be decided in the PUD. Ms. Selig again, responded in the affirmative.

Ms. Selig explained the options that they have in regards to wetlands and the possible outcomes that we could have. She provided the example of Lakeside Palms West. She advised that they could consider very low density but if they want to make a change beyond the recommended one than they apply to both the city parcels and applicant parcels so they are the same. They should all have the same future land use.

Mayor Williams asked what the process would be if they wanted to be consistent with the County. Ms. Selig explained the process and pointed out that it would take several months.

Councilmember Warner thought that there was a previous agreement that had been done for the west Cocoa area. She clarified again that everything being discussed would be addressed in the PUD process.

Further discussion was held on low versus very low density. Additionally, Ms. Selig explained the conflict with this ordinance at the Planning and Zoning Board meeting.

Mayor Williams mentioned that they also mentioned flooding and buffers at the meeting which made some members think twice about the project. All of these issues would be addressed in future phases.

Councilmember Warner re-clarified that it did not matter if they go with low or very low density, in the development agreement there would still be four units. She asked if this would change for those that the agreement did not apply to. In response, Ms. Selig explained that there were different zoning options and that typically the higher the density is usually higher the price.

* **MOTION by Councilmember Warner; Seconded by Councilmember Boisvert, to approve staff's recommendation.**

AYES: Williams, Goins, Boisvert, Warner

NAYS: Koss

THE MOTION CARRIED (4-1)

VIII. Council Business:

1. Seek Council direction on holding public special events at City facilities in the month of July. (20-342). (Assistant to the City Manager/PR Specialist)

Ms. Senger noted that there have been some scheduled events that have backed out due to Covid-19. The only event that is being held at this time is the Block Party on July 4th.

Councilmember Boisvert asked if there was a plan to hire off duty police officers. It was pointed out that this event has been done in the past and it was previously a road closure, and they did not request security.

Discussion was held on security and that it should be a requirement.

Chief Cantaloupe advised that if it was going to be required than it should be at least two officers. The event is from 12 p.m. until 9 p.m.

* **IT WAS A CONSENSUS TO REQUIRE SECURITY FROM THE HOURS OF 5 PM UNTIL 9 PM.**

2. Staff is requesting City Council to evaluate the feasibility for the rehabilitation and repair of the existing Dr. Joe Lee Smith Park Community Center and provide Staff a recommendation on how the City Council would like to proceed with the existing building. (20-343). (Public Works Director)

This item was moved to a time certain of 7:15 pm.

Mr. Smith advised that a report came back and the existing Joe Lee Smith Center was very outdated. It would result in a lot of costs to do anything to the building. In order to update the building to current code it would cost a little over $1 million. To keep it as is would cost about $47,000 per year to maintain and to change the use would be around $2-$3 million.

Once the new building opens the County will no longer be paying their maintenance fees. They have been looking at the Diamond Square stormwater issue and were in the process of finalizing their feasibility report. That area is a huge problem and pre-studies show that a stormwater pond would provide

significant benefit to the area. He provided a cost breakdown if they chose to go this route.

Additionally, demolition costs would be about $20,000 and the yearly costs of $47,000 does not take into account things that need done.

Deputy Mayor Goins mentioned that Brevard Parks and Recreation has been occupying this building for roughly sixty years and when he sees that it will cost over a million for repairs it tells him two things. One is that Brevard County did not do their part and the second is that the City did not follow up on who they had a contract with.

Additionally, there are several people who are showing interest in the property and he does not want this turning into a retention pond. Deputy Mayor Goins stressed the importance of programs for children. There are a lot of people who can work together to provide these programs. He suggested doing an RFP for the building to see who was willing to join forces with the City. He also felt that the City needed to take its parks back.

Councilmember Warner advised there was a period when the City tried to work with Brevard Parks and Recreation but the issue was always that they did not have money. She believed we are a step ahead of where we were previously and now we have a steering committee for the parks.

She agreed with Deputy Mayor Goins but felt it might be cheaper to demolish the old building and build a new one. She has no problem with doing a RFP and pointed out that they would be losing the YMCA so they need to do something for the kids.

Mayor Williams spoke in regards to the YMCA and noted they have a swimming pool and an exercise room and opted to move their facilities. He was not blaming anyone but coming into office in 2018 there were a lot of things they were facing. He spoke about all of the parks with locked restrooms. This is not what the City was about and he was ashamed. They recently had to tear down playground equipment at Provost Park and condemned it.

He further pointed out food was being served at Lee Wenner Park and it was affecting businesses downtown.

Councilmember Koss asked Mr. Smith why they were stating the building was not historically significant. In response, Mr. Smith advised that the consultants had reviewed the State requirements for that designation and it was not consistent with those.

Mr. Smith provided a list of possible uses for the building per Councilmember Koss's request.

Interim City Manager spoke about the meeting with park maintenance he had and how all of this came about. There have been a series of maintenance agreements to get us where we are today. He discussed in furtherance the history of parks.

He further advised that Council needed to keep in mind that there could be events going on at both centers and there are already issues with parking.

Mayor Williams believed that this should be a public meeting so that they could hear from the residents. It was requested to have the meeting in the old building.

Sheila Mobley, 815 Brevard Avenue, lives in Rockledge, but her heart is in Cocoa. She stated that there are a lot of children from Rockledge that come to Cocoa for youth activities such as PAL. She requested that PAL be given a chance to use that building. There are a lot of memories there and they need a facility for kids to stay busy. She offered to volunteer if needed.

Mayor Williams agreed that there could be other groups that come in as well.

Ms. Senger read an E-Comment[7] into the record by Jeri Blanco.

Mr. Wash, REAL Church, 909 Bristol Drive, the REAL Church, would like to have an opportunity to try to do something with the center. He spoke about possible partnerships, for example with Health First, and have a gym there for the neighborhood to utilize.

Alton Edmund, 630 Brevard Avenue, Cocoa, echoed the sentiments about repurposing the Joe Lee Smith Center. Being someone who has represented and been a part of prosecution teams, one of the biggest issues is that there are very few things for children to do and to be productive in. He further addressed the vacancy on the Police Community Relations Advisory Committee and asked if that would be filled prior to the upcoming meeting.

[7] EXHIBIT G: E-Comment from J. Blanco

It was requested to go out to the community for a meeting to see what the residents want and that it be held next month if possible.

Interim City Manager Fuhrer explained that if a RFP were developed it would be wise to solicit input from the public regarding uses, etc.

Deputy Mayor Goins requested that the City invest in the property to at least get it looking better. He noted Brevard Parks and Recreation told their employees not to do any work on the property.

IX. City Business:

1. Staff is seeking Council approval to work through the City's Solid Waste Contractor for the scheduled removal and billing of illicit vegetative commercial waste in the rights-of-way. Staff is requesting approval to directly charge the commercial properties through the assigned utility account owner based on the billing received from the Solid Waste Contractor for the removal. (20-346). (Public Works Director)

* **MOTION by Councilmember Koss; Seconded by Councilmember Boisvert, to approve the item.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Ordinance No.07-2020/1st Reading: Amending Section 2-51 of the City Code to modify City Council regular meeting days from Wednesday to Tuesday. (20-353). (City Attorney)

Attorney Garganese read Ordinance No. 07-2020 into the record by title only as follows. He advised that this was first reading of the ordinance.

ORDINANCE NO. 07-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING SECTION 2-51 OF THE CITY CODE TO PROVIDE THAT REGULAR CITY COUNCIL MEETINGS SHALL BE HELD ON EVERY SECOND AND FOURTH TUESDAY OF EACH AND EVERY MONTH; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

* **MOTION by Councilmember Warner; Seconded by Councilmember Koss, to approve Ordinance No. 07-2020 on first reading.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

Multi-Year Contracts:

3. Approve a multi-year interlocal agreement between the City of Cocoa and the City of Rockledge for School Crossing Guard Services for the school year commencing August 11, 2020 and end May 27, 2021. (20-315). (Chief of Police)

* **MOTION by Councilmember Warner; Seconded by Councilmember Boisvert, to approve the item.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Approve the revised multi-year lease agreement with Sissine's Office Systems, Inc. for copiers, replacing four (4) Ricoh MPC307 copiers with four (4) higher capacity Ricoh IM C4500 copiers with finishing units under the terms and conditions of the U.S. Communities Ricoh and Canon contracts and authorize the City Manager to execute the U.S. Communities Product Schedule, U.S. Communities Master Lease Agreement, U.S. Communities Master Lease Agreement Addendum City of Cocoa, Florida, Sissine's Business Solutions Sales Order, and Sissine's Business Solutions Service Level Agreement and authorize the City Manager to add additional equipment to the lease agreement resulting in an increase of no more than $500 per month from the contracted payment. (20-349). (Chief Information Officer)

* **MOTION by Councilmember Warner; Seconded by Councilmember Boisvert, to approve the item.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

Reports:

* **None.**

X. Informational Agenda:

1. Cumulative purchase approvals over $35,000 and under $50,000 for period 10/01/2019 to 05/31/2020. (20-305). (Finance Director)

2. Data showing the relation between the estimated and actual income and expenses to date. (20-316). (Finance Director)

3. Approved change orders to construction contracts that the City Council has authorized the City Manager, by resolution, to approve in excess of the City Manager's spending authority. (20-317). (Finance Director)

4. FY 2020 Budget Adjustment Report. (20-318). (Finance Director)

5. Space Coast Transportation and Planning Organization Project Updates. (20-332). (Public Works Director)

6. Fire Incident Report Summary for May, 2020. (20-350). (Fire Chief)

7. Informational item related to City Council's request to discuss the addition of an agenda review meeting. (20-358). (Interim City Manager)

XI. Adjournment:

* **MOTION by Councilmember Warner; Seconded by Councilmember Koss, to hear Reports at the Budget Workshop being held tomorrow, June 25, 2020.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Koss, to adjourn the Regular meeting of June 24, 2020.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 9:32 p.m.

Jake Williams, Jr., Mayor

ATTEST:

Carie Shealy, MMC, City Clerk

SEAL

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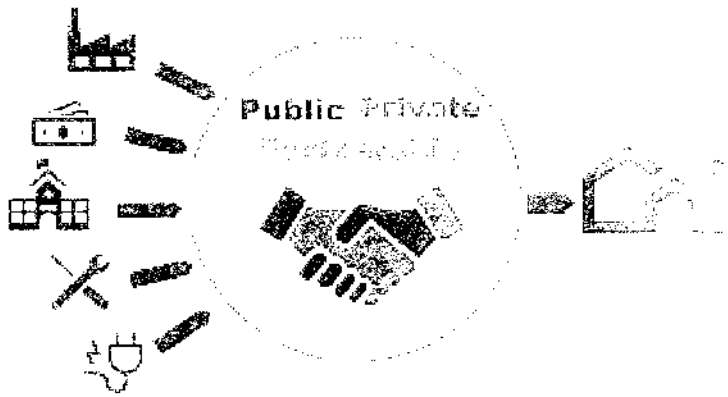


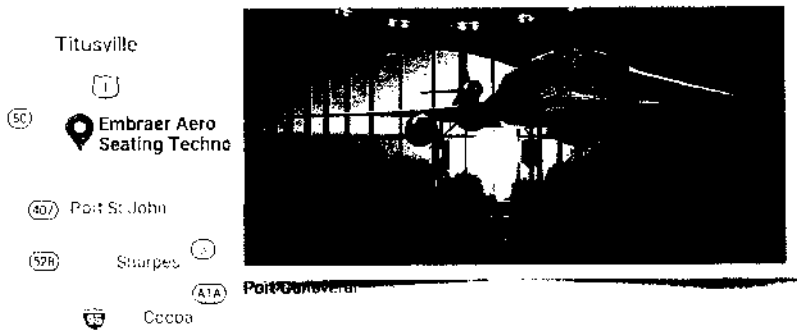
EXHIBIT A: Bethel Home Builders Presentation

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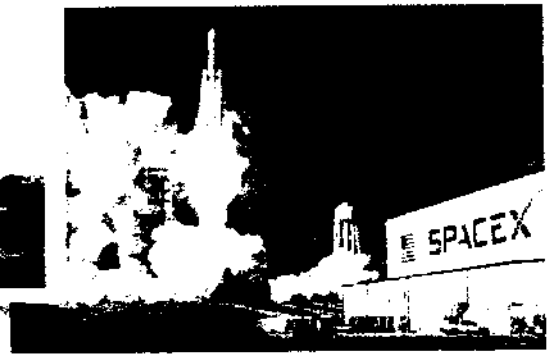
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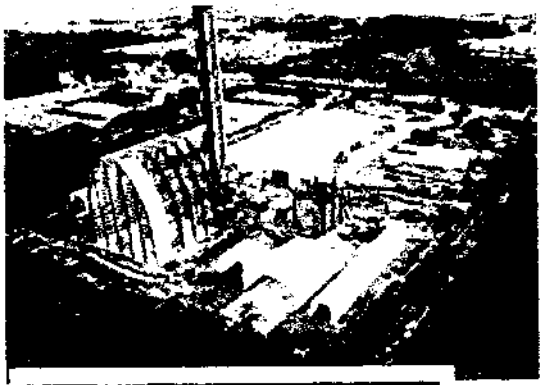


EMBRAER
Executive Jets



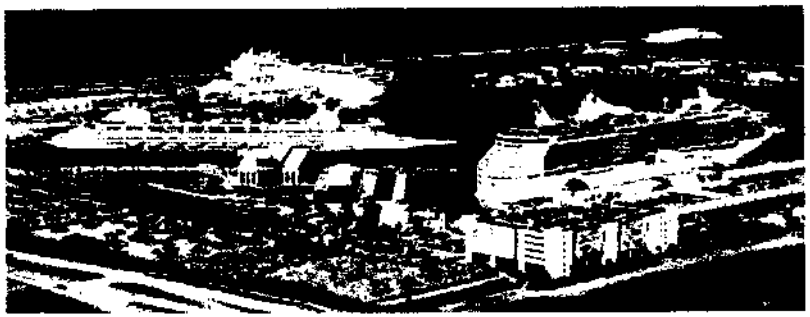


COCOA
FLORIDA



BREVARD COUNTY DISTRIBUTION CENTER





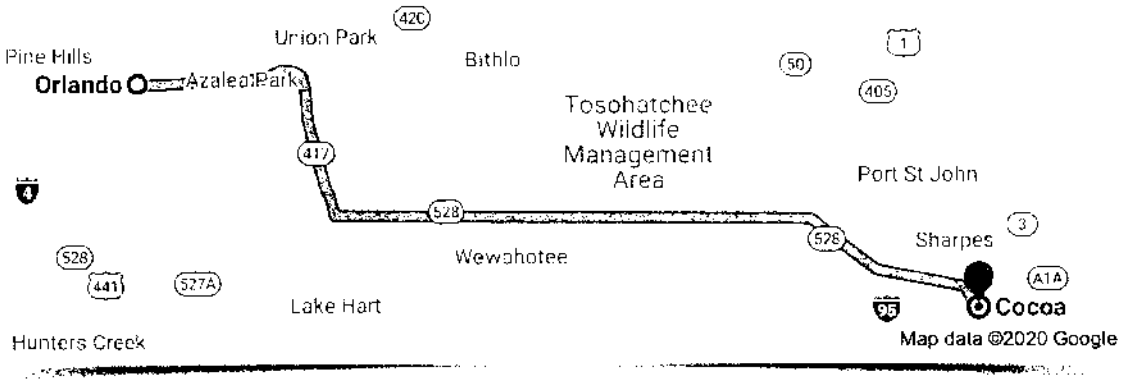




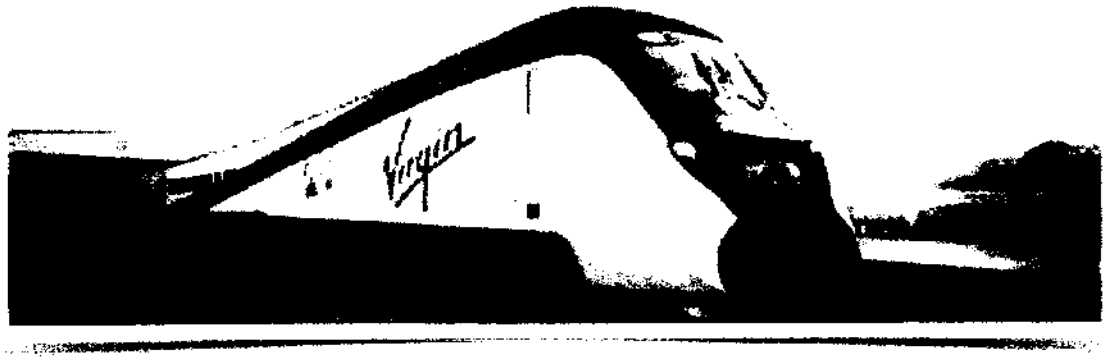
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Cocoa is rapidly becoming a hub for Central Florida







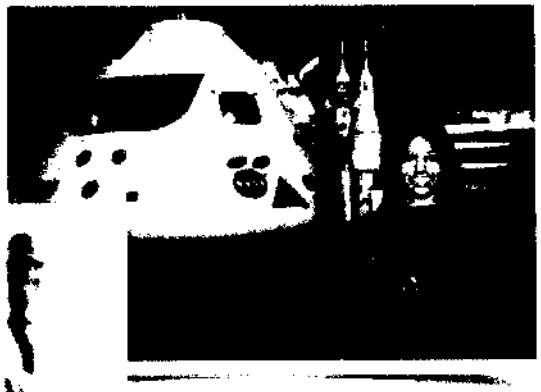


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Cocoa is Central to Brevard's Growth

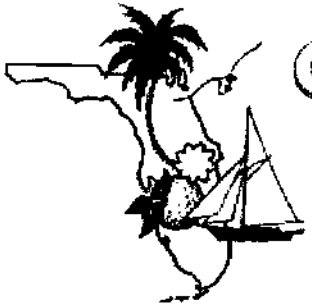
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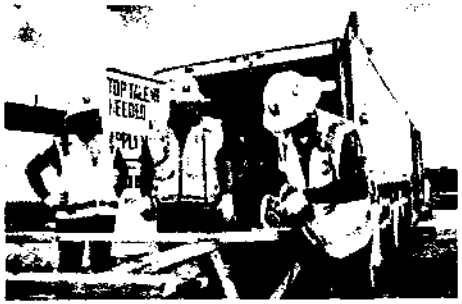




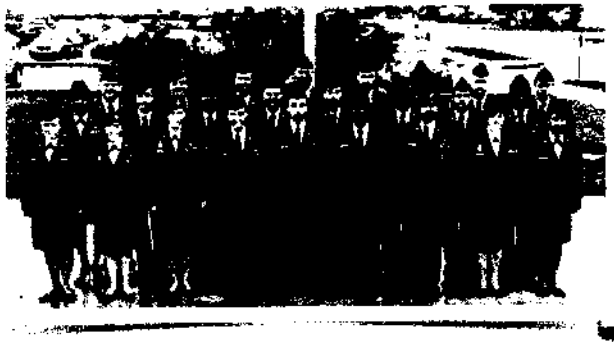


COCOA
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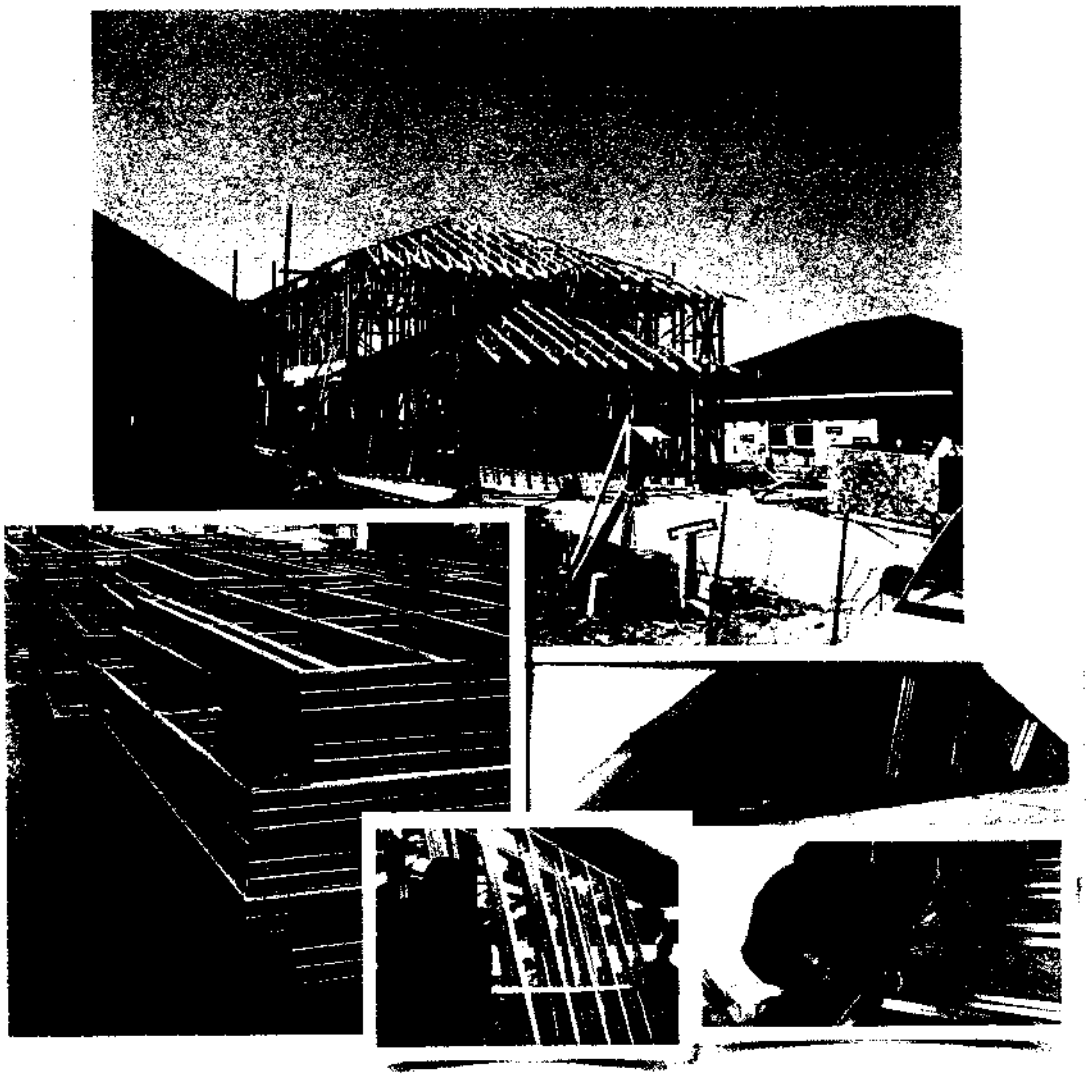


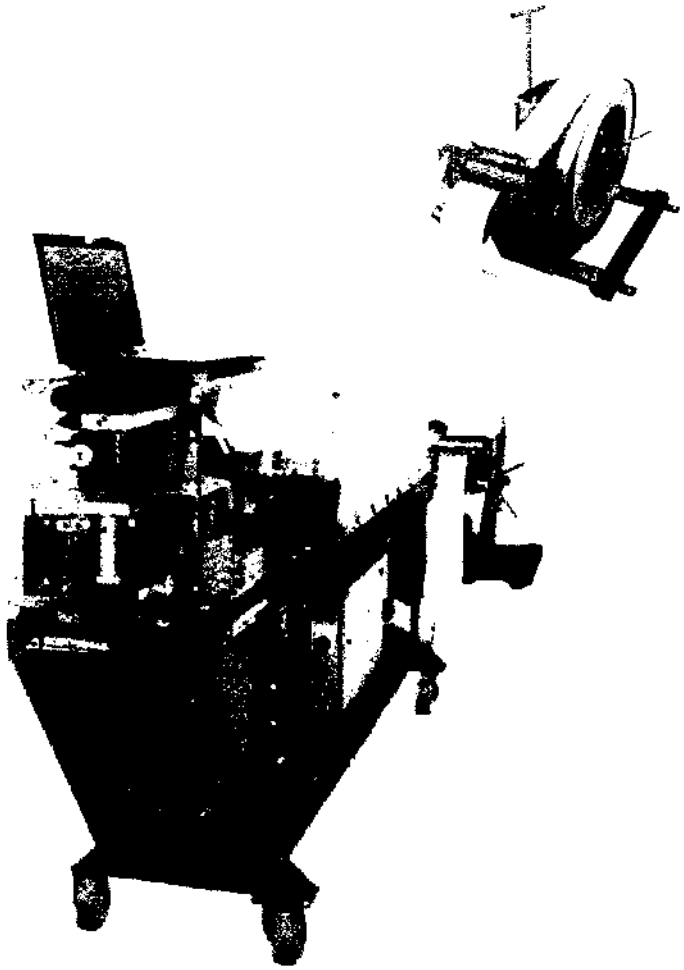


My people will live in safety, quietly at home.
They will be at rest. Isaiah 32:18 NLT

The Bethel Difference

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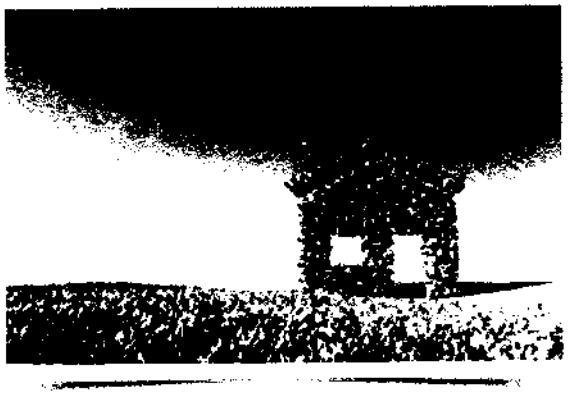
The Bethel Difference - cont'd

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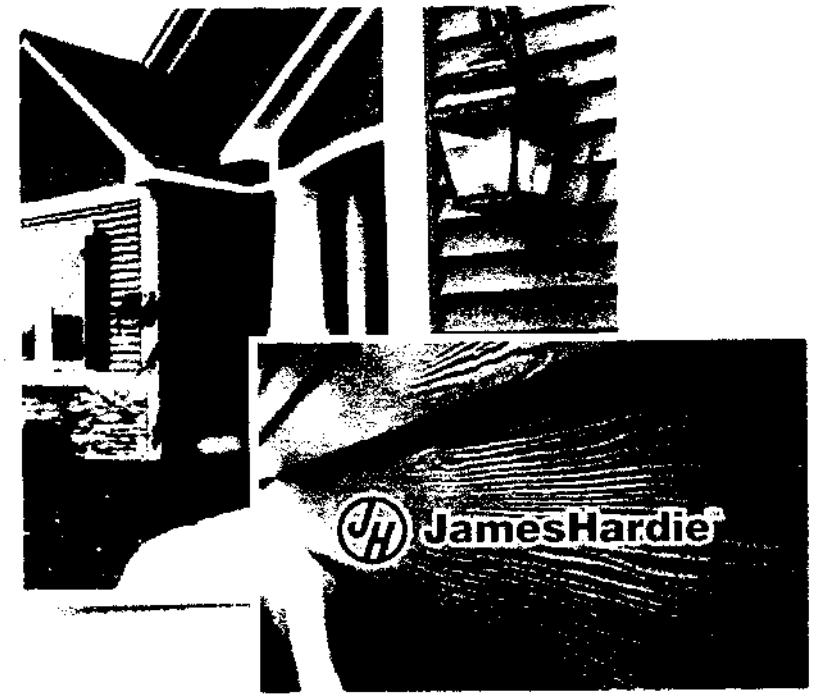
-WallBoard
INTERNAL WALL LININGS

ResCom-WallBoard
EXTERNAL WALL LININGS

-flooring
RESIDENTIAL & COMMERCIAL FLOORING







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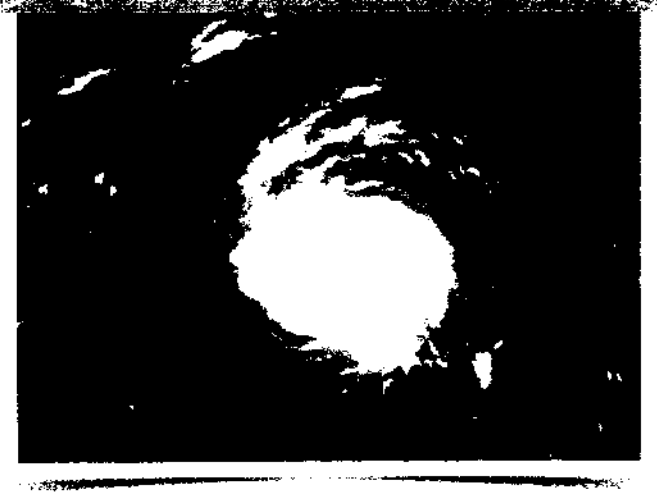
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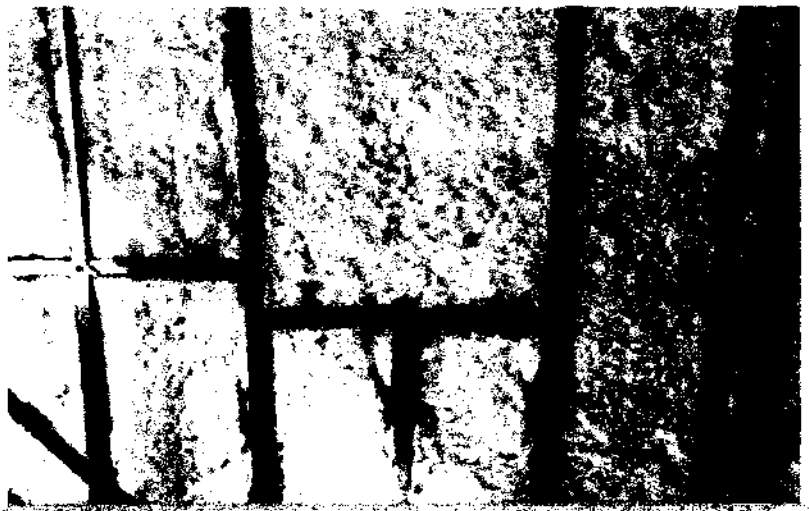
The Bethel Difference - cont'd

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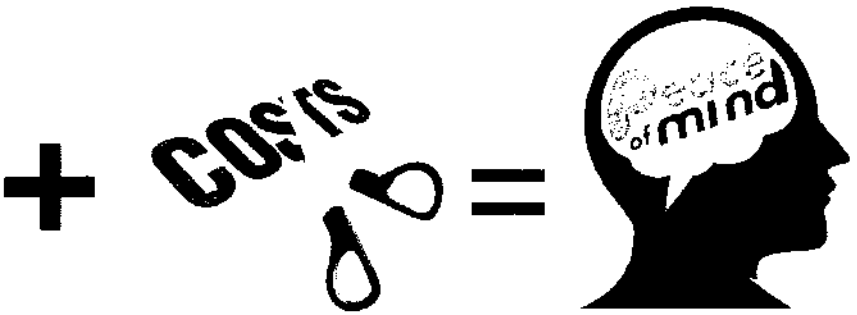
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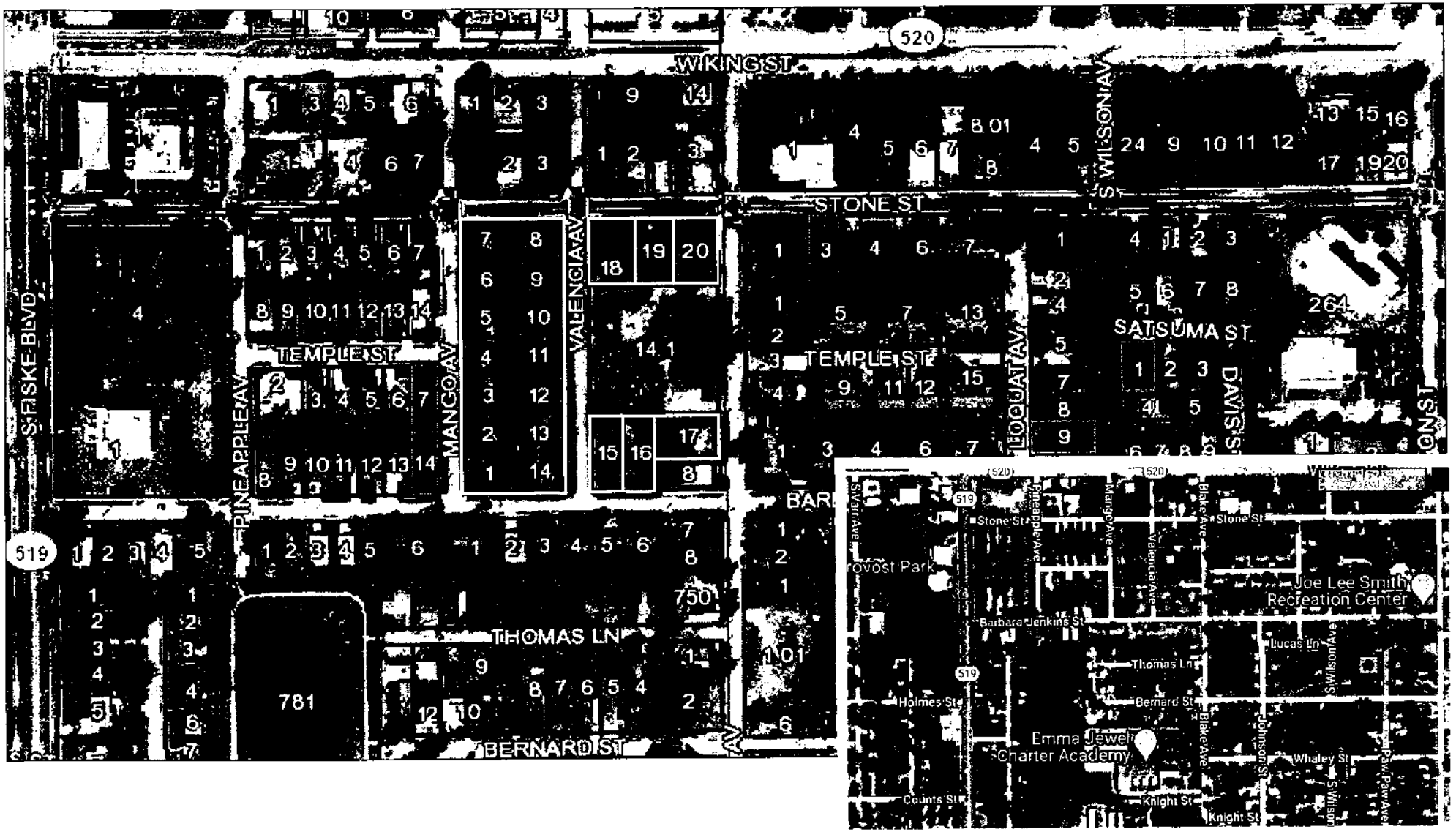
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Michael C. Blake Subdivision

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Map of 27 Lots from "Exhibit A" of 57 Lots
Inventory of City Owned Properties for Affordable Housing

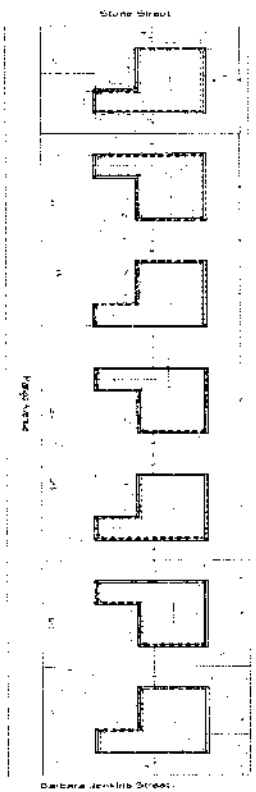


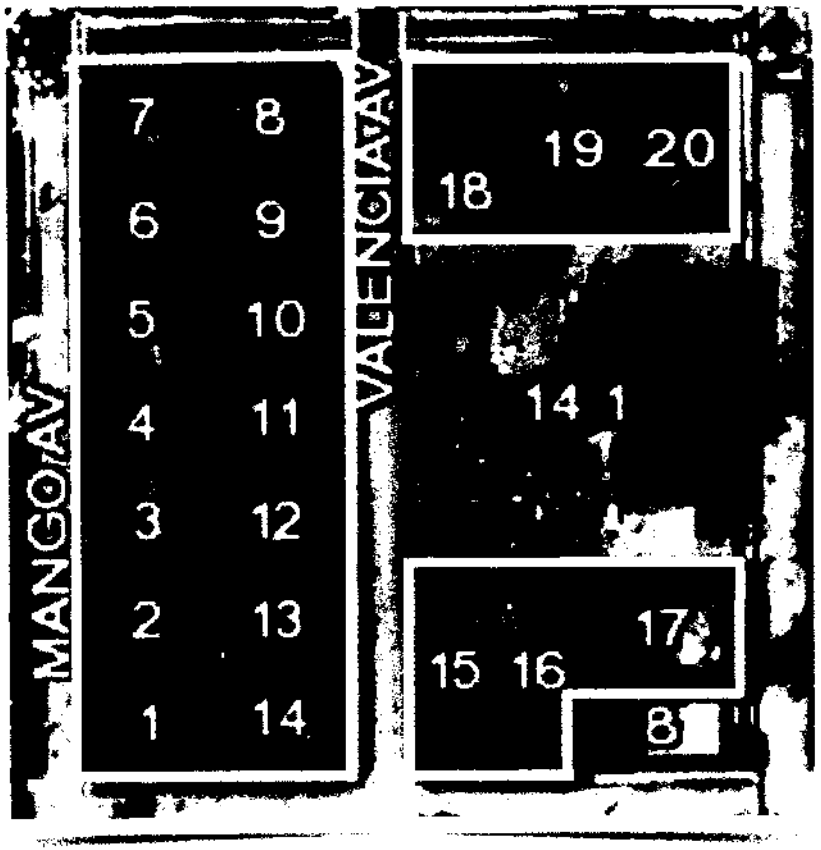
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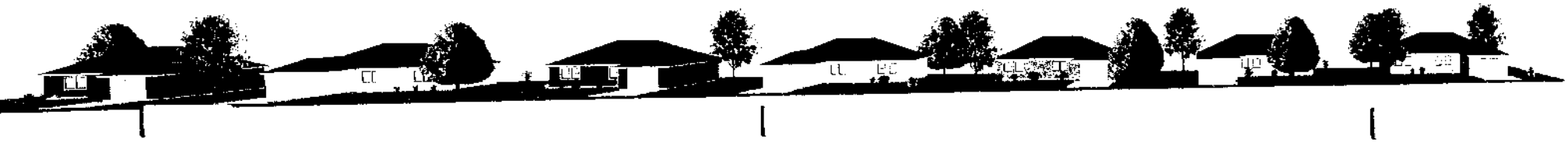
Michael C. Blake Subdivision-cont'd

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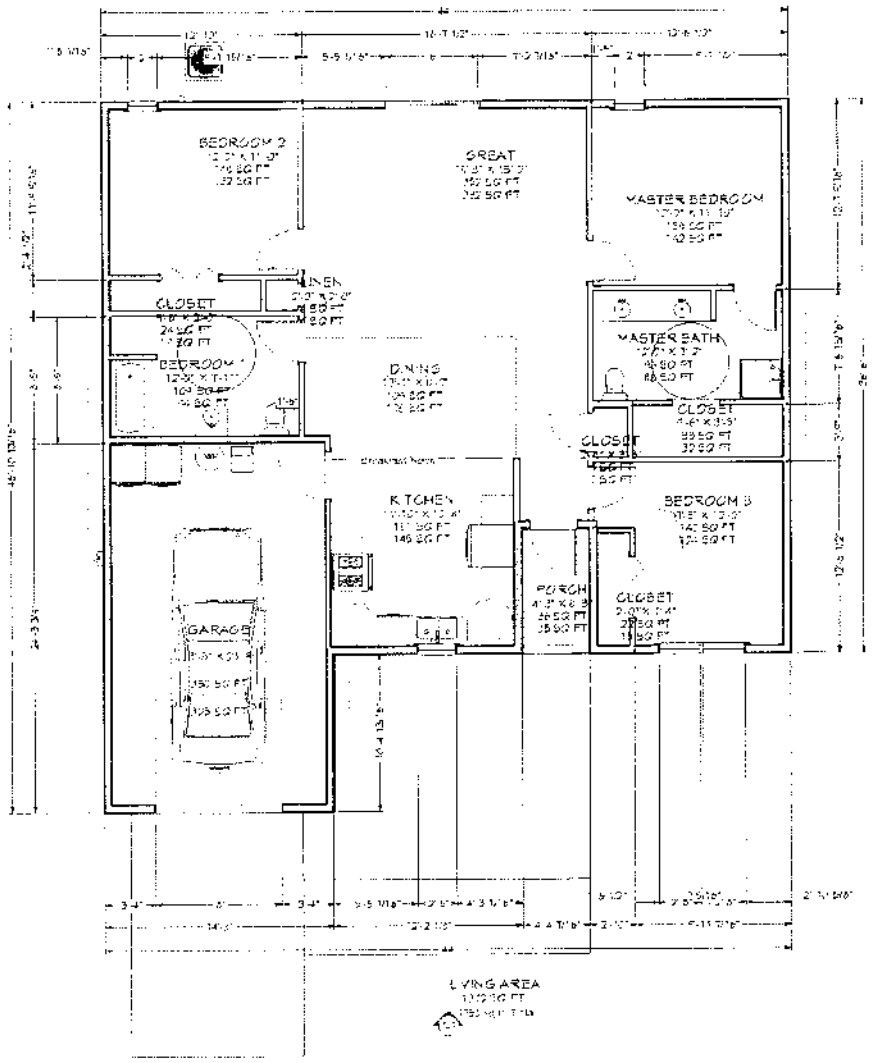


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* Home prices are subject to change due to the cost of goods , labor, and supply

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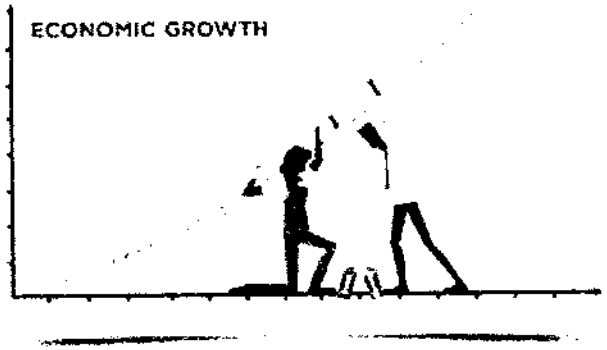
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Positive Results for Cocoa

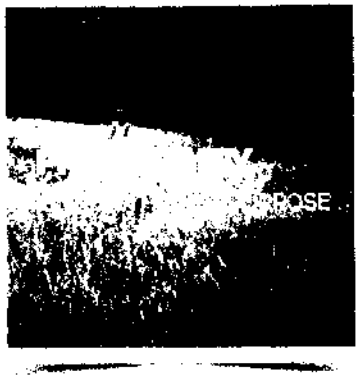
Bethel Home Builders



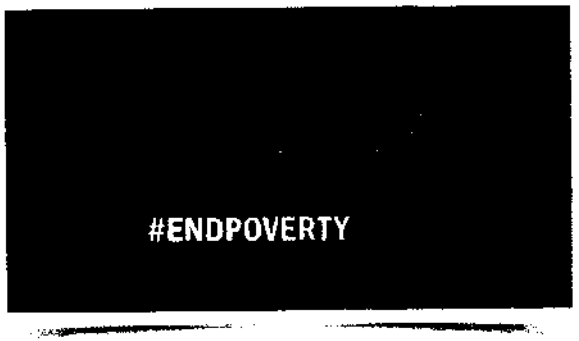




"A home is the foundation of the family, and a building block for strong communities."
~Kevin G. Dardano







©Kevin Dardano Bethel Home Builders, Inc. 2020

Proprietary and Confidential

EXHIBITS B, F , & G: E-Comments from Jeri Blanco

Dear City Council Members,

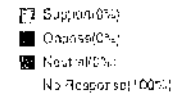
This item addresses the location of the Medical Marijuana Dispensing Facilities located within the city limits of Cocoa. The current state statue that limits the location of the facilities within 500 feet of a school in my opinion is not restrictive enough. As an example, Clearlake Educational Center which is located on Clearlake Road is within walking distance to College Manor. This well established neighborhood consisting of nearly 500 homes could potentially be impacted by this ordinance which would allow a medical marijuana facility to open less than 200 yards from the entrance of the neighborhood. This neighborhood has seen a resurgence of late in the value of it's homes and in it's stability. I urge the council to not make the same mistakes of your predecessors which allowed a liquor store and a bar to open within walking distance to not only the neighborhood but also to at that time Clearlake Middle School. This decision will have impacts on neighborhoods such as College Manor for years to come, not just in the short term but 30-50 years from now. Protect our neighborhoods by further restricting the locations of these facilities. Full disclosure, I was the single vote against this ordinance at the last P&Z meeting held on June 16th 2020.

Thank you for your time,

Jeri Blanco

Agenda Item: eComments for Deleted Agenda Item

Overall Sentiment



Guest User
Location:
Submitted At: 12:17pm 06-23-20

Dear City Council,

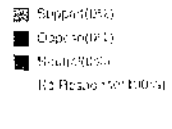
This item addresses the approval of a Future Land Use Map Amendment consisting of 59 parcels from Brevard County "Residential 2 Units Per Acre - R2" to City of Cocoa Low Density Residential- LDR. This item was on the agenda at the last P&Z meeting held on June 16th 2020. There were several residents in attendance at that meeting to voice their opposition to this change. The vote by the P&Z Board was unanimous to not recommend the approval of this change as written. This change if approved by council as written would have a detrimental impact on the value of the surrounding properties and would alter the current lifestyle and dynamics of the area. This is a predominately rural area where residents enjoy the ability to have small livestock such as horses and chickens. To allow a Low Density Residential from the current Residential 2 units per acre would bring the very type of development these owners did not wish to have. As a member of the P&Z Board I ask that you have staff re evaluate this request and bring back a recommendation more appropriate to the area.

Thank you for your time,

Jeri Blanco
Cocoa, FL 32922

Agenda Item: eComments for Deleted Agenda Item

Overall Sentiment



Guest User
Location:
Submitted At: 12:30pm 06-23-20

Dear City Council Members,

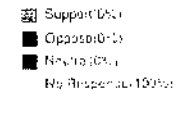
This item is requesting city council bring back to staff recommendations on how the council would like to proceed with the existing structure. As a tax payer of the city I feel the cost to renovate and or rehab this structure is cost prohibitive. The decision to build a new Joe Lee Smith Center was one that was supported by the community and the former council. The new facility which is now ADA compliant, up to code and will serve the surrounding community for many years to come is beautiful. The city has a responsibility to the residents to make financially prudent decisions. To consider anything other than the complete removal of the outdated and non compliant structure would not be in the best interest of it's residents.

Thank you for your time,

Jeri Blanco
Cocoa, FL 32922

Agenda Item: eComments for VII.3 20-339 Approval of a large scale Future Land Use MAP (FLUM) AMENDMENT consistent with Florida Statute Chapter 163 for Applicant and City initiated requests to change the Future Land Use Map designation of fifty-nine (59) parcels from Brevard County "Residential 2 Units Per Acre - R2" to City of Cocoa "Low Density Residential - LDR". (Community Services Director)

Overall Sentiment



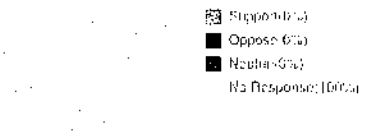
Guest User
Location:
Submitted At: 11:15am 06-24-20

Harry A. Perrette III, and Iris A. Perrette , reside at 6250 State Rd. 524, Cocoa, Fl 32926, We oppose the change from "Residential 2 Units per Acre - R2, to City of Cocoa "Low Density Residential - LDR". We request to leave zoning as is, or our preferred change is to 1 Residential Unit per Acre. We currently own and reside at

6250 State Rd. 524, since 1986, and we own 1 Acre lots on each side of our 6250 State Rd. homestead. We also request that wetlands on 59 parcels/property owned by Cape Canaveral Heights Properties, Inc., remain wetlands.

Agenda Item: eComments for VIII.2 20-343 Staff is requesting City Council to evaluate the feasibility for the rehabilitation and repair of the existing Dr. Joe Lee Smith Park Community Center and provide Staff a recommendation on how the City Council would like to proceed with the existing building. (Public Works Director)

Overall Sentiment



Guest User
Location:
Submitted At: 7:55pm 06-24-20

Victoria Mitchner - Rockledge, FL
Good Evening Council, I don't agree with demolishing the old Joe Lee Smith building, this building is part of Cocoa's history. Many buildings that were of historical value in the Diamond Square have already been torn down. I believe the old Joe Lee Smith should be repurposed and used to house an organization that can provide social programs for youth in Cocoa and surrounding areas. As a person who works and serves in the Cocoa community this would be of great value. If the city can invest in the Riverfront projects I believe the city should invest in other portions of Cocoa. Thank you for your time.

EXHIBIT C: Presentation on the Preliminary Subdivision for Lakeside Palms West

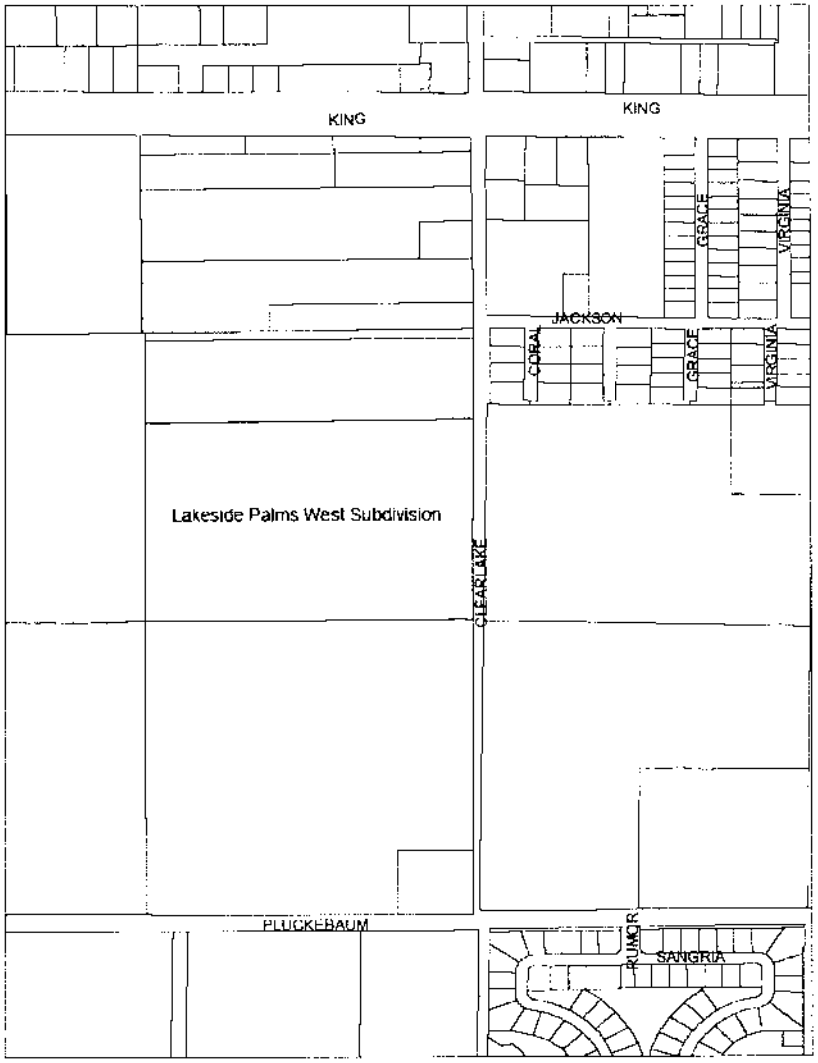
June 24, 2020

Project Summary

- The Applicant has requested approval of a Preliminary Subdivision for a parcel of land on the west side of Clearlake Road. The property contains 27.62 acres and is currently vacant land.

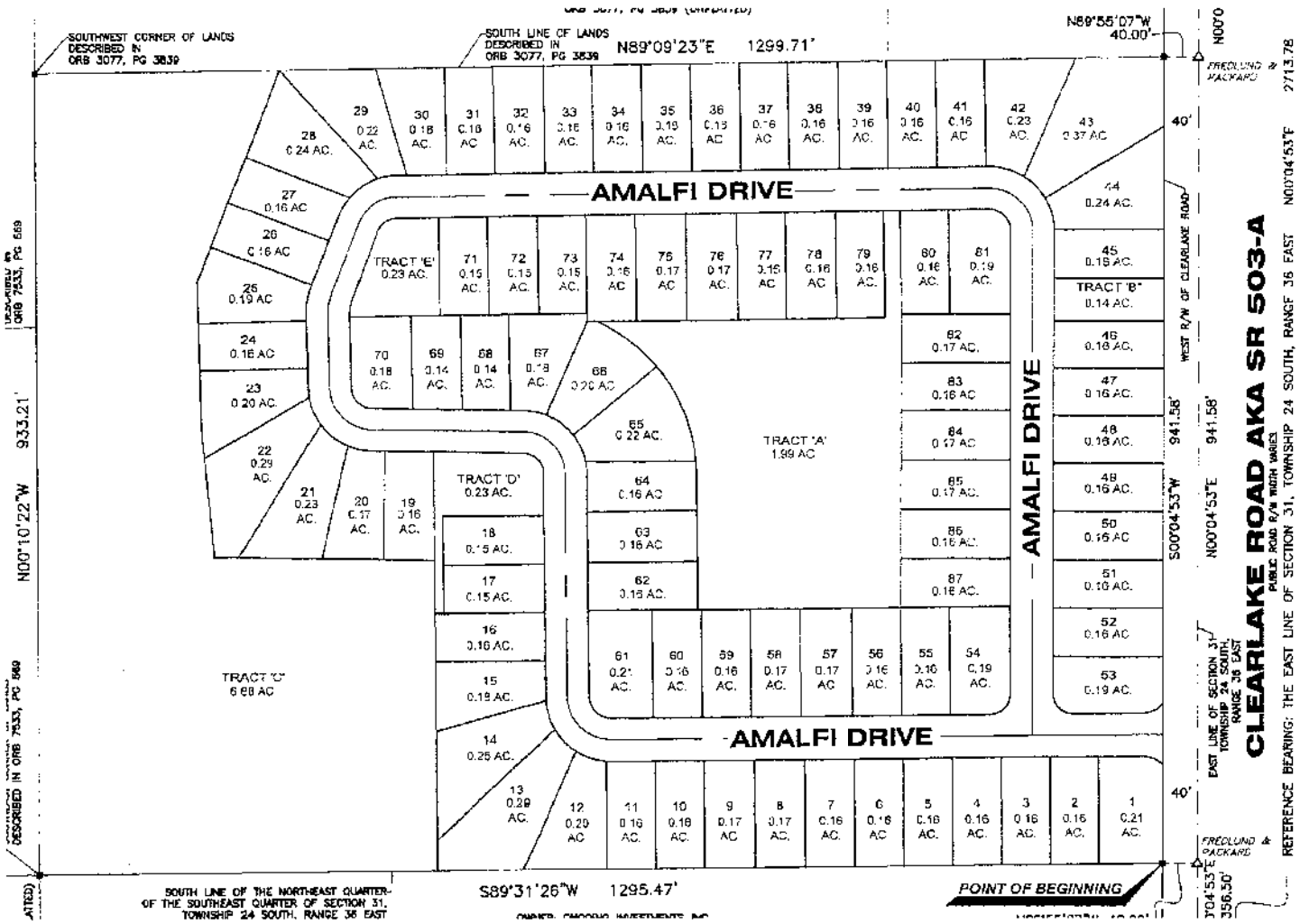
- The application comprises a single-family subdivision with 87 lots (approximately 5 units per acre). The property is a former orange grove with the western portion of the parcel part of a larger wetland extending over several other adjacent properties.

Project Location



COCOA
FLORIDA

Preliminary Subdivision Plat



COCOA FLORIDA

Project History

- The Lakeside Palms West subdivision application and large scale site plan were originally submitted to the City on October 5, 2018.

- The original subdivision application proposed 89 lots with no amenities. The Applicant revised their subdivision plan to convert 2 of those lots into common open space areas for community amenities as part of a Development Agreement.

Project History

- The Preliminary Subdivision / Large Scale Site Plan were heard by the Planning & Zoning Board on Dec. 5, 2018 and recommended for approval with conditions.

- The City Council subsequently approved the Preliminary Subdivision with the same conditions on February 13, 2019. However, the conditional approvals granted on February 13, 2019 have since expired.

Project History

- After February 13, 2019, no further plans were submitted by the applicant to the Planning & Zoning Division, however revised plans were submitted to the Utilities Department addressing those conditions specific to that department which were itemized in the City Council approval. That revised plan set was approved by the Utilities Department on March 1, 2019.

- In late January 2020, the applicant approached the City with the desire to move forward once again with the project as a new prospective buyer was considering the property.

COCOA
FLORIDA

Project Summary

- On February 20, 2020, the owner submitted a written request to extend the preliminary plat. However, it had expired and become void on its own terms by that time.

- On March 11, 2020, the City Council approved an extension of the permitting timelines in the Development Agreement for a 12-month period to allow the owner to refile for large scale site plan and preliminary subdivision approval.

- On May 4, 2020, the applicant submitted the same preliminary subdivision plan and plat that were given conditional approval by the City Council in 2019. (Exhibits B and C respectively)

Project Summary

Staff has reviewed the conditions attached to Council's approval on February 13, 2019 as well as requirements of the City's Comprehensive Plan and zoning code and determined that the following requirements must be addressed:

1. A conservation easement for Tract C shall be provided in accordance with s. 704.06, Florida Statutes.
2. The applicant must provide compensatory storage as required by the City of Cocoa Comprehensive Plan Policy 6.1.3.6 or provide sufficient evidence that such provision is not environmentally sound or economically feasible.

Project Summary

- The conservation easement was an unmet condition of the 2019 Council approval.

- The City Attorney's Office has provided the applicant with a conservation easement, which will be recorded prior to recording the final plat.

Project Summary

- The compensatory storage requirement was unfortunately missed during the prior review of the application in 2018.

- At the time the 2018 application was reviewed, the city contracted with a consulting firm to provide stormwater review of the floodplain requirements for this application which they did.

- The consulting firm reviewed the application for consistency with the City's Flood Damage Prevention Code, Sections 6-300 through 6-380. Specifically, the floodplain consulting firm concluded that Section 6-332(2) had been satisfied.

COCOA
FLORIDA

Project Summary

However, the consultants were not informed that they needed to address the requirements of the City's Comprehensive Plan, specifically the compensatory storage requirement of Policy 6.1.3.6, and therefore no comments were provided to the applicant related to this requirement at that time.

Compensatory Storage

Consistency with the Comprehensive Plan of the City of Cocoa

The Conservation Element of the City's Comprehensive Plan provides the following additional requirement related to placement of fill in the 100-year floodplain:

Policy 6.1.3.6: Except as provided in Future Land Use Element Policy 1.1.2.7 (H), flood control for new development will be accomplished through the limitation of fill in the 100-year floodplain when economically feasible. In cases where there is no practical alternative to fill in the 100-year floodplain, compensatory storage shall be provided through excavation of a volume equivalent to the loss of storage within the 100-year floodplain resulting from the placement of fill in adjacent upland areas (above the 100-year floodplain) where such compensatory storage can be accomplished in an environmentally sound and economically feasible manner.

COCOA
FLORIDA

Project Resbumittal

- On May 11, 2020, the applicant submitted a letter containing some information regarding the economic feasibility of providing compensatory storage for the subdivision.

- Staff provided comments and on June 2, 2020, the applicant submitted a second letter regarding compensatory storage with some additional information.

COCOA
FLORIDA

Compensatory Storage

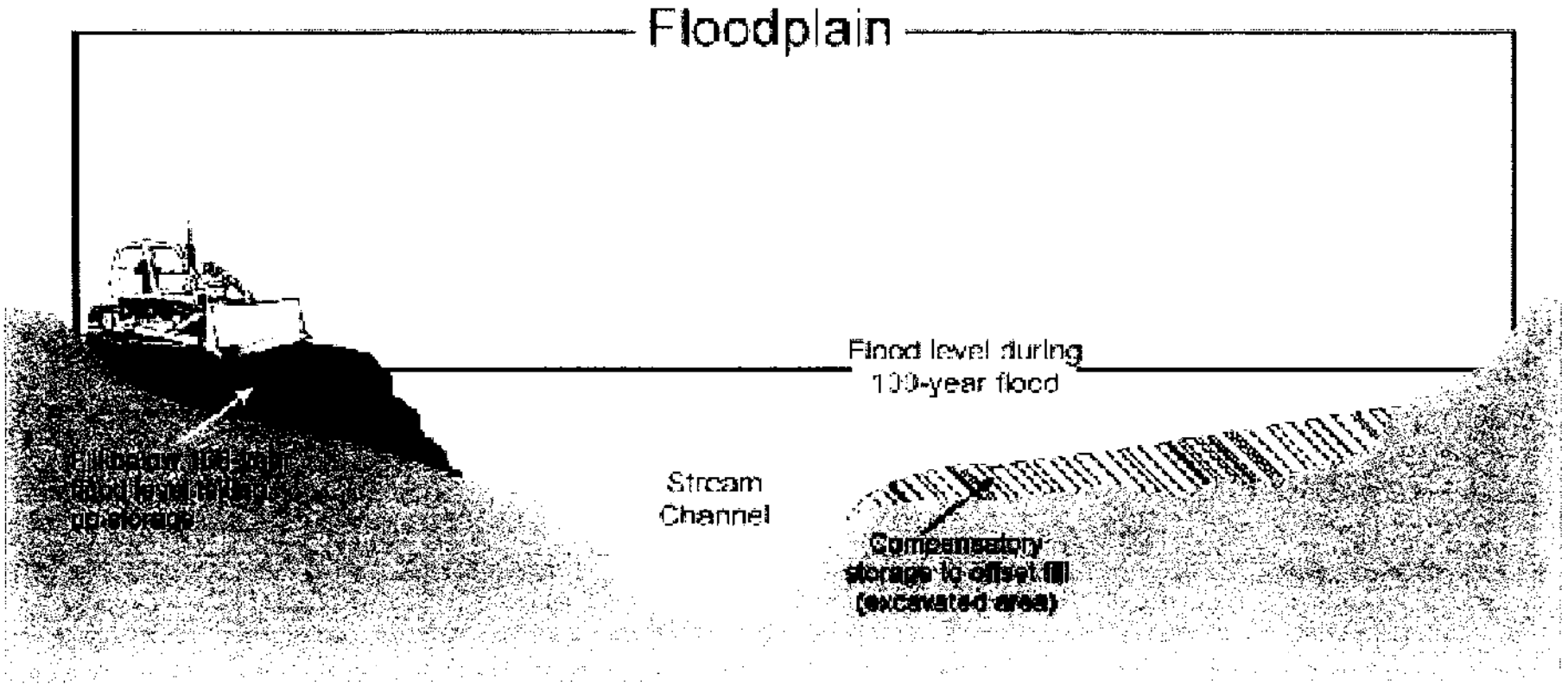
- The applicant has taken the position that compensatory storage is not required to be provided because such compensatory storage cannot be accomplished in an environmentally sound and economically feasible manner in accordance with Policy 6.1.3.6.

- In order to adequately address the question of feasibility of compensatory storage for the applicant's project, City Staff provide the following analysis:

  - Property Flood Map
  - Brief Floodplain Overview
  - Site Plan Modifications for Compensatory Storage
  - Offsite Compensatory Storage (Brevard County FIRM)

COCOA FLORIDA

Flood Plain



COCOA
FLORIDA

Flood Map

National Flood Hazard Layer FIRMette



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- SPECIAL FLOOD HAZARD AREAS
  - Without Base Flood Elevation (BFE)
  - With BFE or Depth
  - Regulatory Floodway
- OTHER AREAS OF FLOOD HAZARD
  - 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile
  - Future Conditions 1% Annual Chance Flood Hazard
  - Area with Reduced Flood Risk due to Levee. See Notes.
  - Area with Flood Risk due to Levee
- OTHER AREAS
  - NO SCREEN — Area of Minimal Flood Hazard
  - Effective LOMRs
  - Area of Undetermined Flood Hazard
- GENERAL STRUCTURES
  - Channel, Culvert, or Storm Sewer
  - Levee, Dike, or Floodwall
- OTHER FEATURES
  - Cross Sections with 1% Annual Chance
  - 17.5 — Water Surface Elevation
  - Coastal Transect
  - Base Flood Elevation Line (BFE)
  - Limit of Study
  - Jurisdiction Boundary
  - Coastal Transect Baseline
  - Profile Baseline
  - Hydrographic Feature
- MAP PANELS
  - Digital Data Available
  - No Digital Data Available
  - Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/5/2020 at 9:50:56 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

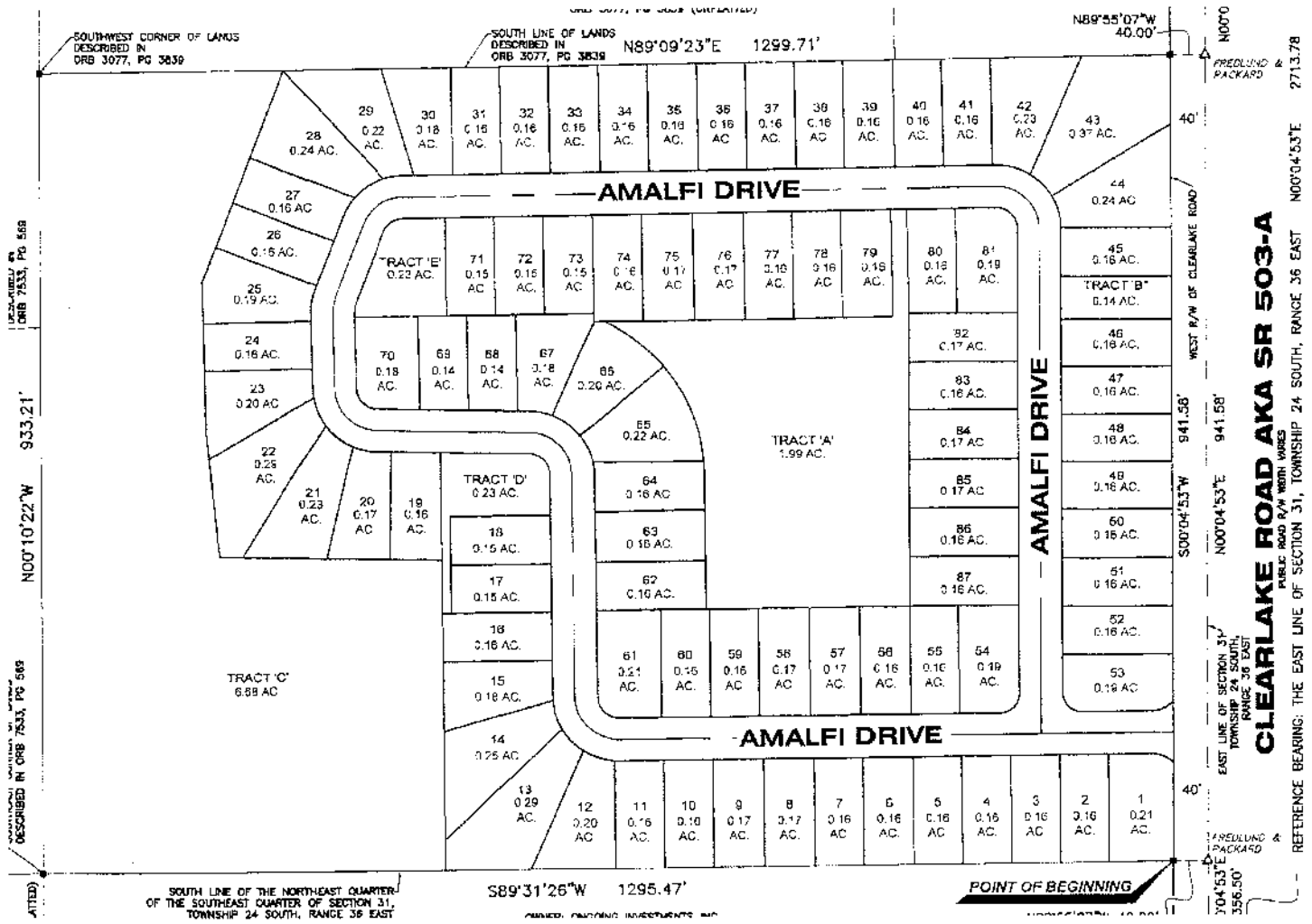
COCOA FLORIDA

Compensatory Storage

The only remaining options for compensatory storage on-site would be to use Tract C, as currently shown on the plat, or to expand Tract C and reduce the subdivision by approximately 30 lots with a redesign of the project.

COCOA
FLORIDA

Preliminary Subdivision Plat



COCOA FLORIDA

Compensatory Storage

Based on the applicant's information, use of Tract C as currently shown on the plat would yield only about 3,233 cubic yards of the 16,028 cubic yards required, at a cost of nearly $1 million. This cost would be associated with mitigation of the wetlands scraped, which would be paid during the initial permitting and entitlement process. Accordingly, use of Tract C as shown on the plat for compensatory storage would result in the following financial consequences to the owner:

$600,000 acquisition cost

+ $250,000 surveying, environmental studies, site engineering, etc., fees to date

+ $1 million mitigation costs for compensatory storage

Total $1,850,000 (not including property taxes paid to date)

COCOA FLORIDA

Compensatory Storage

- According to the applicant, a national homebuilder will pay approximately $14,000 to $19,000 for fully entitled lots in this market. With the little compensatory storage that could be provided in Tract C, the entitled lot cost for 87 lots would reach $21,264.26 per lot.

Compensatory Storage

- Analyzed differently by evaluating the total costs to a homebuilder and using the information provided by the applicant, a homebuilder would pay the following:

$1.2 million ($14,000 per lot x 87 lots)

+ $1 million mitigation costs for compensatory storage

+ $18.4 million construction cost of homes ($212,000 x 87 homes)

Total $20,600,000 for land acquisition, compensatory storage and home construction (not accounting for debt service or other lot finishing and subdivision construction costs)

- The applicant has stated that new homes generally will sell in this area at an average of $250,000, which would mean a total of $21,750,000. This demonstrates a profit may be achieved for a homebuilder overall, but leaves little room for other debt service and subdivision construction costs.

COCOA FLORIDA

Compensatory Storage

- If Tract C were expanded and approximately 30 lots were removed from the subdivision as shown in Exhibit O, the following financial impact to the owner would occur:

$600,000 acquisition cost

+ $250,000 surveying, environmental studies, site engineering, etc., fees to date

+ $250,000 estimated surveying, environmental studies, site engineering for required redesign of the project (using costs incurred to date of project as a comparison)

Total $1,100,000

- The applicant has stated a national homebuilder will pay approximately only $14,000 to $19,000 for fully entitled lots in this market. At this price, for 57 lots, the owner would only receive between $798,000 to 1,083,000 for a $1.1 million investment.

COCOA FLORIDA

Compensatory Storage

- Use of off-site wetlands, assuming a parcel would be available to purchase with a water table low enough to provide space for excavation, would also involve similar mitigation costs as provided for use of Tract C plus the added expense of property acquisition.

- The financial impact on the applicant is considered in light of the vast size of the St. Johns River floodplain. While the amount of fill proposed by the applicant in the floodplain is not insignificant and cumulative impacts of development in the floodplain may cause floodwaters to rise as more and more development is added to the floodplain, the City's contracted floodplain review firm previously found that the proposed development was not expected to negatively impact the base flood elevation of the 100-year floodplain.

COCOA
FLORIDA

Compensatory Storage

In sum, it is staff's opinion that Policy 6.3.1.6 has been satisfied because compensatory storage will not be environmentally or economically feasible for this site. As stated above, there are insufficient upland areas, i.e., areas not within the 100-year floodplain, available either on-site or off-site to provide compensatory storage either because of the extent of the floodplain boundaries or because acquisition would be extremely costly.

In addition, development of sufficient storage within Tract C also carries an environmental and economic cost that is prohibitive.

COCOA FLORIDA

Recommendation

Previous Action:

The Planning & Zoning Board recommended approval with one condition of the Preliminary Subdivision application at its meeting on June 16, 2020.

The Planning & Zoning Board approved the Large-Scale Site Plan application at its meeting on June 16, 2020 with the following condition:

1. The Large-Scale Site Plan shall not be effective until and unless the Preliminary Subdivision has been approved by City Council.

Recommendation:

Approval of the Preliminary Subdivision with the condition set forth below:

1. Provide a conservation easement for Tract C in accordance with s. 704.06, Florida Statutes

COCOA FLORIDA

COCOA
FLORIDA

EXHIBIT D: Future Land Use Map Amendment Presentation

June 24, 2020

Project Summary

- The requested action is a Future Land Use Map Amendment to change the existing Brevard County Residential 2 Units per Acre designation to City of Cocoa Low Density Residential designation for 59 parcels.
- On January 8, 2020, Ordinance 24-2019 was approved by the City Council, annexing fifty-nine (59) parcels of real property into the City of Cocoa.
- 43 of the subject parcels, containing 122.58 acres, are owned by three companies represented by the Applicant, Cantwell & Goldman, P.A
- The other 16 parcels, containing 16.65 acres, are individually owned and the City of Cocoa is the applicant.

Cape Canaveral Heights
PZ# 20-00500001
Ordinance 04-2020

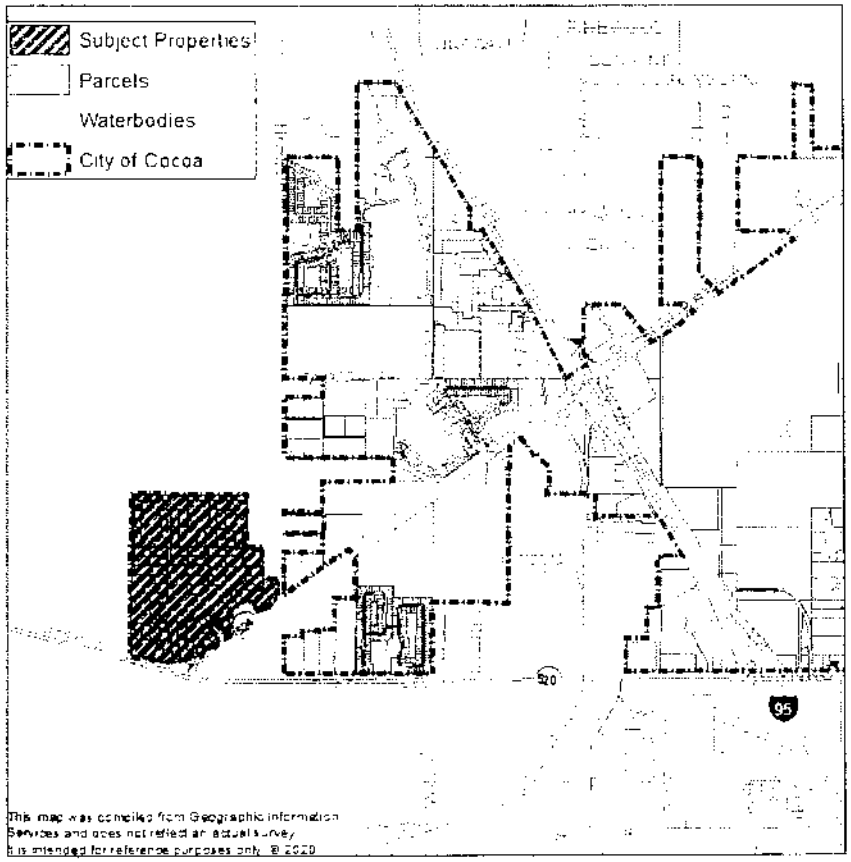
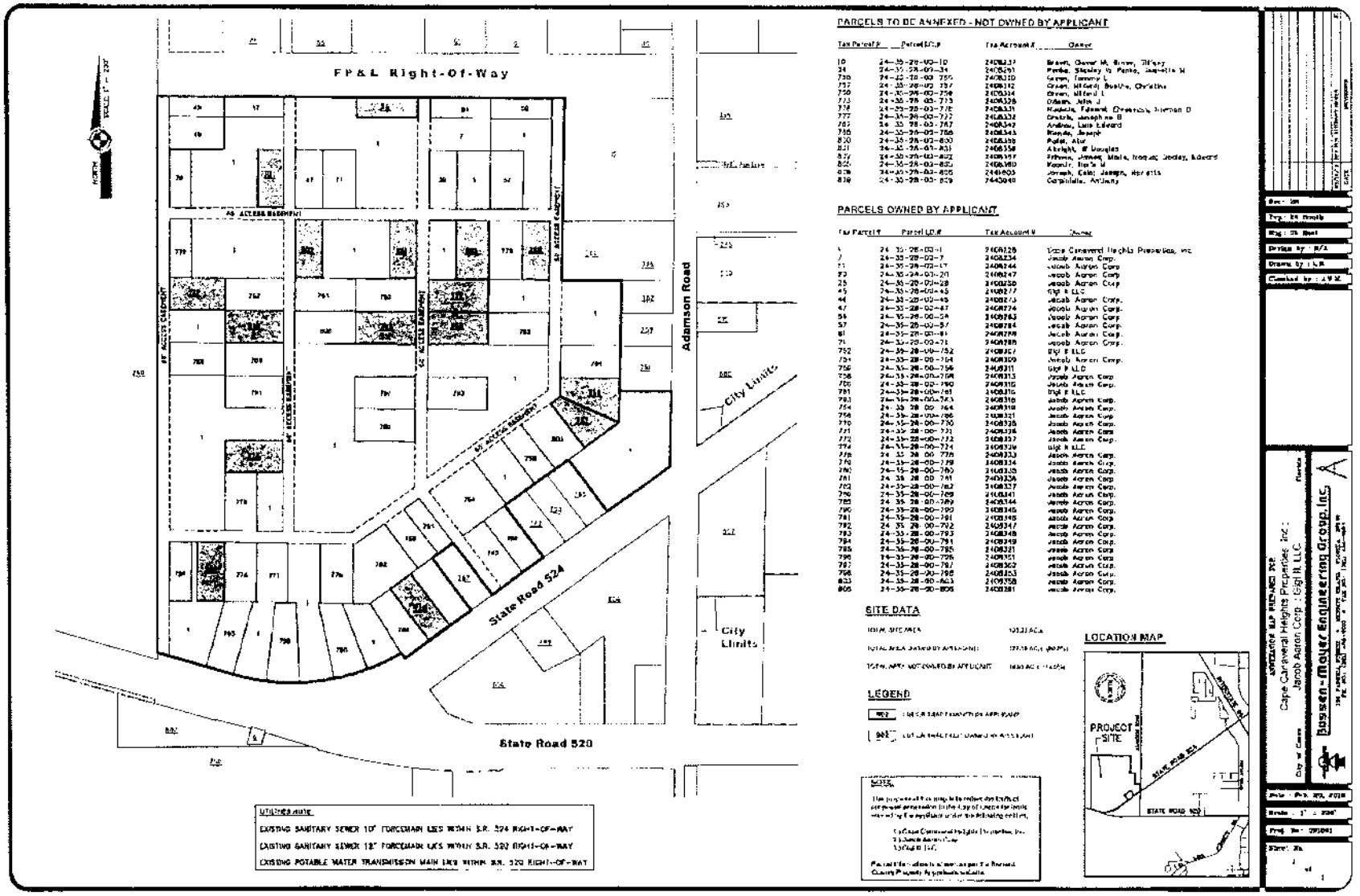


EXHIBIT 1



PARCELS TO BE ANNEXED - NOT OWNED BY APPLICANT

Tax Parcel #	Parcel I.D.#	Tax Account #	Owner
10	24-35-28-00-10	2408337	Brant, Owner M, Brant, Tiffany
34	24-35-28-00-34	2408291	Parks, Stanley W Parks, Jeanette M
730	24-35-28-00-730	2408310	Green, Tommy L
737	24-35-28-00-737	2408312	Green, Wilford Beatrice, Christine
750	24-35-28-00-750	2408314	Green, Wilford L
773	24-35-28-00-773	2408326	O'Neal, John J
778	24-35-28-00-778	2408331	Kvasnicka, Edward, Chesanuck, Norman D
777	24-35-28-00-777	2408332	Chesnik, Joseph no B
787	24-35-28-00-787	2408342	Andrew, Lois Edward
788	24-35-28-00-788	2408343	Brayda, Joseph
830	24-35-28-00-830	2408388	Patel, Atul
831	24-35-28-00-831	2408389	Albright, W Douglas
827	24-35-28-00-827	2408385	Fithian, James, Mabie, Rodgers, Dooley, Edward
825	24-35-28-00-825	2408383	Kvasnic, Rick M
826	24-35-28-00-826	2408905	Jarosh, Gale, Joseph, Horatio
839	24-35-28-00-839	2408940	Campitelle, Anthony

PARCELS OWNED BY APPLICANT

Tax Parcel #	Parcel I.D.#	Tax Account #	Owner
1	24-35-28-00-1	2408228	Cape Canaveral Heights Properties, Inc
7	24-35-28-00-7	2408234	Jacob Agren Corp.
11	24-35-28-00-11	2408244	Jacob Agren Corp
20	24-35-28-00-20	2408247	Jacob Agren Corp
28	24-35-28-00-28	2408250	Jacob Agren Corp
45	24-35-28-00-45	2408277	Digi R LLC
46	24-35-28-00-46	2408278	Jacob Agren Corp.
47	24-35-28-00-47	2408279	Jacob Agren Corp.
56	24-35-28-00-56	2408283	Jacob Agren Corp.
57	24-35-28-00-57	2408284	Jacob Agren Corp.
61	24-35-28-00-61	2408288	Jacob Agren Corp.
71	24-35-28-00-71	2408298	Jacob Agren Corp.
752	24-35-28-00-752	2408307	Digi R LLC
764	24-35-28-00-764	2408309	Jacob Agren Corp.
756	24-35-28-00-756	2408311	Digi R LLC
758	24-35-28-00-758	2408313	Jacob Agren Corp
760	24-35-28-00-760	2408315	Jacob Agren Corp.
761	24-35-28-00-761	2408316	Digi R LLC
763	24-35-28-00-763	2408318	Jacob Agren Corp.
764	24-35-28-00-764	2408319	Jacob Agren Corp.
766	24-35-28-00-766	2408321	Jacob Agren Corp.
770	24-35-28-00-770	2408325	Jacob Agren Corp.
771	24-35-28-00-771	2408326	Jacob Agren Corp
772	24-35-28-00-772	2408327	Jacob Agren Corp.
774	24-35-28-00-774	2408329	Digi R LLC
775	24-35-28-00-775	2408330	Jacob Agren Corp.
776	24-35-28-00-776	2408331	Jacob Agren Corp.
780	24-35-28-00-780	2408335	Jacob Agren Corp.
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782	24-35-28-00-782	2408337	Jacob Agren Corp.
786	24-35-28-00-786	2408341	Jacob Agren Corp.
789	24-35-28-00-789	2408344	Jacob Agren Corp.
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791	24-35-28-00-791	2408346	Jacob Agren Corp.
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793	24-35-28-00-793	2408348	Jacob Agren Corp.
794	24-35-28-00-794	2408349	Jacob Agren Corp.
795	24-35-28-00-795	2408321	Jacob Agren Corp.
796	24-35-28-00-796	2408351	Jacob Agren Corp.
797	24-35-28-00-797	2408352	Jacob Agren Corp.
798	24-35-28-00-798	2408353	Jacob Agren Corp.
823	24-35-28-00-823	2409358	Jacob Agren Corp.
805	24-35-28-00-805	2408381	Jacob Agren Corp.

SITE DATA

TOTAL SITE AREA	103.33 ACs
TOTAL AREA OWNED BY APPLICANT	97.58 ACs (94.4%)
TOTAL AREA NOT OWNED BY APPLICANT	5.80 ACs (5.6%)

LEGEND

- 752 - EXISTING PARCEL TO BE ANNEXED
- 1 - EXISTING PARCEL OWNED BY APPLICANT

NOTES:

This property will or may be subject to the effect of perpetual easements in the City of Cocoa's favor, reserving the applicable rights to the following entities:

Cape Canaveral Heights Properties, Inc.
Florida Power & Light Co.
Florida Public Utilities Co.

Parcel identification numbers per the Brevard County Property Appraiser's website.

LOCATION MAP

UTILITIES NOTE:

EXISTING SANITARY SEWER 10" FORCEMAIN LIES WITHIN S.R. 524 RIGHT-OF-WAY

EXISTING SANITARY SEWER 12" FORCEMAIN LIES WITHIN S.R. 520 RIGHT-OF-WAY

EXISTING POTABLE WATER TRANSMISSION MAIN LIES WITHIN S.R. 520 RIGHT-OF-WAY

ANNEXATION MAP PREPARED FOR:
Cape Canaveral Heights Properties, Inc.;
Jacob Agren Corp.; Digi R, LLC.

Bessen-Mayer Engineering Group, Inc.

Date: Feb 20, 2018
Scale: 1" = 200'
Proj. No: 180040
Sheet: 1/1

Project Summary

- The subject parcels are currently under Brevard County Residential 2 designation which permits lower density residential development with a maximum density of up to two (2) dwelling units per acre. This may be increased to 2.5 dwelling units per acre where a planned unit development concept is utilized.

- The proposed City of Cocoa Low Density Residential designation is intended for neighborhoods of single-family detached housing, limited multiple family attached housing and limited clustered single family attached housing.

COCOA
FLORIDA

Project Summary

During the annexation process the applicant entered into a Pre-Annexation Development Agreement wherein the primary property owners agreed that any PUD project eventually developed on 122.58 acres of the property would have the following characteristics:

A maximum density of 4 dwelling units (d.u.) per gross acre

Minimum lot widths of 50 feet

Minimum Lot Size of 5,000 square feet

Minimum of one (1) enclosed parking space and two (2) driveway spaces

4 foot wide sidewalks along interior roadways

Preserved wetlands counted as open space acreage on a one to one per

Minimum internal roadway drive lane width of 11 feet, or 22 feet for a two way street

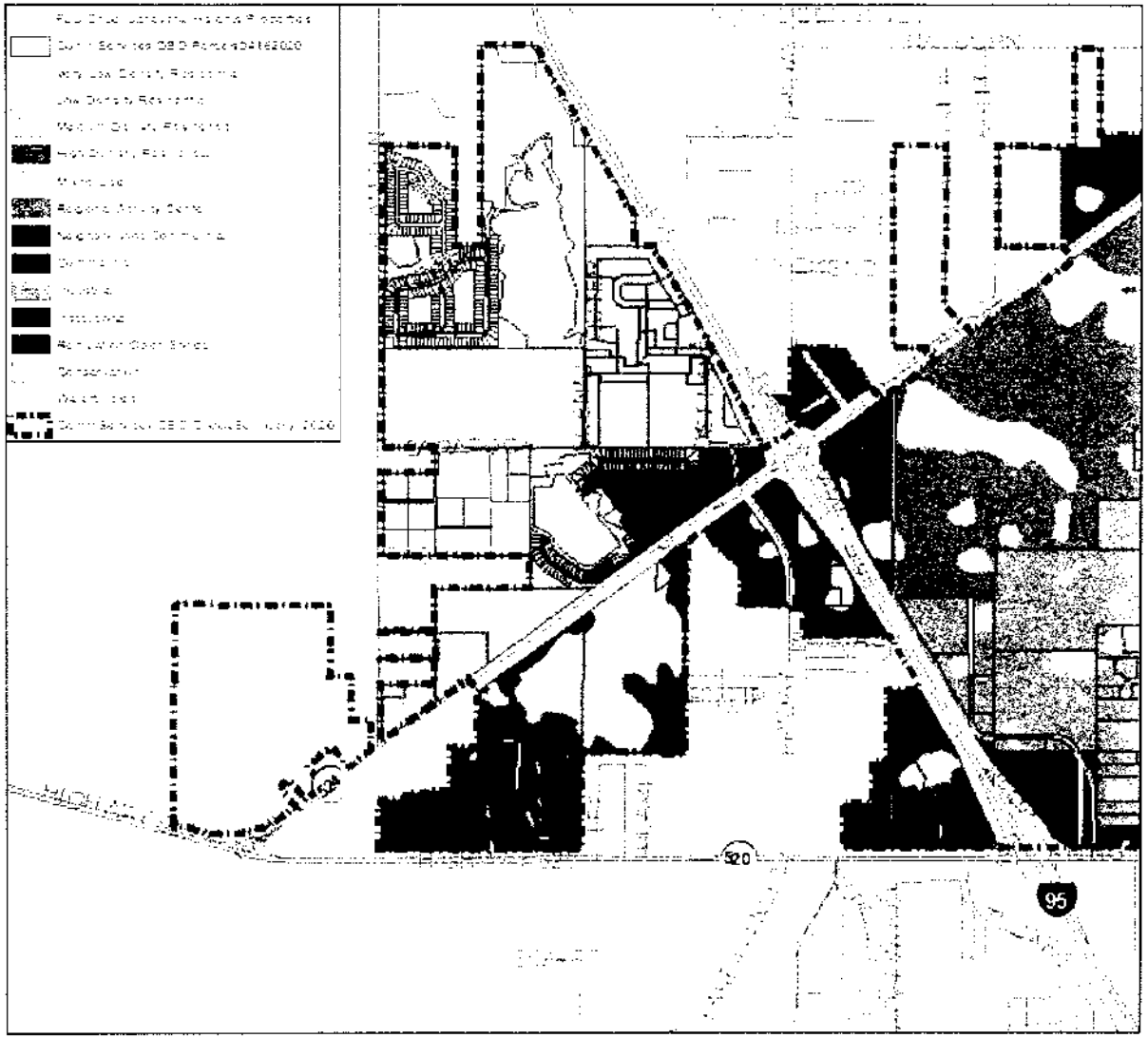
COCOA FLORIDA

Consistency with the Comprehensive Plan

- The assignment of a City Future Land Use designation must be consistent with the City's Comprehensive Plan. Policy 1.1.2.3 Low Density Residential requires lands under this designation to provide buffers from the nuisance effects of higher intensity uses and major traffic corridors.

- LDR developments should be located in areas where more intensive development would be unwarranted due to environmental constraints.

Future Land Use Map



COCOA
FLORIDA

Consistency with the Comprehensive Plan

- Shift the current tax revenue and capital investments from Brevard County to the City of Cocoa.
- Will not negatively impact or diminish the service level of public facilities.
- Tree, wildlife, and wetland studies will be completed prior to approval of a site plan or subdivision application.
- Meets goals, objectives, and policies of the state comprehensive plan and the East Central FL comp plan
- City is able to provide adequate services
- Surrounding Neighborhood compatibility
- Consistent with the Comprehensive Plan
- Provides housing in proximity to employment centers
- Public health, safety, welfare, economic order or aesthetics

COCOA
FLORIDA

Recommendations

Prior Actions:

The Planning & Zoning Board recommended denial at the June 16, 2020 meeting.

Recommendation:

Approval of the Comprehensive Plan Map Amendment changing the Future Land Use Map designation of the subject property from Brevard County "Residential 2 Units Per Acre" to City of Cocoa "Low Density Residential".

Exhibit A

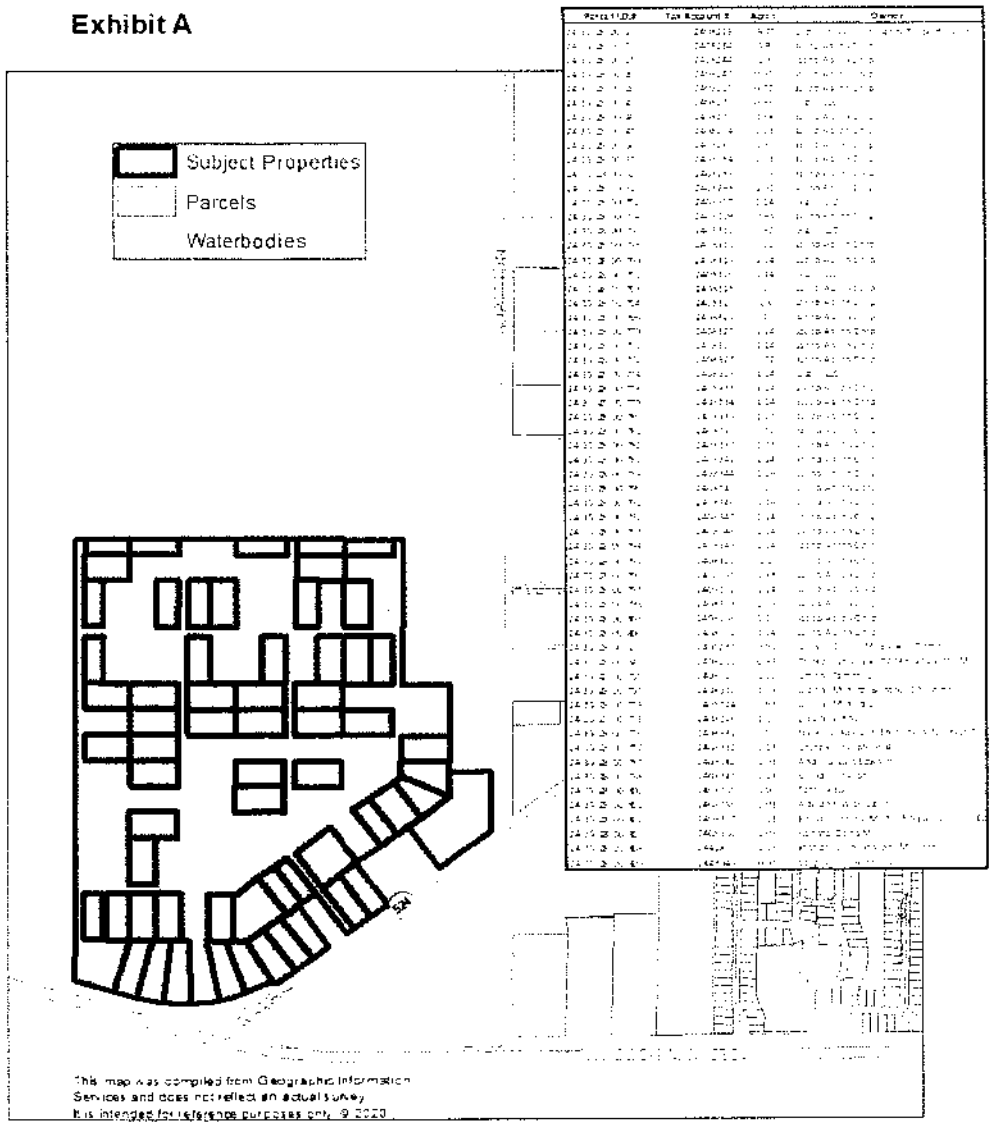

Subject Properties
Parcels
Waterbodies
This map was compiled from Geographic Information
Services and does not reflect an actual survey.
It is intended for reference purposes only. © 2020

EXHIBIT E: E-Comment from Harry & Iris Perrette

From: Dorothy Selig
To: Carie Shealy
Cc: Monica Arsenault
Subject: FW: FLUM Comments for Tonight FW: New eComment for Planning and Zoning / Local Planning Agency
Date: Wednesday, June 24, 2020 3:28:01 PM
Importance: High

FYI

Dodie Selig, AICP
Community Services
Planning & Zoning Manager
65 Stone Street, Cocoa, FL 32922
dselig@cocoafl.org
Phone: (321) 433-8510
Fax: (321) 433-8543

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We Need Your Input!
Have you recently interacted or conducted business with the Community Services Department? Would you please take a moment and complete a brief survey to let us know how we are doing?
Customer Service Feedback Survey: www.cocoafl.org/communityservicescustomersurvey
In advance, thank you!

From: Angela Essing <aessing@cocoafl.org>
Sent: Wednesday, June 24, 2020 12:09 PM
To: Dorothy Selig <dselig@cocoafl.org>, Kristin Eick <keick@orlandolaw.net>
Subject: FLUM Comments for Tonight FW: New eComment for Planning and Zoning / Local Planning Agency
Importance: High

Angela Essing, AICP
Economic Development Manager
65 Stone Street, Cocoa, FL 32922
aessing@cocoafl.org
Phone: (321) 433-8522
Fax: (321) 433-8543

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Customer Service Feedback Survey: www.cocoafl.org/communityservicescustomersurvey
In advance, thank you!

From: noreply@granicusideas.com <noreply@granicusideas.com>
Sent: Wednesday, June 24, 2020 10:55 AM
To: Samantha Senger <ssenger@cocoafl.org>; Angela Essing <aessing@cocoafl.org>
Subject: New eComment for Planning and Zoning / Local Planning Agency

EXTERNAL MESSAGE - USE CAUTION WITH LINKS AND ATTACHMENTS!

SpeakUp

New eComment for Planning and Zoning / Local Planning Agency

Guest User submitted a new eComment.

Meeting: Planning and Zoning / Local Planning Agency

Item: 5. 20-327 LARGE SCALE FUTURE LAND USE MAP (FLUM) AMENDMENT consistent with Florida Statute Chapter 163. Applicant and City initiated requests to change the Future Land Use Map designation of fifty-nine (59) parcels from Brevard County "Residential 2 Units Per Acre - R2" to City of Cocoa "Low Density Residential - LDR".

eComment: Harry A. Perrette III, and Iris A. Perrette, oppose the change from "Residential 2 Units per Acre-R2, to City of Cocoa "Low Density Residential-LDR". We request to leave zoning as is, or our preferred change is to one residential unit per acre. We currently own and reside at 6250 State Rd. 524, since 1986, and we own one acre lots on each side of our 6250 State Rd., one acre homestead. We request wetlands on the 59 parcels/property, to remain wetlands.

View and Analyze eComments

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Zoning Text Amendment
Self-Service Storage Facilities

June 16, 2020

Project Summary

- Amendment of the conditions for self-service storage facilities under the C-R (Restricted Commercial) and C-G (General Commercial) zoning districts, where such facilities require special exception approval.
- Addition of the use as a principal use under the C-W (Wholesale Commercial) zoning district, with conditions.
- Removal of the use “personal storage” and “personal storage warehouses” from the CBD (Central Business District) and the M-2 (Manufacturing and Industrial) zoning districts, respectively.
- Amendment to the definition of a “personal storage warehouse” and retitling the use as a “self-service storage facility,” which will be a consistently used term for all zoning code references to this use.
- Amendment to the parking regulations for “storage facilities” to provide a consistent parking requirement for the self-service storage facility use in all zoning districts.

Project Summary

- Self-service storage facilities have been modified relating to:
  - required parking spaces,
  - setbacks and screening,
  - landscaping,
  - outdoor parking and storage for major recreational equipment.

Recommendations

Ordinance 06-2020

Staff recommends that the Planning and Zoning Board recommend **approval** to City Council of

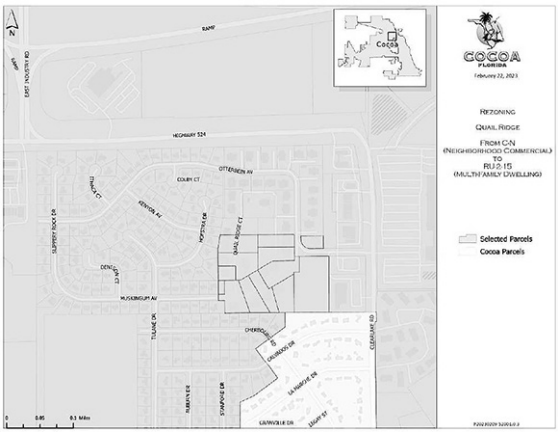
Ordinance No. 06-2020 providing for the amendments permitting locations for self-service storage facilities and further amending regulations related to this use.

CITY OF COCOA
NOTICE OF PUBLIC HEARING
ZONING MAP AND TEXT AMENDMENTS

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

PZ-23-02100002 (Quail Ridge | City of Cocoa)

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; amending the Official Zoning Map designation of seventy-seven (77) parcels of real property, totaling 11.59 acres, more or less, and generally located on the southeast corner of Quail Ridge Court and Otterbein Avenue, in Cocoa, Florida, more particularly depicted and described on Exhibit "A" attached hereto, from C-N (Neighborhood Commercial District) to RU-2-15 (Multiple-Family Dwelling District); providing for the repeal of prior inconsistent ordinances and resolutions, severability, and an effective date.



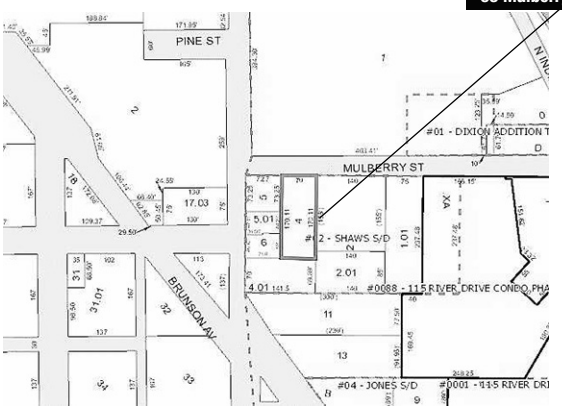
PZ-23-02000001 (Gym and Fitness)

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE LISTS OF PERMITTED AND SPECIAL EXCEPTION USES IN APPENDIX A, ARTICLE XI OF THE ZONING ORDINANCE OF THE CITY OF COCOA RELATED TO GYM AND FITNESS FACILITIES IN THE RESTRICTED COMMERCIAL, NEIGHBORHOOD COMMERCIAL, GENERAL COMMERCIAL, CENTRAL BUSINESS DISTRICT, COMMERCIAL PARKWAY, WHOLESALE COMMERCIAL, PLANNED UNIT DEVELOPMENT, AND COCOA WATERFRONT OVERLAY DISTRICTS; ADOPTING A DEFINITION OF "GYM AND FITNESS FACILITIES"; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

PZ-23-02100001 (63 Mulberry Street | DRH Designs, Inc.)

C. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 0.27 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF MULBERRY STREET, APPROXIMATELY SIXTY FEET EAST OF THE INTERSECTION WITH FORREST AVENUE, IN COCOA, FLORIDA, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM CORE COMMERCIAL DISTRICT (C-C) TO MULTIPLE FAMILY DWELLING DISTRICT (RU-2-25); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

63 Mulberry



PZ-23-00200002 – Small-Scale Site Plan Appeal (Advantage Self Storage)

D. An appeal relating to the denial of a Small-Scale Site Plan application for a self-service storage facility pursuant to Appendix A, Zoning, Article XIII, Section 1 (H) in the Manufacturing and Industrial District (M-2). The 2.99-acre site is identified as Parcel 24-35-12-00-759 through the Brevard County Property Appraiser.

PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
PUBLIC HEARING FOR ALL ITEMS WILL BE HELD ON
April 5, 2023
CITY COUNCIL 1st PUBLIC HEARING FOR ITEMS A THROUGH C WILL BE HELD ON
April 25, 2023
ALL HEARINGS WILL TAKE PLACE AT 6:00 P.M. OR SOON THEREAFTER IN THE COCOA CITY HALL COUNCIL CHAMBERS LOCATED AT
65 STONE STREET, COCOA, FL

General Notice Information:

This is a public meeting. Interested parties are hereby advised that they may appear at said meeting and be heard. The facility wherein this public meeting will be held is accessible to the physically handicapped.In accordance with the Americans With Disabilities Act, persons needing assistance to participate in anyof these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Carie Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@cocoafl.org.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the BOA, P&Z Board/LPA or City Council with respect to any matter considered at its meeting or hearing, that person will need a record of the proceedings and for such purpose, affected persons may need to assure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals otherwise not allowed by law.

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

Public Participation Information:

Members of the public may view the meeting agenda, ordinances, project applications, supporting documents, and staff reports on the City's website at the following link prior to attending or commenting:

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

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

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

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

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

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

FT-GCI1033372-01

Legislation Details (With Text)

File #:	23-145	**Version:**	1	**Name:**	
Type:	Agenda			**Status:**	Agenda Ready
File created:	2/22/2023			**In control:**	Planning and Zoning / Local Planning Agency
On agenda:	4/5/2023			**Final action:**	
Title:	Consideration of a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXII, changing the Official Zoning Map designation of 77 parcels totaling ±11.59 acres from Commercial Neighborhood (C-N) to Multi-Family District (RU-2-15)...End				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Attachment 1 Quail Ridge 77 Parcels.pdf Attachment 2 Quail Ridge Zoning Map Attachment 3 Quail Ridge Rezoning Area.pdf Attachment 4 Quail Ridge Legal Ad Proof.pdf Attachment 5 Ordinance 03-2023 Rezoning Quail Ridge from CN to RU-2-15.pdf				

Date	Ver.	Action By	Action	Result

PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: March 22, 2023
Agenda Date: April 5, 2023
Prepared By: Bryant Smith III, P.E, CFM - Public Works Director / Interim Growth and Economic Development Director
Through: Bryant Smith III, P.E, CFM - Public Works Director / Interim Growth and Economic Development Director
Requested Action:
Consideration of a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXII, changing the Official Zoning Map designation of 77 parcels totaling ±11.59 acres from Commercial Neighborhood (C-N) to Multi-Family District (RU-2-15).

BACKGROUND:

The City of Cocoa is requesting to amend the Official Zoning Map designation of ±11.59 acres of land, including parcels within the Quail Ridge condominiums and the parcel owned by Quail Ridge, LLC, Tax Parcel ID 24-36-18-00-765 (located to the rear of the existing Aldi grocery store on Clearlake Road), from Commercial Neighborhood (C-N) to Multiple Family Residential (RU-2-15). The properties involved are as depicted in Attachment “1”. The reason for the requested change is to correct a conflict between the parcels’ current zoning (C-N) and its future land use classification of Medium Density Residential.

As depicted in Attachment 2, the development containing the impacted parcels, the Quail Ridge condominiums, currently has two (2) zoning categories. The southern portion of the development, starting just above where Otterbein Avenue makes a final curve east towards southbound Florida Highway 501, is currently zoned as C-N. The majority of Quail Ridge north of this curvature of Otterbein Avenue is zoned RU-2-15. Attachment 3 depicts the subject properties being rezoned.

The Future Land Use category of Medium Density Residential only permits the following allowable zoning districts, pursuant to Figure FLU-1: RU-2-10, RU-2-15, RM-4, and PUD. To correct the inconsistency with the Comprehensive Plan and to ensure consistency with the northern portion of the Quail Ridge community that is already zoned RU-2-15, the City is proposing to rezone the properties shown in Attachment 1 to RU-2-15.

Importantly, both the C-N (current zoning) and RU-2-15 (proposed zoning) districts allow multiple family dwellings as a principal permitted use. For the C-N district, multiple-family dwellings are allowed "as regulated in Section 5, RU-2-15 District." See Appendix A, Zoning, Article XI, Sec. 11(A)(5). Accordingly, the rezoning proposed by the City will not impact the existing multiple-family dwelling use in Quail Ridge. The proposed rezoning further will not change the fact that multiple-family dwellings are a permitted use on the currently undeveloped parcel owned by Quail Ridge, LLC, Tax Parcel ID 24-36-18-00-765.

Future Land Use Designation:	Current: Medium Density Residential Proposed: Medium Density Residential
Zoning District:	Current: C-N Proposed: RU-2-15
Existing Land Use:	Multi-family residential (condominium)
Council District:	District 3 Councilmember Rip Dyal, District 4 - Councilmember Lorraine Koss
Legal Advertisement Date:	March 19, 2023

	Future Land Use Designations	Zoning Districts	Land Uses
North	Medium Density Residential	RU-2-15	Multi-Family Residential
South	Low Density Residential (City); RES 15 (County)	RU-1-7 (City); RES-15 (County)	Single-Family Residential, Vacant
East	Commercial	C-N	Commercial
West	Low Density Residential	RU-1-7	Single-Family Residential

I. Rezoning Analysis

The Planning & Zoning Division staff have addressed the criteria contained in Appendix A of the City of Cocoa, Article XXII, Section 1(G) as follows:

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

Staff Finding: The proposed rezoning is not contrary to the established land use pattern. Rather, it changes the zoning of the southern portion of the Quail Ridge area to make it match the zoning of the remaining portion of the Quail Ridge development. It also serves to make this portion of the development consistent with the future land use classification (Medium Density Residential) covering the area as a whole.

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

Staff Finding: The proposed zoning change would not create an isolated district. Rather, it would be consistent with the zoning of the norther portion of the Quail Ridge community and make it conforming with the future land use of the 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: This zoning change would in no way materially alter the population density pattern nor increase or overtax local facilities. The same maximum density of 15 dwelling units per acre would be permitted in the proposed RU-2-15 zoning district as is permitted in the C-N. As stated above, multiple-family dwellings are a permitted use in the C-N, as regulated by the RU-2-15 district. The rezoning simply makes the zoning consistent with the future land use classification on the property.

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

Staff Finding: The existing zoning district boundaries are currently illogically drawn, with a portion of the Quail Ridge multi-family project being zoned RU-2-15, and the subject portion of the Quail Ridge area being zoned C-N. This change will unify the zoning and future land use classifications of the multi-family development, distinguishing it from the commercial development permitted along the properties fronting Clearlake Road to the east.

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 proposed zoning amendment would not be contrary to the
Future Land Use Map. Rather, the rezoning to RU-2-15 would bring this non-conforming zoning into conformance with the existing Medium Density Residential Future Land Use Map designation. The proposed rezoning would be consistent with the following Future Land Use Element of the Comprehensive Plan:

> **Policy 1.1.2.4: Medium Density Residential (MDR).** Medium density residential areas shall be regarded as areas of moderate density detached and attached housing. The following criteria shall be used for determining appropriate locations for medium density residential areas.
>
> *A. Medium density residential areas shall have access to a minor collector street, and preferably, to a major collector street or one of higher functional classification.*
>
> *B. These areas should have convenient access to community services.*
>
> *C. New developments approved in accordance with the comprehensive plan shall provide*

amenities to include open space and buffering as required in the City's Land Development Regulations.

Response: The affected properties already have a Future Land Use classification of Medium Density Residential. However, it should be noted that the affected properties have access to SR 501, which has a functional classification of "Arterial" as shown on Map M-II-2 Functional Roadway Classification Map of the Transportation Element. SR 501 has a shopping center as well as a Wal-Mart immediately to the east of the Quail Ridge condominiums. Further south, SR 501 continues as a major corridor with retail and other institutional uses, including has a campus of Eastern Florida State College Cocoa Campus, as well as other schools and retail outlets. Future development will need to provide amenities to include open space and buffering as required by the Comprehensive Plan.

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

Staff Finding: The inconsistency between the current future land use classification and the current zoning make this change necessary.

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

Staff Finding: Living conditions in the neighborhood will remain unchanged. As stated above, the undeveloped parcel owned by Quail Ridge, LLC, Tax Parcel ID 24-36-18-00-765, will still have available multiple-family dwellings as a permitted use, which is unchanged from the present C-N zoning. However, the change to RU-2-15 will eliminate the ability of the Quail Ridge LLC property to be developed with various neighborhood commercial uses, which include

- Retail Stores
- Personal Service establishments, such as beauty and barbershops, laundry and drycleaning
- Professional offices, studios, clinics, laboratories
- Restaurants
- Financial institutions
- Pharmacies, medical marijuana treatment center dispensing facilities, apothecary and optical services
- Package store, beer and wine

The permitted uses on the undeveloped Quail Ridge, LLC property will be reduced by the proposed amendment.

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

Staff Finding: The existing Quail Ridge development is not changing, and thus, there will no increase in traffic congestion nor other impacts to the public safety in the neighborhood. The elimination of possible neighborhood commercial uses on the undeveloped Quail Ridge, LLC property reduces the possibility of excessive traffic congestion on Otterbein Avenue.

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

Staff Finding: Most of the subject property is already developed as the Quail Ridge condominium community, and the rezoning will not result in the creation of a drainage problem. The undeveloped

subject property will be required to satisfy City Code and Comprehensive Plan requirements related to drainage at the time of site plan application.

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

Staff Finding: The rezoning will not change the maximum height of structures, which is 35 feet for both the existing C-N and proposed RU-2-15 zoning. In addition, the rezoning will not change the setbacks for multiple family dwelling uses. Most of the subject property is already developed as the Quail Ridge condominium community, and the rezoning will not result in a reduction in light or air to adjacent areas.

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

Staff Finding: It is not anticipated that the proposed change will adversely affect the property values in the adjacent area as the adjacent area is already developed as multiple family dwellings (condos).

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

Staff Finding: The surrounding area is currently developed with multiple family dwellings, and thus, the rezoning to RU-2-15, Multiple Family Dwelling District, will not be a deterrent to the improvement or redevelopment 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: This rezoning is an administrative correction being applied for by the City. It will thus not constitute or grant a special privilege to an individual owner as contrasted with the public welfare.

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

Staff Finding: This is a rezoning to correct an inconsistency with the Comprehensive Plan. The zoning district for the affected property must be one of the allowed zoning districts under Medium Density Residential future land use category.

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

Staff Finding: There is no change to the scale which would impact the needs of the neighborhood or City for the reasons stated in Section (j) above.

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

Staff Finding: As stated above in Section (n), the subject property must be zoned in accordance with the Comprehensive Plan.

Consistency with Comprehensive Plan Policies and Objectives

The proposed RU-2-15 zoning designation is consistent with the allowable uses under the Medium Density Residential 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.

Response: This rezoning will not impact the availability of public services or facilities. The use of multiple-family dwellings is already a permitted use under C-N with the same standards.

BUDGETARY IMPACT:

None.

PREVIOUS ACTION:

None.

RECOMMENDED MOTION:

Staff recommends that the Planning & Zoning Board recommend APPROVAL to the City Council of the Zoning Map amendment consistent with Appendix A, Zoning, Article XXII, to change the Official Zoning Map designation of 77 parcels totaling ±11.59 acres from C-N to RU-2-15 as described in Ordinance 03-2023.

Attachment 1: Quail Ridge Parcels Being Rezoned

The Southern portion of Tax Parcel ID: 24-36-18-00-756-. XA (Condo Common Area), including the following addresses:

1926 Otterbein Avenue, Unit 101, Cocoa FL 32926, Tax Parcel ID 24-36-18-00-756
1926 Otterbein Avenue, Unit 102, Cocoa FL 32926, Tax Parcel ID 24-36-18-00-756.A
1926 Otterbein Avenue, Unit 103, Cocoa FL 32926, Tax Parcel ID 24-36-18-00-756.B
1926 Otterbein Avenue, Unit 104, Cocoa FL 32926, Tax Parcel ID 24-36-18-00-756.C

The Southern portion of Tax Parcel ID: 24-36-18-00-759.M-. XA (Condo Common Area), including the following addresses:

1954 Quail Ridge Ct, Unit 1701, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-759.Q
1954 Quail Ridge Ct, Unit 1702, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-759.R
1954 Quail Ridge Ct, Unit 1703, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-759.S
1954 Quail Ridge Ct, Unit 1704, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-759.T

The Southern portion of Tax Parcel ID: 24-36-18-00-759.Y-. XA (Condo Common Area), including the following addresses:

1933 Quail Ridge Ct, Unit 1101, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-759.Y
1933 Quail Ridge Ct, Unit 1102, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-759.Z
1933 Quail Ridge Ct, Unit 1103, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760
1933 Quail Ridge Ct, Unit 1104, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.A

Tax Parcel ID 24-36-18-00-760.F-. XA (Condo Common Area) and the following parcels:

1929 Quail Ridge Ct, Unit 1301, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.F
1929 Quail Ridge Ct, Unit 1302, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.G
1929 Quail Ridge Ct, Unit 1303, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.H
1929 Quail Ridge Ct, Unit 1304, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.I
1928 Quail Ridge Ct, Unit 1501, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.J
1928 Quail Ridge Ct, Unit 1502, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.K
1928 Quail Ridge Ct, Unit 1503, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.L
1928 Quail Ridge Ct, Unit 1504, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.M

Tax Parcel ID 24-36-18-00-760.N-. XA (Condo Common Area) and the following parcels:

1927 Quail Ridge Ct, Unit 1401, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.N
1927 Quail Ridge Ct, Unit 1402, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.O
1927 Quail Ridge Ct, Unit 1403, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.P
1927 Quail Ridge Ct, Unit 1404, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.Q

Tax Parcel ID 24-36-18-00-755, 1990 MUSKINGUM AVE COCOA FL 32926

Tax Parcel ID 24-36-18-00-760.R-. XA (Condo Common Area) and the following parcels:

1925 Quail Ridge Ct, Unit 2601, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.R
1925 Quail Ridge Ct, Unit 2602, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.S
1925 Quail Ridge Ct, Unit 2603, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.T
1925 Quail Ridge Ct, Unit 2604, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.U

Tax Parcel ID 24-36-18-00-760.V-. XA (Condo Common Area) and the following parcels:
1921 Quail Ridge Ct, Unit 2401, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.V
1921 Quail Ridge Ct, Unit 2402, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.W
1921 Quail Ridge Ct, Unit 2403, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.X
1921 Quail Ridge Ct, Unit 2404, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.Y
1924 Quail Ridge Ct, Unit 2501, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.Z
1924 Quail Ridge Ct, Unit 2502, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-761
1924 Quail Ridge Ct, Unit 2503, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-761.A
1924 Quail Ridge Ct, Unit 2504, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-761.B

Tax Parcel ID 24-36-18-00-761.C-. XA (Condo Common Area) and the following parcels:
1919 Quail Ridge Ct, Unit 2201, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-761.C
1919 Quail Ridge Ct, Unit 2202, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-761.D
1919 Quail Ridge Ct, Unit 2203, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-761.E
1919 Quail Ridge Ct, Unit 2204, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-761.F
1922 Quail Ridge Ct, Unit 2301, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-761.G
1922 Quail Ridge Ct, Unit 2302, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-761.H
1922 Quail Ridge Ct, Unit 2303, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-761.I
1922 Quail Ridge Ct, Unit 2304, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-761.J

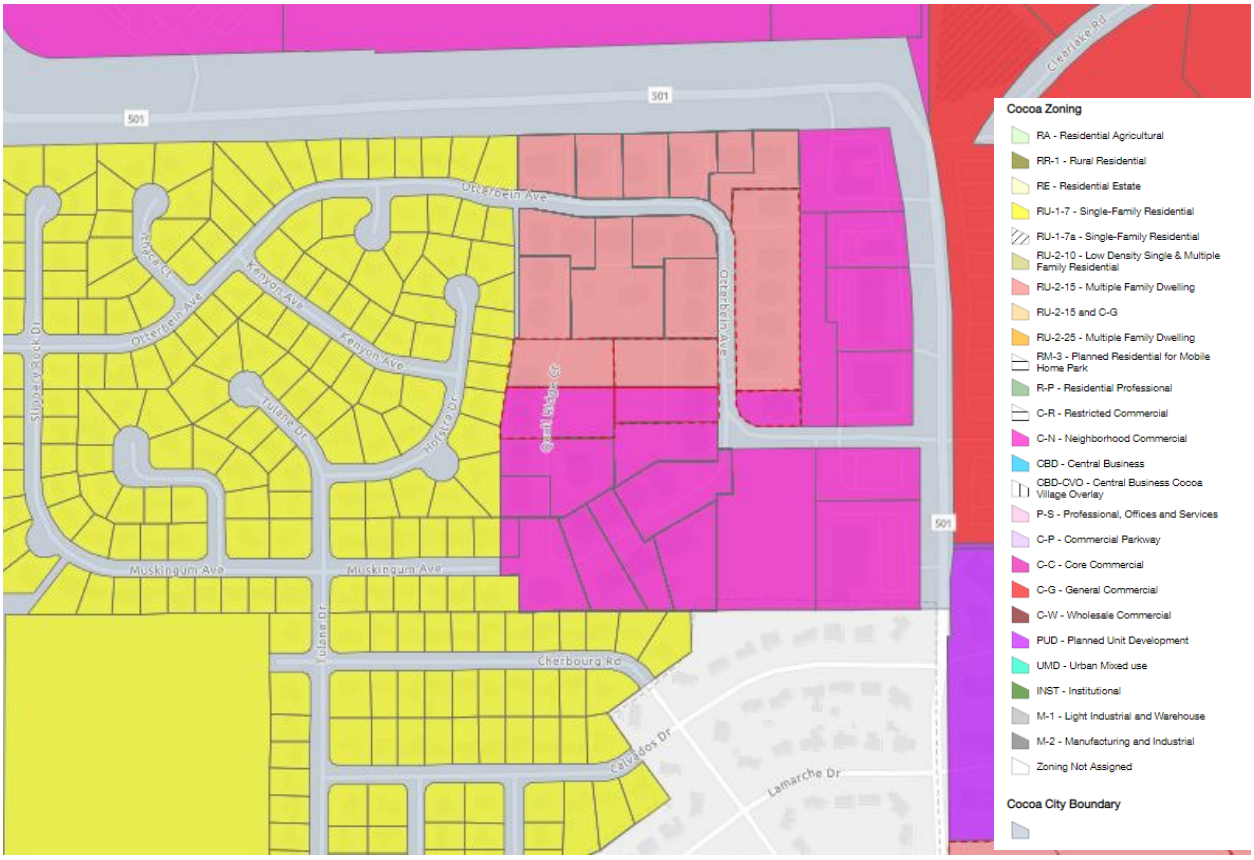
Tax Parcel ID 24-36-18-00-761.K-. XA (Condo Common Area) and the following parcels:
1917 Quail Ridge Ct, Unit 1901, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-761.S
1917 Quail Ridge Ct, Unit 1902, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-761.T
1917 Quail Ridge Ct, Unit 1903, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-761.U
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Tax Parcel ID 24-36-18-00-761.S-. XA (Condo Common Area) and the following parcels:
1918 Quail Ridge Ct, Unit 2001, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-761.K
1918 Quail Ridge Ct, Unit 2002, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-761.L
1918 Quail Ridge Ct, Unit 2003, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-761.M
1918 Quail Ridge Ct, Unit 2004, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-761.N
1920 Quail Ridge Ct, Unit 2101, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-761.O
1920 Quail Ridge Ct, Unit 2102, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-761.P
1920 Quail Ridge Ct, Unit 2103, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-761.Q
1920 Quail Ridge Ct, Unit 2104, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-761.R

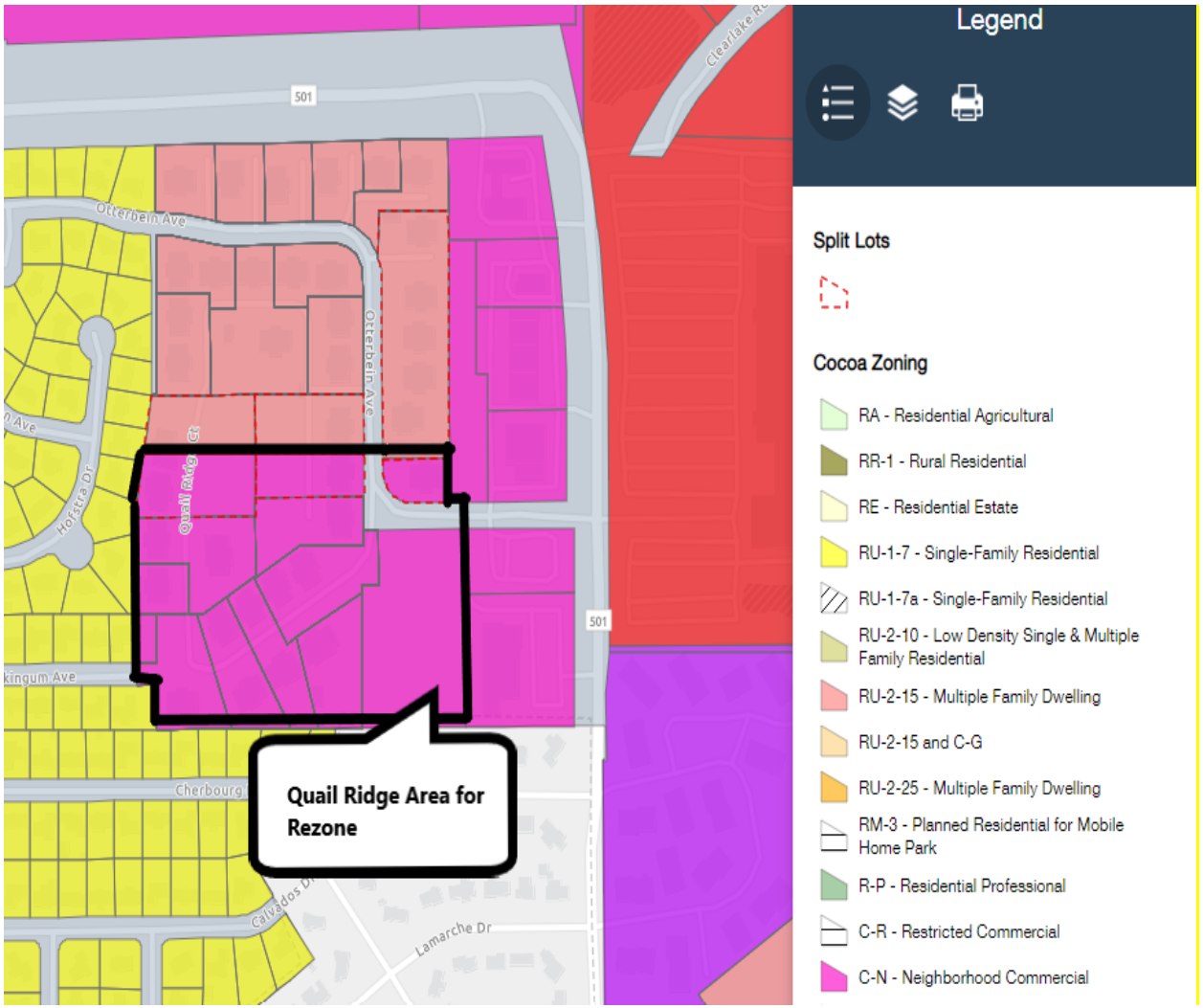
Tax Parcel ID 24-36-18-00-759.U-. XA (Condo Common Area) and the following parcels:
1956 Quail Ridge Ct, Unit 1801, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-759.U
1956 Quail Ridge Ct, Unit 1802, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-759.V
1956 Quail Ridge Ct, Unit 1803, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-759.W
1956 Quail Ridge Ct, Unit 1804, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-759.X

Tax Parcel ID 24-36-18-00-765, 1925 OTTERBEIN AVE COCOA FL 32922

Attachment 2 – Zoning Map



Attachment 3: Subject Property

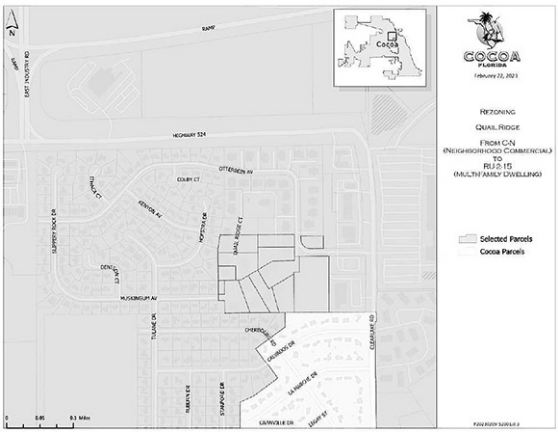


CITY OF COCOA
NOTICE OF PUBLIC HEARING
ZONING MAP AND TEXT AMENDMENTS

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

PZ-23-02100002 (Quail Ridge | City of Cocoa)

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; amending the Official Zoning Map designation of seventy-seven (77) parcels of real property, totaling 11.59 acres, more or less, and generally located on the southeast corner of Quail Ridge Court and Otterbein Avenue, in Cocoa, Florida, more particularly depicted and described on Exhibit "A" attached hereto, from C-N (Neighborhood Commercial District) to RU-2-15 (Multiple-Family Dwelling District); providing for the repeal of prior inconsistent ordinances and resolutions, severability, and an effective date.



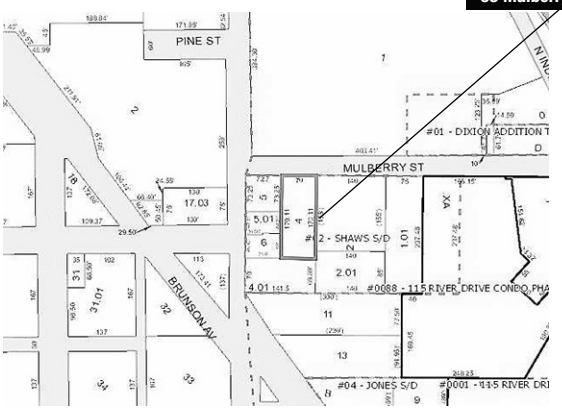
PZ-23-02000001 (Gym and Fitness)

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE LISTS OF PERMITTED AND SPECIAL EXCEPTION USES IN APPENDIX A, ARTICLE XI OF THE ZONING ORDINANCE OF THE CITY OF COCOA RELATED TO GYM AND FITNESS FACILITIES IN THE RESTRICTED COMMERCIAL, NEIGHBORHOOD COMMERCIAL, GENERAL COMMERCIAL, CENTRAL BUSINESS DISTRICT, COMMERCIAL PARKWAY, WHOLESALE COMMERCIAL, PLANNED UNIT DEVELOPMENT, AND COCOA WATERFRONT OVERLAY DISTRICTS; ADOPTING A DEFINITION OF "GYM AND FITNESS FACILITIES"; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

PZ-23-02100001 (63 Mulberry Street | DRH Designs, Inc.)

C. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 0.27 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF MULBERRY STREET, APPROXIMATELY SIXTY FEET EAST OF THE INTERSECTION WITH FORREST AVENUE, IN COCOA, FLORIDA, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM CORE COMMERCIAL DISTRICT (C-C) TO MULTIPLE FAMILY DWELLING DISTRICT (RU-2-25); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

63 Mulberry



PZ-23-00200002 – Small-Scale Site Plan Appeal (Advantage Self Storage)

D. An appeal relating to the denial of a Small-Scale Site Plan application for a self-service storage facility pursuant to Appendix A, Zoning, Article XIII, Section 1 (H) in the Manufacturing and Industrial District (M-2). The 2.99-acre site is identified as Parcel 24-35-12-00-759 through the Brevard County Property Appraiser.

PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
PUBLIC HEARING FOR ALL ITEMS WILL BE HELD ON
April 5, 2023
CITY COUNCIL 1st PUBLIC HEARING FOR ITEMS A THROUGH C WILL BE HELD ON
April 25, 2023
ALL HEARINGS WILL TAKE PLACE AT 6:00 P.M. OR SOON THEREAFTER IN THE COCOA CITY HALL COUNCIL CHAMBERS LOCATED AT
65 STONE STREET, COCOA, FL

General Notice Information:

This is a public meeting. Interested parties are hereby advised that they may appear at said meeting and be heard. The facility wherein this public meeting will be held is accessible to the physically handicapped.In accordance with the Americans With Disabilities Act, persons needing assistance to participate in anyof these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Carie Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@cocoafl.org.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the BOA, P&Z Board/LPA or City Council with respect to any matter considered at its meeting or hearing, that person will need a record of the proceedings and for such purpose, affected persons may need to assure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals otherwise not allowed by law.

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

Public Participation Information:

Members of the public may view the meeting agenda, ordinances, project applications, supporting documents, and staff reports on the City's website at the following link prior to attending or commenting:

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

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

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

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

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

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

FT-GCI1033372-01

ORDINANCE NO. 03-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF SEVENTY-SEVEN (77) PARCELS OF REAL PROPERTY, TOTALING 11.59 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTHEAST CORNER OF QUAIL RIDGE COURT AND OTTERBEIN AVENUE, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM C-N (NEIGHBORHOOD COMMERCIAL DISTRICT) TO RU-2-15 (MULTIPLE-FAMILY DWELLING DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

WHEREAS, 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 C-N (Neighborhood Commercial District) to RU-2-15

(Multiple-Family Dwelling 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 _____, 2023.

_____

___

MICHAEL C. BLAKE, Mayor

ATTEST:

_____

CARIE SHEALY, MMC
City Clerk

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

EXHIBIT A

Description of Real Property

The Southern portion of Tax Parcel ID: 24-36-18-00-756-.XA (Condo Common Area) and including the following addresses/parcels:

1926 Otterbein Avenue, Unit 101, Cocoa FL 32926, Tax Parcel ID 24-36-18-00-756
1926 Otterbein Avenue, Unit 102, Cocoa FL 32926, Tax Parcel ID 24-36-18-00-756.A
1926 Otterbein Avenue, Unit 103, Cocoa FL 32926, Tax Parcel ID 24-36-18-00-756.B
1926 Otterbein Avenue, Unit 104, Cocoa FL 32926, Tax Parcel ID 24-36-18-00-756.C

The Southern portion of Tax Parcel ID: 24-36-18-00-759.M-.XA (Condo Common Area) and including the following addresses/parcels:

1954 Quail Ridge Ct, Unit 1701, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-759.Q
1954 Quail Ridge Ct, Unit 1702, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-759.R
1954 Quail Ridge Ct, Unit 1703, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-759.S
1954 Quail Ridge Ct, Unit 1704, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-759.T

The Southern portion of Tax Parcel ID: 24-36-18-00-759.Y-.XA (Condo Common Area) and including the following addresses/parcels:

1933 Quail Ridge Ct, Unit 1101, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-759.Y
1933 Quail Ridge Ct, Unit 1102, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-759.Z
1933 Quail Ridge Ct, Unit 1103, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760
1933 Quail Ridge Ct, Unit 1104, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.A
1931 Quail Ridge Ct, Unit 1201, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.B
1931 Quail Ridge Ct, Unit 1202, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.C
1931 Quail Ridge Ct, Unit 1203, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.D
1931 Quail Ridge Ct, Unit 1204, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.E

Tax Parcel ID 24-36-18-00-760.F-.XA (Condo Common Area) and the following addresses/parcels:

1929 Quail Ridge Ct, Unit 1301, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.F
1929 Quail Ridge Ct, Unit 1302, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.G
1929 Quail Ridge Ct, Unit 1303, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.H
1929 Quail Ridge Ct, Unit 1304, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.I
1928 Quail Ridge Ct, Unit 1501, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.J
1928 Quail Ridge Ct, Unit 1502, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.K
1928 Quail Ridge Ct, Unit 1503, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.L
1928 Quail Ridge Ct, Unit 1504, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-760.M

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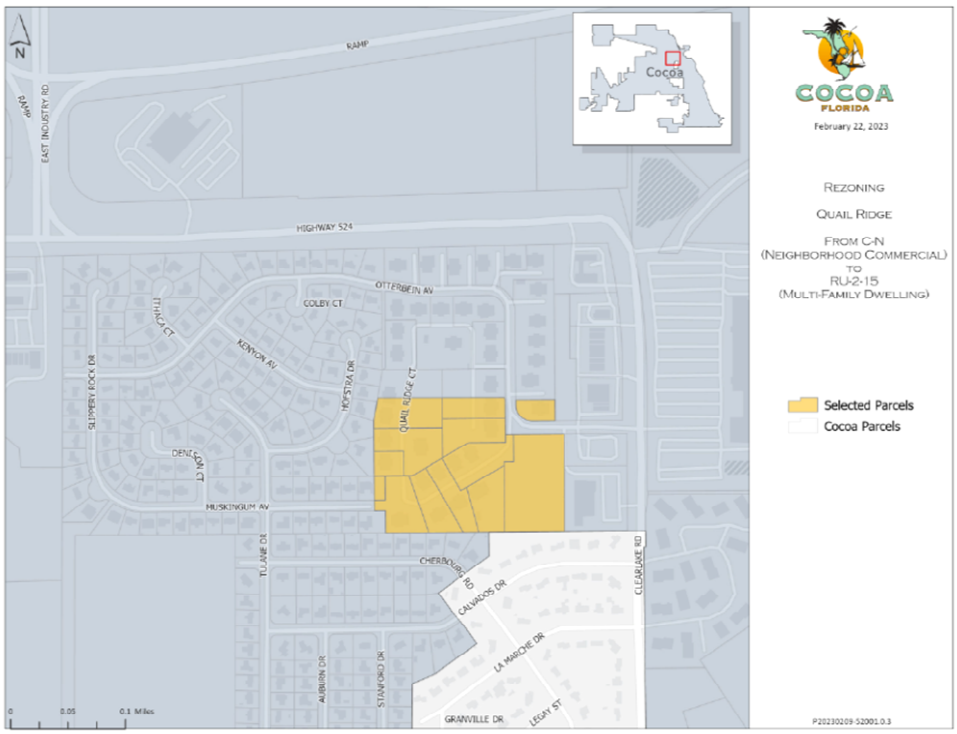
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1956 Quail Ridge Ct, Unit 1804, Cocoa, FL 32926, Tax Parcel ID 24-36-18-00-759.X

Tax Parcel ID 24-36-18-00-765, 1925 OTTERBEIN AVE COCOA FL 32922

The above parcels are depicted as follows:



Legislation Details (With Text)

File #:	23-210	**Version:**	1	**Name:**	
Type:	Ordinance			**Status:**	Agenda Ready
File created:	3/22/2023			**In control:**	Planning and Zoning / Local Planning Agency
On agenda:	4/5/2023			**Final action:**	
Title:	Consideration of Ordinance 04-2023, a citizen-initiated Zoning Map amendment consistent with the requirements of Code of the City of Cocoa (Code) Article XXI, Section 1, to change the zoning designation of a parcel of real property totaling ±0.27 acres, identified as Brevard County Parcel ID No. 24-36-33-02-0000-0-0004.00, from City of Cocoa Core Commercial (C-C) to City of Cocoa "Multiple-Family Dwelling District" (RU-2-25)...End				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1.Zoning Amend Application 63 Mulberry St.pdf 2.Deed 63 Mulberry.pdf 3.BCPA 63 Mulberry.pdf 4.DRH 63 Mulberry.pdf 5.Scketch 63 Mulberry.pdf Attachment 1_Figure 1_63 Mulberry_Location Map .pdf Attachment 2_Figure 2_63 Mulberry_Zoning Map .pdf Attachment 3_Figure 3_63 Mulberry_FLU Map_.pdf Attachment 4_Figure 4_63 Mulberry_Surroundig Area Map.pdf Attachment 5_63 Mulberry_Legal Ad.pdf Ordinance No. 04-2023 - 63 Mulberry Rezoning CC to RU-2-25				

Date	Ver.	Action By	Action	Result

PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: February 20, 2023
Agenda Date: April 5, 2023
Prepared By: John Patterson, AICP, Planner 3 - East Central Florida Regional Planning Council
Through: Bryant Smith III, P.E., CFM - Public Works
Requested Action:
Consideration of Ordinance 04-2023, a citizen-initiated Zoning Map amendment consistent with the requirements of *Code of the City of Cocoa* (Code) Article XXI, Section 1, to change the zoning designation of a parcel of real property totaling ±0.27 acres, identified as Brevard County Parcel ID No. 24-36-33-02-0000-0-0004.00, from City of Cocoa Core Commercial (C-C) to City of Cocoa "Multiple-Family Dwelling District" (RU-2-25).

BACKGROUND:

The subject property for this Zoning Map amendment is comprised of a ±.27-acre vacant parcel, owned by DRH Designs Inc. The parcel is located south of and adjacent to Mulberry Street, just east of its intersection with Forrest Avenue. A map depicting the location of the subject parcel is attached as Exhibit “A”.

Currently, the subject parcel has the City’s C-C zoning designation. The applicant is requesting to change the property’s zoning to the City’s RU-2-25 designation. Please see Exhibit “B” for a map depicting of zoning designations for the subject and surrounding properties. Exhibit “C” depicts the future land use of the subject and surrounding parcels.

The subject property has a future land use designation of High Density Residential. In accordance with the City’s Comprehensive Plan, Figure FLU-1, the following are the allowable zoning districts in the High Density Residential future land use category: RU-2-15, RU-2-25, and PUD. The property’s current zoning, C-C, is not permitted. This amendment would bring the property into conformance with the existing future land use of the subject property.

Future Land Use Designation: Current: High Density Residential

Proposed: High Density Residential

Zoning District: Current: C-C

Proposed: RU 2-25

Existing Land Use: Vacant land

Council District: District 2 - Councilmember Alex Goins

Legal Advertisement Date: March 19, 2023

Overview of Surrounding Area:

	Future Land Use Designations	**Zoning Districts**	**Land Uses**
North	Institutional	C-C, Residential Professional (R-P)	Institutional
South	High Density Residential	C-C	Residential, Vacant
East	High Density Residential	RU-2-25	Multi-Family Residential
West	High Density Residential	C-C	Commercial

powered by Legistar™

I. Consistency with Code of the City of Cocoa

The Property Owner/Applicant is requesting a Zoning Map amendment to change the subject property zoning district from C-C to RU-2-25.

In accordance with Appendix A of the City of Cocoa, Article XXI, Section 1(G)(1), the following shall 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: Staff finds that the zoning change will not be contrary to the established land use pattern. The properties in all directions except to the north have the High Density Residential future land use. The property to the north has a future land use of Institutional, which is found to be compatible with the High Density Residential future land use. Please see Figure 4 to see a map of the existing uses in surrounding the subject property.

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

Staff Finding: Staff finds that the proposed change will not create an isolated district unrelated to nearby and adjacent districts. The properties to the east and northeast share the RU-2-25 zoning proposed for the subject property. The properties to the north and south have the C-C zoning district, while the properties to the east have the C-C and R-P zoning classifications. The existing land uses in all directions are found to be compatible with the proposed zoning for the property.

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

Staff Finding: Staff finds that the subject property would not alter the population density pattern nor increase or overtax the load on public facilities. The property already has the High Density Residential future land use classification, allowing development of the intensity of the RU-2-25 zoning classification. With the exception of the property to the north with the Institutional future land use classification, all other abutting properties have the High Density Residential future land use, and thus, the same density potential. However, it should be noted that, due to the small size of the property and applicable setbacks, only a single-family house will be feasible for development.

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

Staff Finding: Staff finds that the district boundaries are not illogically drawn in relation to existing conditions on the property proposed for change. The properties to the east and the northeast share the same zoning classification. Although they have different zoning classifications, the surrounding properties in other directions are compatible with the RU-2-25 zoning classification.

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: Staff finds that this change would not be contrary to the Future Land Use Map. The subject property currently has the High Density Residential future land use, which is compatible with the RU-2-25 zoning.

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

Staff Finding: : Staff finds that changing conditions make this proposed zoning amendment necessary. The future land use was previously changed to the High Density Residential district. The current C-C zoning classification is in conflict with this future land use classification.

g. Whether or not the proposed change will have adversely influence living conditions in the neighborhood.

Staff Finding: Staff finds that the proposed change will not adversely influence living conditions in the neighborhood. Parcels to the east and southeast already contain multi-family uses. Properties to the west have commercial uses, while the property to the north has an institutional use. All of these uses are compatible with the uses allowed under the RU-2-25 zoning district.

h. Whether or not the proposed change will create or excessively increase traffic congestion or otherwise affect the public safety.

Staff Finding: Staff finds that the proposed change will not create or excessively increase traffic congestion or otherwise affect the public safety. The existing future land use classification on the property allows the density being proposed by this zoning amendment.

i. Whether or not the proposed change will create a drainage problem.

Staff Finding: Staff finds that the proposed change will not create a drainage problem. The rezoning will allow a residential density compatible with the existing future land use designation. When developed, the property will have to conform with City drainage regulations.

j. Whether or not the proposed change will seriously reduce light or air to adjacent areas.

Staff Finding: Staff finds that the zoning intensity proposed by the zoning amendment is compatible with the existing future land use classification of the property, and will thus not allow residential development of a height or bulk to decrease air or light to the surrounding areas.

k. Whether or not the proposed change will adversely affect property values in the adjacent area.

Staff Finding: Staff finds that the proposed amendment will not adversely affect property values in the adjacent area. As described above, the uses allowed under the RU-2-25 zoning district are compatible with uses in the area.

l. Whether or not the proposed change will be detrimental to the improvement or development of adjacent property in accord with existing regulations.

Staff Finding: Staff finds that the proposed change will not be detrimental to the improvement or development of adjacent property. As discussed above, the uses under the RU-2-25 zoning district are compatible with the area.

m. Whether or not the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

Staff Finding: Staff finds that the proposed change will not constitute a grant of special privilege to the applicant. The applicant is simply changing the zoning to be in conformance with the future land use classification for the property.

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

Staff Finding: Staff finds that as it conflicts with the existing future land use classification of the property, the existing zoning would not allow development of the property. The rezoning will allow appropriate development of the subject property under the existing future land use classification.

o. Whether or not the change suggested is out of scale with the needs of the neighborhood.

Staff Finding: Staff finds that the change suggested is not out of scale with the needs of the neighborhood. The zoning will be in conformance with the future land use which currently exists for the property and is High Density Residential.

p. Whether or not it is impossible to find other adequate sites in the City for the proposed use in districts already permitting such uses.

Staff Finding: Staff does not believe it would impossible to find other adequate sites for development of multi-family uses. However, this rezoning brings the subject property into conformance with its future land use classification.

BUDGETARY IMPACT:

None

PREVIOUS ACTION:

None

RECOMMENDED MOTION:

Staff recommends that the Planning & Zoning Board recommend approval to City Council of

Ordinance 04-2023, an Official Zoning Map amendment consistent with Appendix A of the City of Cocoa, Article XXI, Section 1(G)(1), for a citizen-initiated request to change the Official Zoning Map designation of a ±0.27-acre parcel from the CC to the RU-2-25 district.

Application # PZ - _____ - _____

ZONING MAP AMENDMENT APPLICATION (MAP ONLY)

Community Services Department
Planning and Zoning Division
65 Stone Street
Cocoa, Florida 32922

Phone: (321) 433-8535
Fax: (321) 433-8543
Web: http://www.cocoafl.org

Serving the Community

This form is divided into steps, which will help you prepare your application, provide supplemental items, and prepare for the Planning & Zoning Board and City Council hearings. A pre-application meeting with Staff is **required**.

Please TYPE or PRINT this application neatly.

For Office Use Only - Date Received

Stamp Only When Application is Fully Complete

1. **Existing Zoning Category:** Commerical
2. **Proposed Zoning Category:** Multi-family RU-2-25
3. **Existing Future Land Use Category:** Vacant
4. **Proposed Future Land Use Category** (*if applicable*): multi family
5. **Applicant Information:** ** NOTE: Applicant is the main contact, who must attend the meeting!*

   Company (if applicable): DRH Designs INC
   Name: David Halley JR
   Mailing Address: 110 Kieran Lane
   City: Rockledge State: FL Zip Code: 32955
   Phone #: _____ Fax #: _____
   Mobile #: 321-288-5481 E-mail: drhdesignsinc@gmail.com

6. **Property Owner Information:** ** Check here if same as Applicant* → ☒
   ** If more than one owner, attach additional sheet with names and addresses.*

   Company (if applicable): _____
   Name: _____
   Mailing Address: _____
   City: _____ State: _____ Zip Code: _____
   Phone #: _____ Fax #: _____
   Mobile #: _____ E-mail: _____

7. **Property Information:**

Street Address and Location: 63 Mulberry Street, Cocoa FL 32922

Parcel ID: * *If more than two Parcel IDs, attach additional sheet with Parcel IDs.*

24-36-33-02-00000.0-00004.00

--.--.--.--.-----.-.----.--

Tax Account Numbers: * *If more than two Tax Account #s, attach additional sheet with Tax Account #s.*

2425684

Land Area: _____ square feet or .27 acres

Existing Use(s) on Property: VACANT

Proposed Use(s) on Property: Multi-family, RU-2-25

8. **Please submit the following items in order complete the application:**

a. ☐ **Notarized application.**

b. ☑ **List of owners within 500 feet.** A "radius map package" from Brevard County containing a certified mailing list with mailing labels and a map of all property owners of record who reside within a 500-foot radius of the subject property is required for public notice. It is the applicant's responsibility to obtain these materials from the following for a nominal fee:

Brevard County Planning and Zoning, Attn: Graphics.
Brevard County Government Center, Building A
2725 Judge Fran Jamieson Way
Viera, FL 32940
Phone: (321) 633-2060 Fax: (321) 633-2152

c. ☐ **Petition.** Complete the Zoning Map Amendment petition form. A sample "Petition" form is available from the City.

d. ☐ **Application fee.** Please make checks payable to the 'City of Cocoa' and submit payment **ONLY** to the Community Services Department. Public mail notice and legal advertising fees must also be paid a few weeks after application submittal. See Schedule of Fees, Charges and Expenses for applicable fees.

e. ☑ **Proof of ownership.** A copy of the most recent recorded warranty deed is required.

f. ☐ **Letter of authorization.** If the applicant is not the property owner, a notarized letter of authorization or agent affidavit is required, unless the applicant is the Attorney of the owner. Each property owner must complete a separate authorization form or other suitable documentation to allow the agent to act upon his/her behalf. A sample "Letter of Authorization" form is available from the City.

g. ☑ **Corporate documents.** If the applicant/owner is representing a company, articles of incorporation which show the applicant/owner is authorized to represent the company is required. A data record printout from the Florida Department of State, Division of Corporations website may also be provided (http://www.sunbiz.org/corpweb/inquiry/search.html).

h. ☐ **Certified boundary survey.** Submit a certified survey showing all existing structures and all proposed structures.

i. ☐ **Legal description.** Submit a typed copy of the legal description. It may be submitted on a computer disk or by e-mail.

j. ☐ **Accurate site plan.** Submit 10 copies (folded to about 8-1/2 x 11") of a plan drawn to scale and showing the required site plan elements can found in **10**. The site plan shall not be smaller than 11 x 17".

k. ☐ **Additional information (optional).** Submit any information that may be helpful in understanding the request. This may include photos, sketches, elevations, or letters from adjoining property owners.

9. **Application filing deadline.** The application filing deadline is on the first Friday of each month at 5:00 pm for public hearings that are held in the following month. For Zoning Map Amendment applications that are submitted concurrently with other applications, the earlier filing deadline shall apply.

10. **Application filing procedure.** This application, together with all required exhibits and attachments, shall be completed and filed with the Planning and Zoning Division.

Public hearings process information – please read this!

11. **Dates and locations of public hearings.** All zoning map amendments require one hearing in front of the Planning & Zoning Board and two hearings in front of the City of Cocoa Council. All regularly scheduled Planning & Zoning Board hearings are held on the second Wednesday of each month at 6:00 pm in the Cocoa City Council Chambers located at 65 Stone Street, Cocoa, Florida unless otherwise notified. All regularly scheduled City of Cocoa Council meetings are held on the second and fourth Tuesday of each month at 7:00 pm in the Cocoa City Council Chambers located at 65 Stone Street, Cocoa, Florida unless otherwise notified.

12. **Board types.** The Planning & Zoning Board is an advisory board to the City Council and therefore is only authorized to make recommendations. City Council is an authoritative body and is able to make binding decisions.

13. **Presence required at the public hearings.** The applicant or his/her representative must be present to answer any questions concerning the application. If there are extenuating circumstances why the applicant or his/her representative cannot attend, he or she must notify the City in writing prior to the public hearing.

14. **Preparing for the public hearings.** It is the applicant's responsibility to research and know all laws that may be applicable and may affect the outcome of any decision on the application request. The City assumes no responsibility or liability relating to the applicant's failure to research and know all applicable laws including, but not limited to state, federal, and city laws, codes, land development regulations, and the comprehensive plan.

15. **Exhibits at public hearings.** If photographs, documents, maps or other materials are provided to the Board/Council as evidence at the public hearing, the applicant must leave those instruments with the Recording Secretary. By law those instruments automatically become part of the public records and cannot be returned to the applicant.

16. **Witnesses at public hearings.** For the purposes of making a decision on the application, the Board/Council shall only consider testimony of qualified witnesses. A witness is determined by the Board/Council and is generally based on:
    a. The witness has personal knowledge of the fact in which the witness will testify; and/or
    b. In the case of testimony consisting of opinions or inferences, the testimony is qualified as the following:
        1. *Layman witness*: Testimony of a witness other than an expert witness is qualified only if:
            - The witness can readily, and with equal accuracy and adequacy, communicate what he or she perceived to the Board without testifying in the form of opinions or inferences.
            - The opinions and inferences do not require any special knowledge, skill experience or training.
        2. *Expert witness*. Testimony of an expert witness is qualified only if:
            - The subject matter is proper for expert testimony because scientific, technical, or other specialized skill will help the Board understand the evidence being presented, or helps establish a fact in issue.
            - The witness is adequately qualified to express an opinion on the matter.

17. **Planning & Zoning Board vs. City Council actions.** If the Planning & Zoning Board finds that the facts presented in the matter justify approval, it may recommend to approve the request, or a portion thereof, and it may specify any conditions deemed necessary to preserve the intent of the City of Cocoa Code. If the Board finds that the facts presented do not justify approval, it may recommend to deny the request and will specify the reasons for denial. A decision is usually made at the same meeting that the hearing is held. Regardless of the outcome, the application will be forwarded to the City Council for consideration where a final decision can be made.

18. **Signatures and Notarization.**

STATE OF _____ COUNTY OF _____. I, _____ being first duly sworn, depose and say that:

☐ I am the applicant, or if corporation, I am the officer of the corporation authorized to act on this request.

☐ I am the legal representative of the applicant of this application and a notarized Letter of Authorization form or agent affidavit accompanies this application giving written, unless the applicant is the Attorney representing the owner.

I hereby certify that I have read, completed and understand this application and applicable petition, and understand that if my application and all associated attachments are not complete and accurate in all respects, the application will not be scheduled for a public hearing. I further understand that this application must be complete and accurate prior to the advertising of a public hearing.

_____ _____

(APPLICANT SIGNATURE) (Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ☐ OR Produced Identification ☐

Type of I.D. Produced _____

_____

(NOTARY PUBLIC SIGNATURE)

STATE OF FLORIDA, COUNTY OF BREVARD

Sworn and subscribed to before me this _____ day of _____, 20 _____

FOR OFFICE USE ONLY

Fee of $ _____ in cash ☐ or check ☐ (No. _____) payable to the "City of Cocoa".

Receipt Number: _____

Date: _____

Signature from Planning & Zoning Division:

_____

Documentary Deed Tax $1,365.00
THIS INSTRUMENT PREPARED BY AND RETURN TO:
Stephanie Smith
Island Title & Escrow Agency Inc.
2245 N Courtenay Pkwy
Merritt Island, FL. 32953
File No. **22-4181**

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED, made the **10th** day of **June, 2022** by **RMH Investments LLC, an Ohio Limited Liability Company**, herein called the grantor, to **DRH Designs Inc, a Florida Corporation** whose post office address is 110 Kieran Lane, Rockledge, FL 32955, hereinafter called the Grantee:
(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

W I T N E S S E T H: That the grantor, for and in consideration of the sum of TEN AND 00/100'S ($10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in **BREVARD** County, State of Florida, viz.:

All of Lot 4 of J.C. SHAW'S SUBDIVISION, as shown by the plat of said subdivision recorded in Plat Book 1, Page 66, of the Public Records of BREVARD County, Florida, excepting from said Lot 4, the South 70 feet thereof; said real estate being more particularly described as follows: Begin at a point on the South line of Mulberry Street 72.7 feet East of the intersection of said South line with the East line of Forrest Avenue; from said Point of Beginning, run the East line of Lots 5 and 6 South and at right angles to Mulberry Street, 170 feet, more or less, to the Southeast corner of Lot 6 of Shaw's Subdivision; thence run East and parallel to the South line of Mulberry Street, 70 feet to the East line of Lot 4; thence run the East line of Lot 4, North 170 feet to the South line of Mulberry Street; thence run the South line of Mulberry Street West 70 feet to the Point of Beginning.

Subject to easements, restrictions and reservations of record and to taxes for the year 2022 and thereafter.
The Land herein conveyed is vacant land and not the homestead property of the grantor as defined in Article 10 Section 4 of the Florida Constitution. Grantor does not reside on the Land and the Land is not adjacent to or contiguous with grantor's homestead.

RMH Investments LLC, is one and the same as the grantee on the acquisition deed of subject property, recorded in Official Records Book 8140, Page 2375 of the Public Records of Brevard County Florida, as referenced by Florida Department of State document number M07000000265.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2021**.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness #1 Signature

Jason Fishbaugh
Witness #1 Printed Name

Witness #2 Signature

Jacklyn Fishbaugh
Witness #2 Printed Name

RMH Investments LLC

Rodney E. Howald, Manager
6801 Troy Rd., Radnor, OH 43066

Mary E. Howald
Mary E. Howald, Manager
6801 Troy Rd. Radnor, OH 43066

STATE OF Ohio

COUNTY OF Delaware

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization this 08 day of June, 2022 by Rodney E. Howald, Manager and Mary E. Howald, Manager of RMH Investments, LLC who are personally known to me or has produced Drivers License as identification.

SEAL

JASON FISHBAUGH
Notary Public
State of Ohio
My Comm. Expires
May 1, 2023

Notary Public

Jason Fishbaugh
Printed Notary Name

My Commission Expires:
May 01, 2023

Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

Phone: (321) 264-6700
https://www.bcpao.us

PROPERTY DETAILS

Account	2425684
Owners	DRH DESIGNS INC
Mailing Address	110 KIERAN LN ROCKLEDGE FL 32955
Site Address	63 MULBERRY ST COCOA FL 32922
Parcel ID	24-36-33-02-*-4
Property Use	1000 - VACANT COMMERCIAL LAND
Exemptions	NONE
Taxing District	23D0 - COCOA
Total Acres	0.27
Subdivision	SHAWS ADDITION TO COCOA, J.C.
Site Code	0001 - NO OTHER CODE APPL.
Plat Book/Page	0001/0066
Land Description	SHAWS ADDITION TO COCOA, J.C. LOT 4 EXC S 70 FT



VALUE SUMMARY

Category	2022	2021	2020
Market Value	$50,400	$45,820	$45,820
Agricultural Land Value	$0	$0	$0
Assessed Value Non-School	$50,400	$45,820	$45,820
Assessed Value School	$50,400	$45,820	$45,820
Homestead Exemption	$0	$0	$0
Additional Homestead	$0	$0	$0
Other Exemptions	$0	$0	$0
Taxable Value Non-School	$50,400	$45,820	$45,820
Taxable Value School	$50,400	$45,820	$45,820

SALES/TRANSFERS

Date	Price	Type	Instrument
06/08/2022	$195,000	WD	9531/2528
04/10/2018	$100,000	WD	8140/2375
04/15/2015	$60,000	WD	7346/1124
07/01/2013	--	CT	6914/0185
04/23/1990	$72,500	WD	3056/3259
06/13/1983	$50,600	WD	2435/1593
08/01/1976	$34,900	--	1650/0502

No Data Found

Generated on 9/18/2022 2:45:21 PM

Electronic Articles of Incorporation For

DRH DESIGNS INC

P21000103188
FILED
December 09, 2021
Sec. Of State
tscott

The undersigned incorporator, for the purpose of forming a Florida profit corporation, hereby adopts the following Articles of Incorporation:

Article I

The name of the corporation is:

DRH DESIGNS INC

Article II

The principal place of business address:

110 KIERAN LANE
ROCKLEDGE, FL. 32955

The mailing address of the corporation is:

110 KIERAN LANE
ROCKLEDGE, FL. 32955

Article III

The purpose for which this corporation is organized is:

ANY AND ALL LAWFUL BUSINESS.

Article IV

The number of shares the corporation is authorized to issue is:

1

Article V

The name and Florida street address of the registered agent is:

DAVID HALLEY
110 KIERAN LANE
ROCKLEDGE, FL. 32955

I certify that I am familiar with and accept the responsibilities of registered agent.

Registered Agent Signature: DAVID HALLEY

P21000103188
FILED
December 09, 2021
Sec. Of State
tscott

Article VI

The name and address of the incorporator is:

DAVID HALLEY
110 KIERAN LANE

ROCKLEDGE, FL 32955

Electronic Signature of Incorporator: DAVID HALLEY

I am the incorporator submitting these Articles of Incorporation and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of this corporation and every year thereafter to maintain "active" status.

Article VII

The initial officer(s) and/or director(s) of the corporation is/are:

Title: P
DAVID HALLEY
110 KIERAN LANE
ROCKLEDGE, FL. 32955

Title: VP
REBECCA HATCH
110 KIERAN LANE
ROCKLEDGE, FL. 32955

Article VIII

The effective date for this corporation shall be:

01/01/2022

ARMISTEAD DESIGN INC
675 Fern Drive
Merritt Island, Florida 32952
Phone: (321) 454-6499
www.ArmisteadDesign.com
Project DESIGNER
Chris Feddersen

STRUCTURAL ONLY

REVISIONS Description Date

Halley Custom Duplex

When it's all done

YOU'RE GOING TO LOVE THIS HOUSE

David E Halley
63 Mulberry St
Cocoa, FL 32922

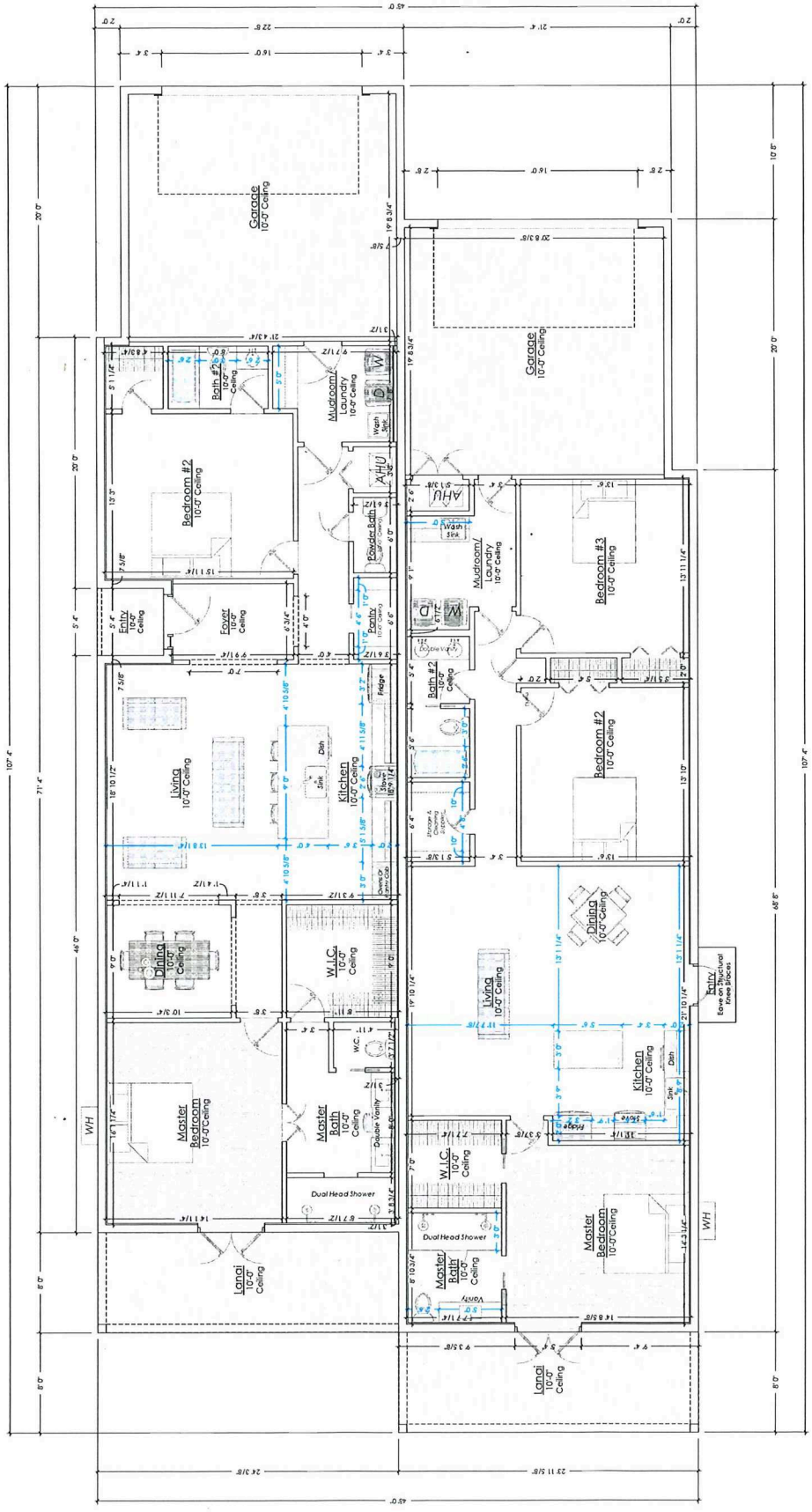
Project №
07132022

FIELD CONDITIONS , PRODUCTS, AND ASSEMBLIES MAY VARY FROM WHAT IS DEPICTED IN THESE PLANS. DESING INTENT IS PARAMOUNT. PLAN DIMENSIONS ARE MORE ACCURATE THAN SCALING. AVAILABLE BUDGET ALWAYS CONSTRAINS CREATIVITY.

FLOOR PLAN

Scale ◆ 1/4" = 1'

PAGE NR. 03



Area Calculations

Entry:	28sf
Garage:	458sf
Living:	1701sf
Lanai:	192sf
Total Square footage:	2379sf

Area Calculations

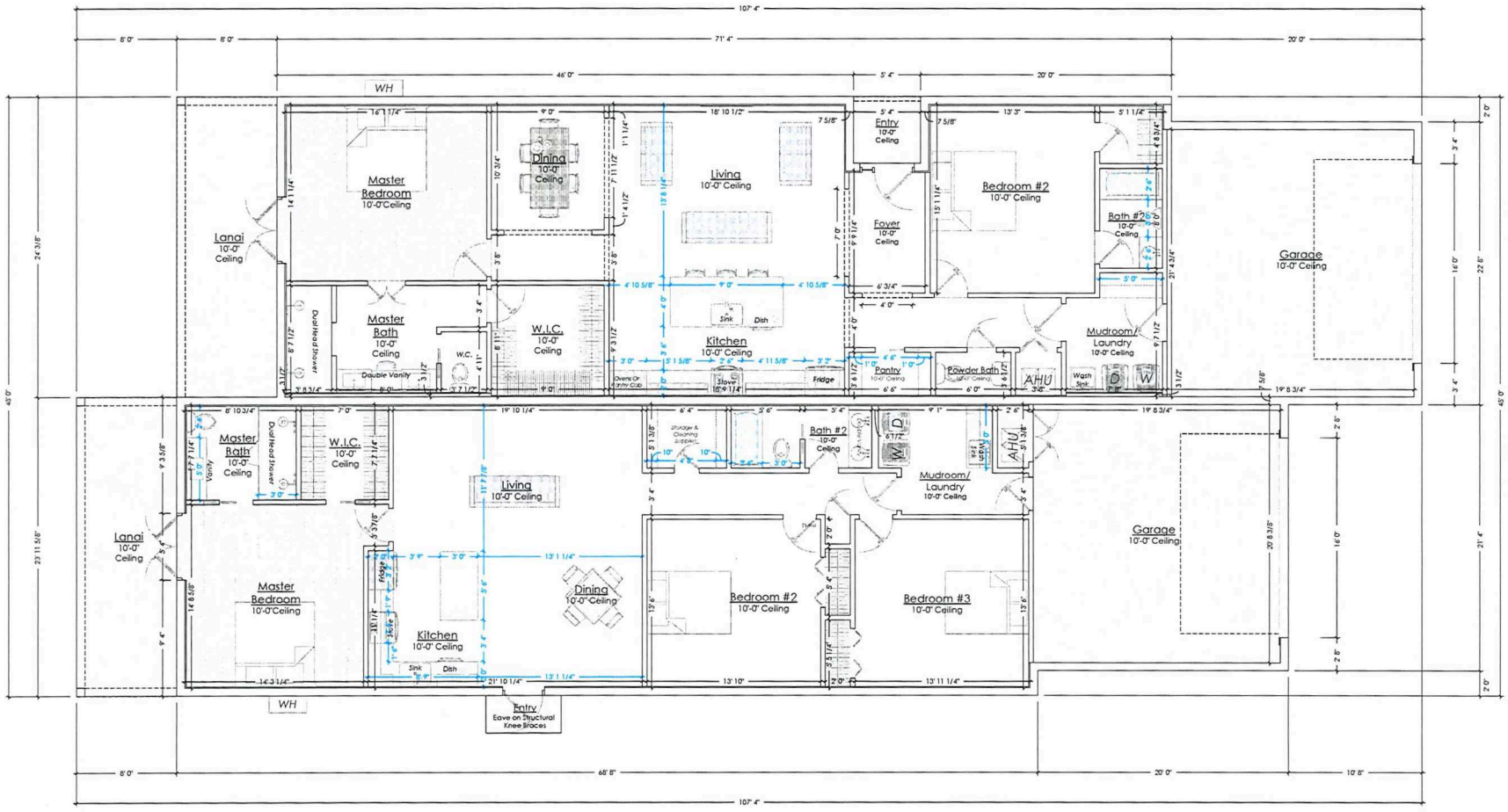
Entry:	18sf
Garage:	441sf
Living:	1619sf
Lanai:	192sf
Total Square footage:	2270sf

FLOOR PLAN NOTES:

1. ALL KITCHEN WALLS CONTAINING WALL CABINETS SHALL BE FRAMED AT 16" ON CENTER.
2. FOR MECHANICAL INSTALLATION, ALL TAPES, CONNECTORS, AND MASTIC SHALL BE LISTED.
3. ALL INTERIOR GYP. CEIL BRD IS 1/2"SAG RESISTANT, & IS SCREWED @ 12" O/C. USE 1/2" GYP BRD. (MIN) ON GARAGE FRAME WALL. USE 20 MIN RATED DOOR & FRAME (W/ CLOSER) TO GARAGE.
4. ALL FRAME WALLS ARE NOMINALLY DRAWN AT 4 1/2" ASSUMING 3 1/2" FRAMING WITH 1/2" GP DRYWALL ON EACH SIDE.
5. ALL DIMENSIONS REFERENCE FACE OF DRYWALL FOR FRAME WALLS, AND FACE OF CMU FOR EXTERIOR WALLS.
6. ALL CEILING HEIGHTS ARE REFERENCED FROM MAIN FINISHED FLOOR LEVEL AND DO NOT INCLUDE STEP DOWNS.

Area Calculations

Entry:	28sf
Garage:	458sf
Living:	1701sf
Lanai:	192sf
Total Square footage:	2379sf



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4. ALL FRAME WALLS ARE NOMINALLY DRAWN AT 4 1/2" ASSUMING 3 1/2" FRAMING WITH 1/2" OF DRYWALL ON EACH SIDE (UNO).
5. ALL DIMENSIONS REFERENCE FACE OF DRYWALL FOR FRAME WALLS, AND FACE OF CMU FOR EXTERIOR WALLS. EXCEPT DIMENSIONS REFERENCING KITCHEN CABINETS & ISLAND.
6. ALL CEILING HEIGHTS ARE REFERENCED FROM MAIN FINISHED FLOOR LEVEL AND DO NOT INCLUDE STEP DOWNS.

ARMISTEAD DESIGN INC

675 Fern Drive
Merritt Island, Florida 32952
Phone: (321) 454-6499
www.Armisteaddesign.com

Project DESIGNER
Chris Feddersen

STRUCTURAL ONLY

REVISIONS
Description Date

Halley Custom Duplex

→ When it's all done ←
YOU'RE GOING TO LOVE THIS HOUSE

David E Holley
63 Mulberry St
Cocoa, FL 32922

Project N2
07132022

FIELD CONDITIONS, PRODUCTS, AND ASSEMBLIES MAY VARY FROM WHAT IS DEPICTED IN THESE PLANS. DESIGN INTENT IS PARAMOUNT. PLAN DIMENSIONS ARE MORE ACCURATE THAN SCALING. AVAILABLE BUDGET ALWAYS CONSTRAINS CREATIVITY.

FLOOR PLAN

Scale ◆ 1/4" = 1

PAGE N2
03

ARMISTEAD DESIGN INC
675 Fern Drive
Merritt Island, Florida 32952
Phone: (321) 454-6499
www.ArmisteadDesign.com

Project DESIGNER
Chris Feddersen

STRUCTURAL ONLY

REVISIONS Date
Description

Halley Custom Duplex

When it's all done

YOU'RE GOING TO LOVE THIS HOUSE

David E Halley
63 Mulberry St
Cocoa, FL 32922

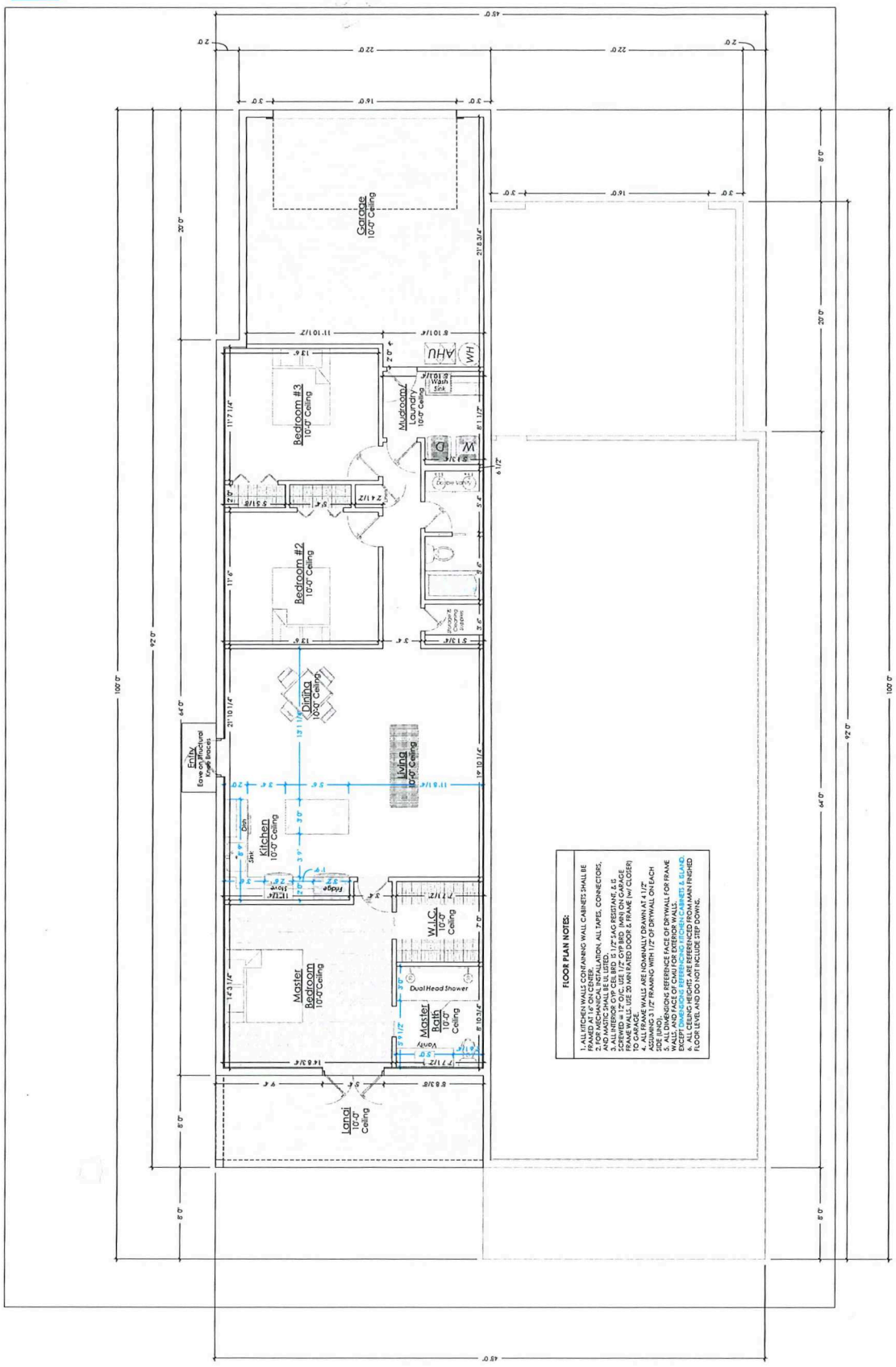
Project N2
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FLOOR PLAN

Scale 1/4" = 1'

PAGE N2 03



Location Map

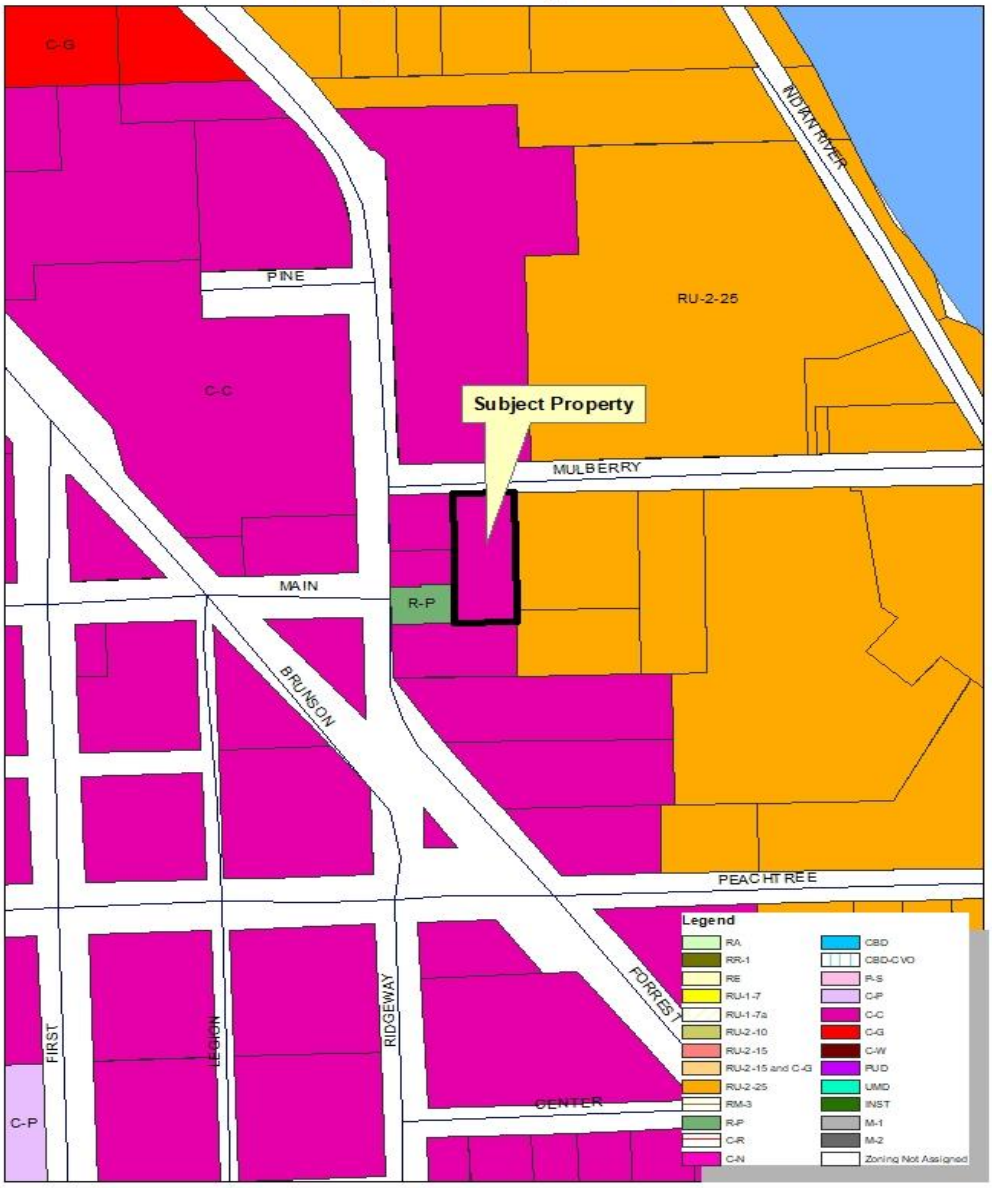
63 Mulberry Street Zoning Amendment



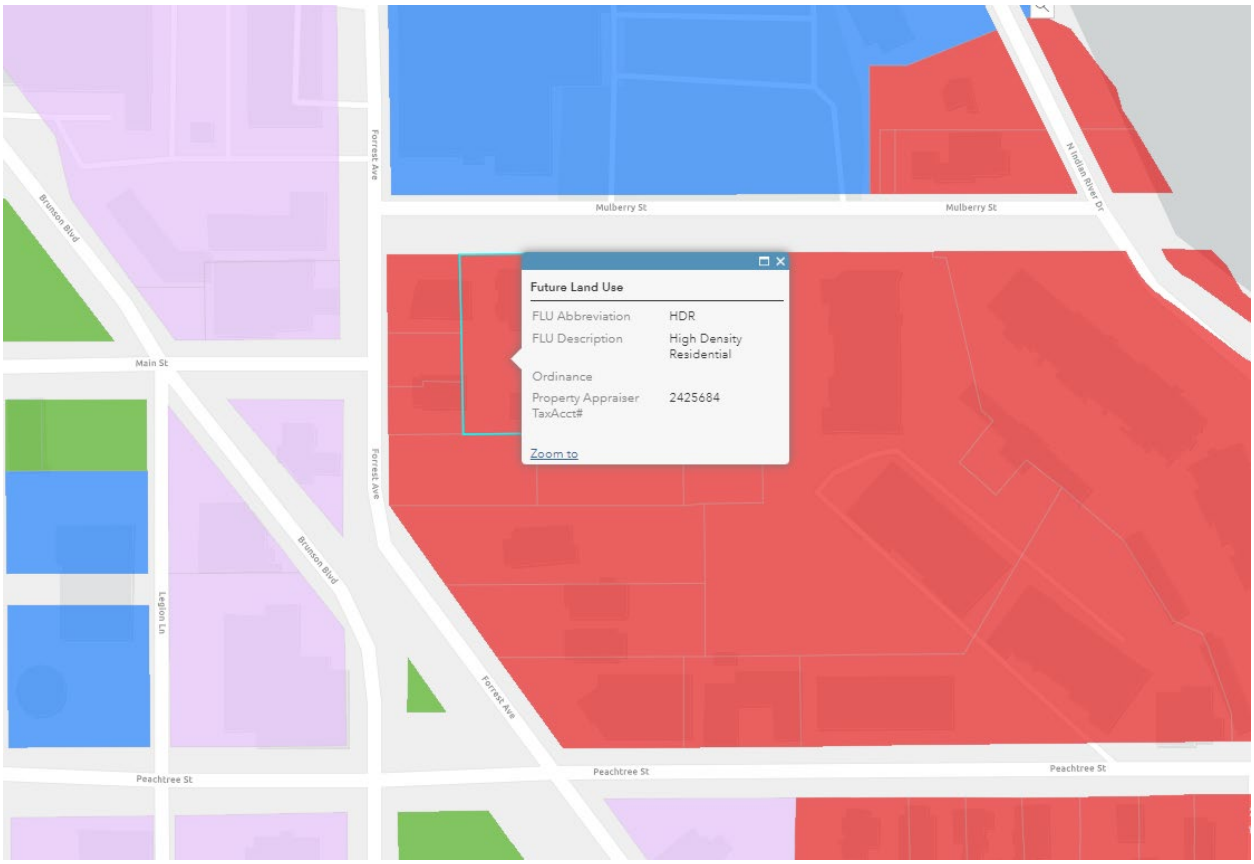
Map Prepared by ECFRPC

Zoning Map

63 Mulberry Street Zoning Amendment



Future Land Use Map

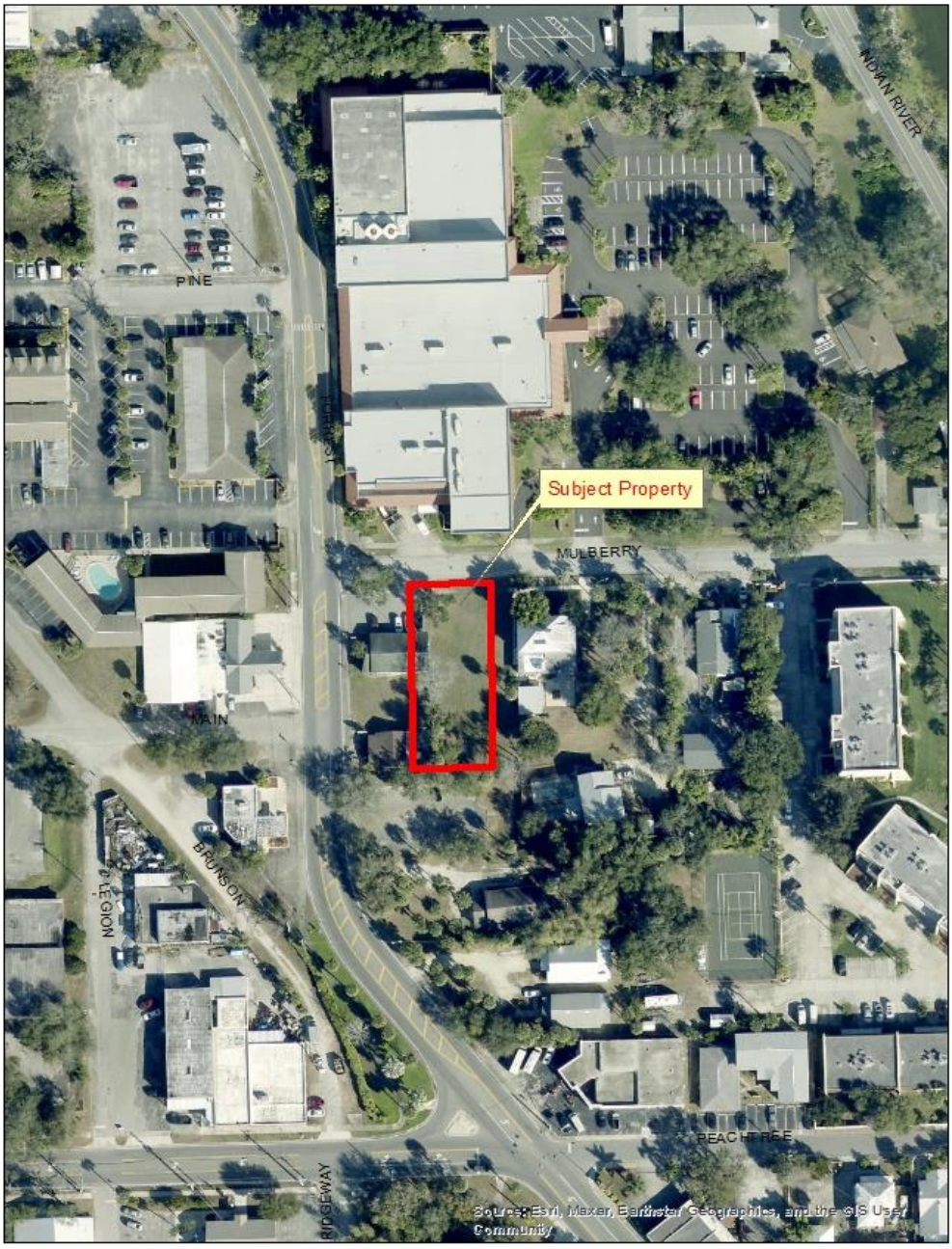


Future Land Use

- Very Low Density Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Neighborhood Commercial
- Commercial
- Mixed Use
- Industrial
- Conservation
- Institutional
- Recreation/Open Space
- Regional Activity Center
- County Zoning

Surrounding Land Use Map

63 Mulberry Street Zoning Amendment



0 35 70 140 210 280 Feet

1 inch = 123 feet

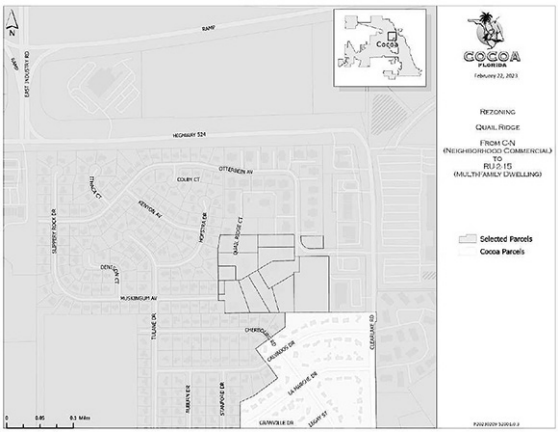
Map Prepared by ECFRPC

CITY OF COCOA
NOTICE OF PUBLIC HEARING
ZONING MAP AND TEXT AMENDMENTS

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

PZ-23-02100002 (Quail Ridge | City of Cocoa)

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; amending the Official Zoning Map designation of seventy-seven (77) parcels of real property, totaling 11.59 acres, more or less, and generally located on the southeast corner of Quail Ridge Court and Otterbein Avenue, in Cocoa, Florida, more particularly depicted and described on Exhibit "A" attached hereto, from C-N (Neighborhood Commercial District) to RU-2-15 (Multiple-Family Dwelling District); providing for the repeal of prior inconsistent ordinances and resolutions, severability, and an effective date.



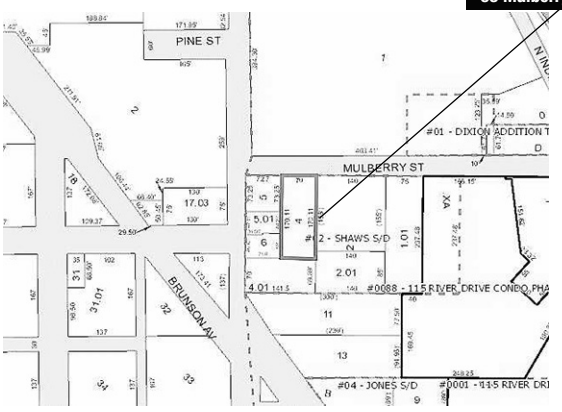
PZ-23-02000001 (Gym and Fitness)

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE LISTS OF PERMITTED AND SPECIAL EXCEPTION USES IN APPENDIX A, ARTICLE XI OF THE ZONING ORDINANCE OF THE CITY OF COCOA RELATED TO GYM AND FITNESS FACILITIES IN THE RESTRICTED COMMERCIAL, NEIGHBORHOOD COMMERCIAL, GENERAL COMMERCIAL, CENTRAL BUSINESS DISTRICT, COMMERCIAL PARKWAY, WHOLESALE COMMERCIAL, PLANNED UNIT DEVELOPMENT, AND COCOA WATERFRONT OVERLAY DISTRICTS; ADOPTING A DEFINITION OF "GYM AND FITNESS FACILITIES"; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

PZ-23-02100001 (63 Mulberry Street | DRH Designs, Inc.)

C. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 0.27 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF MULBERRY STREET, APPROXIMATELY SIXTY FEET EAST OF THE INTERSECTION WITH FORREST AVENUE, IN COCOA, FLORIDA, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM CORE COMMERCIAL DISTRICT (C-C) TO MULTIPLE FAMILY DWELLING DISTRICT (RU-2-25); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

63 Mulberry



PZ-23-00200002 – Small-Scale Site Plan Appeal (Advantage Self Storage)

D. An appeal relating to the denial of a Small-Scale Site Plan application for a self-service storage facility pursuant to Appendix A, Zoning, Article XIII, Section 1 (H) in the Manufacturing and Industrial District (M-2). The 2.99-acre site is identified as Parcel 24-35-12-00-759 through the Brevard County Property Appraiser.

PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
PUBLIC HEARING FOR ALL ITEMS WILL BE HELD ON
April 5, 2023
CITY COUNCIL 1st PUBLIC HEARING FOR ITEMS A THROUGH C WILL BE HELD ON
April 25, 2023
ALL HEARINGS WILL TAKE PLACE AT 6:00 P.M. OR SOON THEREAFTER IN THE COCOA CITY HALL COUNCIL CHAMBERS LOCATED AT
65 STONE STREET, COCOA, FL

General Notice Information:

This is a public meeting. Interested parties are hereby advised that they may appear at said meeting and be heard. The facility wherein this public meeting will be held is accessible to the physically handicapped.In accordance with the Americans With Disabilities Act, persons needing assistance to participate in anyof these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Carie Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@cocoafl.org.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the BOA, P&Z Board/LPA or City Council with respect to any matter considered at its meeting or hearing, that person will need a record of the proceedings and for such purpose, affected persons may need to assure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals otherwise not allowed by law.

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

Public Participation Information:

Members of the public may view the meeting agenda, ordinances, project applications, supporting documents, and staff reports on the City's website at the following link prior to attending or commenting:

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

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

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

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

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

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

FT-GCI1033372-01

ORDINANCE NO. 04-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 0.27 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF MULBERRY STREET, APPROXIMATELY SIXTY FEET EAST OF THE INTERSECTION WITH FORREST AVENUE, IN COCOA, FLORIDA, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM CORE COMMERCIAL DISTRICT (C-C) TO MULTIPLE FAMILY DWELLING DISTRICT (RU-2-25); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

WHEREAS, the Planning and Zoning Board and City Staff of the City of Cocoa 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, citizens, and all interested parties submitting written and oral comments and supporting data 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 rezoning change set forth hereunder; and

WHEREAS, the City Council hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Cocoa, Florida.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COCOA ORDAINS, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are fully incorporated herein by this reference.

Section 2. Zoning Map Amendment. That the Official Zoning Map of the City of Cocoa, as described in City of Cocoa Code, Article VIII, Section 1, is hereby amended to include a change of classification from Core Commercial (C-C) to Multiple Family Dwelling (RU-2-25)

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

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

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

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

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the _____ day of _____, 2023.

_____
MICHAEL C. BLAKE, Mayor

ATTEST:

_____
CARIE SHEALY, MMC
City Clerk

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

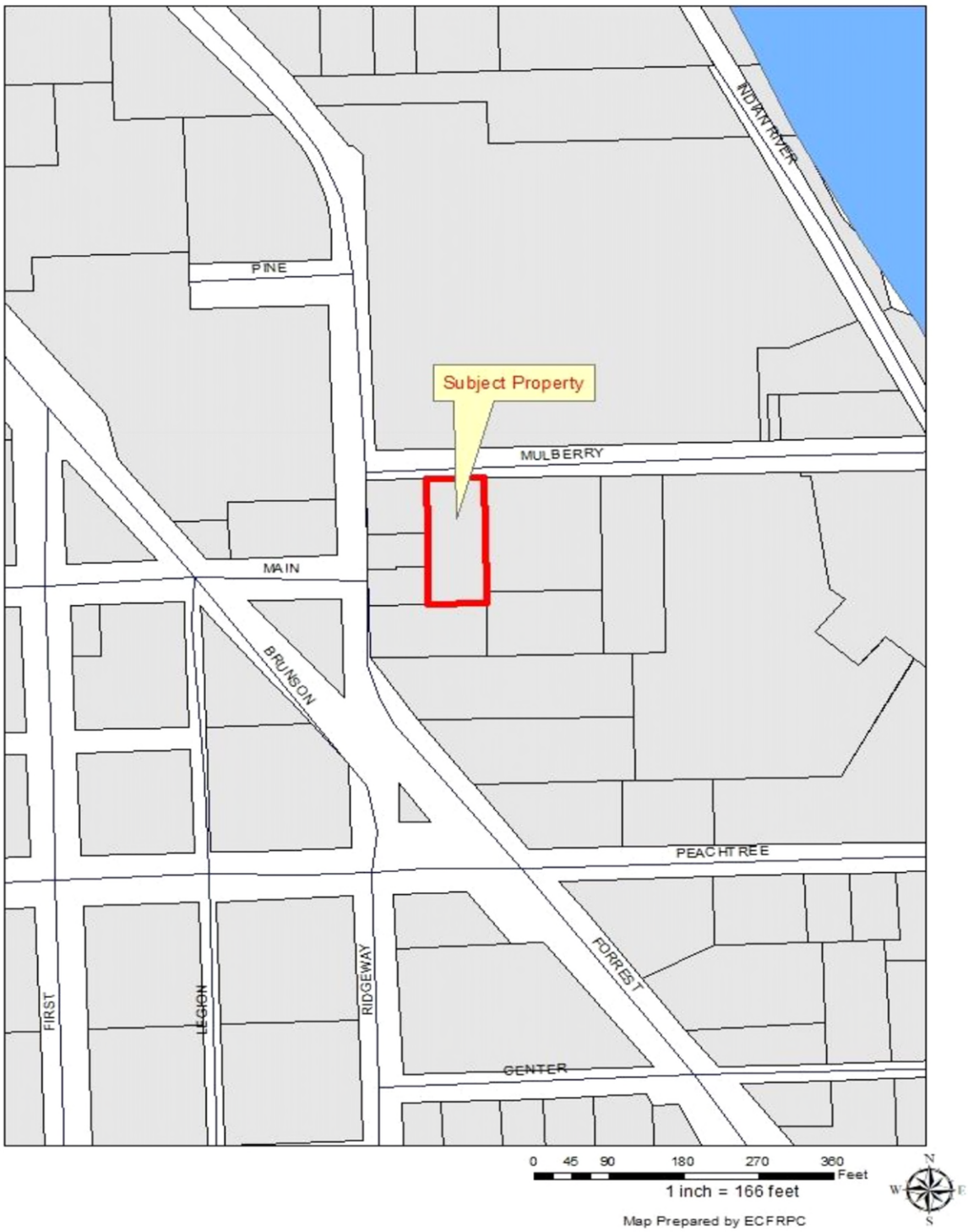
EXHIBIT "A"

LEGAL DESCRIPTION

All of Lot 4 of J.C. SHAW'S SUBDIVISION, as shown by the plat of said subdivision recorded in Plat Book 1, Page 66, of the Public Records of BREVARD County, Florida, excepting from said Lot 4, the South 70 feet thereof; said real estate being more particularly described as follows: Begin at a point on the South line of Mulberry Street 72.7 feet East of the intersection of said South line with the East line of Forrest Avenue; from said Point of Beginning, run the East line of Lost 5 and 6 South and at right angles to Mulberry Street, 170 feet, more or less, to the Southeast corner of Lot 6 of Shaw's Subdivision; thence run East and parallel to the South line of Mulberry Street, 70 feet to the East line of Lot 4; thence run the East line of Lot 4, North 170 feet to the South line of Mulberry Street; thence run the South line of Mulberry Street West 70 feet to the Point of Beginning.

Location Map

63 Mulberry Street Zoning Amendment



Legislation Details (With Text)

File #:	23-130	**Version:**	1	**Name:**	
Type:	Ordinance			**Status:**	Agenda Ready
File created:	2/17/2023			**In control:**	Planning and Zoning / Local Planning Agency
On agenda:	4/5/2023			**Final action:**	
Title:	Consider a Zoning Text AMENDMENT CONSISTENT WITH APPENDIX A, ARTICLE XI, SECTIONS 10A THROUGH 17, AND SECTION 22 OF THE ZONING ORDINANCE OF THE CITY OF COCOA; CHANGING THE DISTRICT REGULATIONS REGARDING GYM AND FITNESS FACILITIES AS FOLLOWS: ALLOWING GYM AND FITNESS FACILITIES OF ANY SIZE AS A PERMITTED USE IN THE GENERAL COMMERCIAL, COMMERCIAL PARKWAY, WHOLESALE COMMERCIAL, AND PLANNED UNIT DEVELOPMENT DISTRICTS; ALLOWING GYM AND FITNESS FACILITIES OF LESS THAN 7,500 SQUARE FEET AS A PERMITTED USE IN THE RESTRICTED COMMERCIAL AND NEIGHBORHOOD COMMERCIAL DISTRICTS; ALLOWING GYM AND FITNESS FACILITIES OF 7,500 SQUARE FEET OR GREATER AS A SPECIAL EXCEPTION IN THE RESTRICTED COMMERCIAL AND NEIGHBORHOOD COMMERCIAL DISTRICTS; AND ALLOWING GYMS AND FITNESS FACILITIES OF LESS THAN 7,500 SQUARE FEET AS A PERMITTED USE IN THE CENTRAL BUSINESS DISTRICT AND CERTAIN SUBDISTRICTS OF THE COCOA WATERFRONT OVERLAY DISTRICT.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Attachment A Ordinance No. 02-2023 - Adding Gym and Fitness Facilities.pdf Attachment B Gym and Fitness Location Map.pdf Attachment C Legal Ad Proof - to be replace.pdf				

Date	Ver.	Action By	Action	Result

PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: March 28, 2023
Agenda Date: April 5, 2023
Prepared By: Bryant Smith III, P.E., CFM
Through: Bryant Smith III, P.E., CFM - Public Works Director / Interim Growth and Economic Development Director
Requested Action:
Consider a **ZONING TEXT AMENDMENT** CONSISTENT WITH APPENDIX A, ARTICLE XI, SECTIONS 10A THROUGH 17, AND SECTION 22 OF THE ZONING ORDINANCE OF THE CITY OF COCOA; CHANGING THE DISTRICT REGULATIONS REGARDING GYM AND FITNESS FACILITIES AS FOLLOWS: ALLOWING GYM AND FITNESS FACILITIES OF ANY SIZE AS A PERMITTED USE IN THE GENERAL COMMERCIAL, COMMERCIAL PARKWAY, WHOLESALE COMMERCIAL, AND PLANNED UNIT DEVELOPMENT DISTRICTS; ALLOWING GYM AND FITNESS FACILITIES OF LESS THAN 7,500 SQUARE FEET AS A PERMITTED USE IN THE RESTRICTED COMMERCIAL AND NEIGHBORHOOD COMMERCIAL DISTRICTS; ALLOWING

GYM AND FITNESS FACILITIES OF 7,500 SQUARE FEET OR GREATER AS A SPECIAL EXCEPTION IN THE RESTRICTED COMMERCIAL AND NEIGHBORHOOD COMMERCIAL DISTRICTS; AND ALLOWING GYMS AND FITNESS FACILITIES OF LESS THAN 7,500 SQUARE FEET AS A PERMITTED USE IN THE CENTRAL BUSINESS DISTRICT AND CERTAIN SUBDISTRICTS OF THE COCOA WATERFRONT OVERLAY DISTRICT.

BACKGROUND:

Project Name:	Zoning Ordinance Text Amendment - Gym and Fitness Facilities
Project No.:	PZ-23-02000001
Meeting Date:	April 5, 2023
Applicant:	City of Cocoa
Property Owner:	N/A
Project Location:	Various Zoning Districts
Future Land Use Designation:	Various
Zoning District:	Various
Existing Land Use:	N/A
Council District:	City-wide
Legal Ad Date:	March 19, 2023

I. Zoning Ordinance Amendment Analysis

In accordance with Section 1(G)(2), Article XXII, Appendix A (Zoning), of the Code of the City of Cocoa, the Planning and Zoning Board shall consider and study the following when an amendment to the zoning code is proposed:

a. The need and justification for the change.

b. The relationship of the proposed amendment to the purposes and objective of the comprehensive planning programs and to the comprehensive plan, with appropriate consideration as to whether the proposed changes will further the purposes of [the] zoning code and other codes, regulations, and actions designed to implement the comprehensive plan.

Need and justification for change

Currently, the Zoning Ordinance permits the gym and fitness facility as a permitted use in the Central Business District (CBD) and Urban and Mixed Use (UMD) districts. Recently, it came to the attention of the Planning and Zoning Division Staff that several gyms and fitness facilities existed in zoning districts where they were not permitted. Additionally, interest had been expressed by persons wishing to either move existing gyms and facilities or create new ones in zoning districts that currently do not allow the use.

To correct this situation, Staff reviewed the City's existing zoning districts so as to determine the appropriateness of these districts for the use. In some cases, square footage limitations on the size of gym and fitness facilities were added as deemed necessary to protect surrounding uses from the scale and traffic impacts of larger-scale national corporate chain gym facilities.

Following Staff analysis, the proposed amendments to the Zoning Ordinance, attached as Exhibit A, Ordinance 02-2023, were recommended:

- allowing gyms and fitness facilities as a permitted use by right in the General Commercial (C-G), Commercial Parkway (C-P), Wholesale Commercial (C-W), and Planned Unit Development (PUD) zoning districts with no size restrictions. As a result of the addition of gyms and fitness facilities to the C-W, such facilities will also be permitted in the M-1 Light Industrial district due to cumulative zoning;

- allowing gyms and fitness facilities of under 7,500 square feet as a permitted use in the Restricted Commercial (C -R), Neighborhood Commercial (C-N) districts;

- allowing gyms and fitness facilities of 7,500 square feet and greater as a special exception in the Restricted Commercial (C-R) and Neighborhood Commercial (C-N) districts: and

- allowing gyms and fitness facilities of less than 7,500 square feet as a permitted use in the Central Business District and certain sub-districts of the Cocoa Waterfront Overlay District. Gym and fitness facilities are currently allowed in the CBD and in certain subdistricts of the Cocoa Waterfront Overlay District where CBD is the underlying zoning district. Accordingly, this ordinance will impose a new size restriction in those zoning districts. The subdistricts in the Cocoa Waterfront Overlay district where gym and fitness facilities are permitted are proposed to be expanded, with the size restriction.

District	**Appendix A Article XI Section #**	**Current Status of Gym and Fitness Facilities**	**Proposed Change**
CR	10A	Not allowed	Permitted < 7500sqft Special Exception > 7500sqft
CN	11	Not allowed	Permitted < 7500sqft Special Exception > 7500sqft
CG	12	Not allowed	Allowed as permitted use any size
CBD	13	Allowed as principal use; no size restriction	Allowed as principal use; must be < 7500sqft
CP	15	Not allowed	Allowed as permitted use any size
CW	15	Not allowed	Allowed as permitted use any size
M-1	16	Not allowed	*Will be allowed any size as a result of cumulative zoning with C-W*
PUD	17	Not allowed	Allowed as permitted use any size
CWOD	22	Permitted use in certain subdistricts; no size restriction	Permitted in certain subdistricts < 7500sqft; newly added to North of Village and additional areas of King Willard

Relationship and consistency with Comprehensive Plan Policies and Objectives

Properties that will benefit from these changes are located in the Neighborhood Commercial (NCOMM), Commercial (COMM) and Mixed Use (MU) future land use districts. The Future Land Use Element policies showing conformance between these future land use districts and the gyms and fitness facilities use are discussed below.

- Policy 1.1.2.8 describes the NCOMM district as follows: “The Neighborhood commercial areas are intended to be low-impact in nature and serve the needs of the immediate residential area”.

- Policy 1.1.2.9 describes the COMM future land use district as follows: “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."

- Policy 1.1.2.6 describes the MU future land use district as follows: "The Mixed-Use land use category is intended to provide a mixture of residential, commercial, office, recreational and institutional uses along the major transportation corridors (such as SR 520 and US 1). The mixed-use could be developed as single uses on separate parcels or as a mixture of uses within a single development."

Gym and Fitness Facility Definition

Per the Planning and Zoning Board's request, the following definition was added to the ordinance for "gym and fitness facilities":

Gym and fitness facility: a privately-owned, indoor establishment offering individuals or groups the ability to engage in exercise or sport related activities for the purpose of physical fitness, health, and recreation, whether or not on a membership basis. This use may include indoor gymnasiums, gymnastics centers, dojos, exercise or dance studios, yoga studios, or similar facilities where individuals may engage in regular physical activities including exercise, sports, or recreation. This use may also include incidental accessory uses such as food and beverage sales, game courts, locker rooms, training facilities, and/or saunas. This term does not include indoor playgrounds or play areas primarily designed for children.

BUDGETARY IMPACT:

None.

PREVIOUS ACTION:

At the March 1, 2023 Planning and Zoning Board Meeting, the Board requested that a definition for "Gym and Fitness" be included with the ordinance.

RECOMMENDED MOTION:
Staff recommends that the Planning and Zoning Board recommend approval to City Council of the requested zoning text amendment related to gym and fitness facilities as provided in the proposed Ordinance 02-2023.

ORDINANCE NO. 02-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE LISTS OF PERMITTED AND SPECIAL EXCEPTION USES IN APPENDIX A, ARTICLE XI OF THE ZONING ORDINANCE OF THE CITY OF COCOA RELATED TO GYM AND FITNESS FACILITIES IN THE RESTRICTED COMMERCIAL, NEIGHBORHOOD COMMERCIAL, GENERAL COMMERCIAL, CENTRAL BUSINESS DISTRICT, COMMERCIAL PARKWAY, WHOLESALE COMMERCIAL, PLANNED UNIT DEVELOPMENT, AND COCOA WATERFRONT OVERLAY DISTRICTS; ADOPTING A DEFINITION OF "GYM AND FITNESS FACILITIES"; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

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

WHEREAS, the City currently allows, as a principal use, gym and fitness facilities of any size in the Central Business District and in certain subdistricts of the Waterfront Overlay District, but there are currently no other zoning districts where gym and fitness facilities, of any size, are allowed within the City; and

WHEREAS, the City Council desires to amend Appendix A, Article XI, Sections 12, 14, 15, and 17 of the City Code to allow for gym and fitness facilities of any size as permitted uses in the General Commercial (C-G), Commercial Parkway (C-P), Wholesale Commercial (C-W), and Planned Unit Development (PUD) districts; and

WHEREAS, the addition of gym and fitness facilities of any size to Wholesale Commercial (C-W) will also result in the addition of gym and fitness facilities of any size to the Light Industrial and Warehouse District (M-1); and

WHEREAS, the City Council desires to amend Appendix A, Article XI, Sections 10A and 11, of the City Code to allow gym and fitness facilities of less than 7500 square feet as permitted uses and gym and fitness facilities of greater than or equal to 7500 square feet as special exception uses in the Restricted Commercial District (C-R) and Neighborhood Commercial District (C-N); and

WHEREAS, the City Council desires to amend Appendix A, Article XI, Sections 13 and 22 of the City Code to limit gym and fitness facilities to less than 7500 square feet in the Central

Business District (CBD) and certain subdistricts of the Cocoa Waterfront Overlay District (CWOD); and

WHEREAS, the addition of gym and fitness facilities as permitted or special exception uses to a greater number of zoning districts in the City of Cocoa and limiting the size of such facilities in certain districts will encourage responsible growth, promote the expansion of business enterprises within the City, and provide beneficial opportunities for recreational and fitness activities to the residents of Cocoa; 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 the City of Cocoa.

Section 2. **Code Amendment.** The City of Cocoa Code of Ordinances Appendix A, Article V and Article XI, Sections 10A, 11, 12, 13, 14, 15, 17, and 22, are hereby amended as follows (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (*** * ***) indicate a deletion from the Ordinance of text existing in Appendix A, Article V and Article XI. It is intended that the text in Appendix A, Article V and Article XI denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to the adoption of this Ordinance):

*** * ***

APPENDIX A – ZONING

*** * ***

ARTICLE V. – DEFINITIONS

*** * ***

Gym and fitness facility. A privately-owned, indoor establishment offering individuals or groups the ability to engage in exercise or sport related activities for the purpose of physical fitness, health, and recreation, whether or not on a membership basis. This use may include indoor gymnasiums, gymnastics centers, dojos, exercise or dance studios, yoga studios, or similar facilities where individuals may engage in regular physical activities including exercise, sports, or recreation. This use may also include incidental accessory uses such as food and beverage sales, game courts, locker rooms, training facilities, and/or saunas. This term does not include indoor playgrounds or play areas primarily designed for children.

*** * ***

ARTICLE XI. – SCHEDULE OF DISTRICT REGULATIONS

*** * ***

Sec. 10A. - District and intent – C-R, Restricted Commercial District.

*** * ***

(A) PRINCIPAL USES AND STRUCTURES. The following uses and structures are permitted for any use or groups of uses that are developed, either separately, or as a unit with certain site improvements shared in common:

*** * ***

(8) Gym and fitness facilities of less than 7500 square feet.

*** * ***

(C) SPECIAL EXCEPTIONS.

*** * ***

(13) Gym and fitness facilities of 7500 square feet or greater.

*** * ***

Sec. 11. - District and intent – C-N, Neighborhood Commercial District.

*** * ***

(A) PRINCIPAL USES AND STRUCTURES. The following uses and structures are permitted for any use or group of uses that are developed, either separately, or as a unit with certain site improvements shared in common:

*** * ***

(10) Gym and fitness facilities of less than 7500 square feet.

*** * ***

(C) SPECIAL EXCEPTIONS.

*** * ***

(15) Gym and fitness facilities of 7500 square feet or greater.

*** * ***

Sec. 12. - District and intent – C-G, General Commercial District.

*** * ***

(A) PRINCIPAL USES AND STRUCTURES. The following uses and structures are permitted for any use or group of uses that are developed, either separately, or as a unit with certain site improvements shared in common:

*** * ***

(17) Gym and fitness facilities.

*** * ***

Sec. 13. - District and intent – CBD, Central Business District.

*** * ***

(A) PRINCIPAL USES AND STRUCTURES

*** * ***

(15) Gym and fitness facilities of less than 7500 square feet.

*** * ***

Sec. 14. - District and intent – C-P, Commercial Parkway District.

*** * ***

(A) PRINCIPAL USES AND STRUCTURES. The following uses and structures are permitted for any use of group of uses that are developed, either separately, or as a unit with certain site improvements shared in common:

*** * ***

(12) Gym and fitness facilities.

*** * ***

Sec. 15. – District and intent -- C-W, Wholesale Commercial District.

*** * ***

(A) PRINCIPAL USES AND STRUCTURES.

*** * ***

(16) Gym and fitness facilities.

*** * ***

Sec. 17. - (PUD), Planned Unit Development District.

*** * ***

(C) PERMITTED USES. Uses permitted in the planned unit development may include and shall be limited to the following:

*** * ***

(2) *Primary commercial and/or mixed-uses*. For commercial PUDs and mixed-use PUDs, (As regulated by Article XI, Section 17, (H)), the following uses:

*** * ***

(x) Gym and fitness facilities.

* * *

Sec. 22. – Cocoa Waterfront Overlay District.

*** * ***

(F) *Uses*. The following table identifies, by zoning district and overlay sub district what uses are permitted (P), not permitted (blank) and/or requires a special exception (SE).

"Key: SE- Special Exception, Blank Cell-Not Permitted, P- Permitted, RP- as identified on the regulating plan"	Heart of Cocoa	Uptown Neighborhood (UN)			South of the Village (SV)		South End (SE)		Waterfront (WF)	Cocoa Village			North of the Village (NV)			King Willard (KW)		
	RU-2-10	RU-2-25	CBD	C-C	RU-2-25	CBD	CBD	C-C	CBD	RU-2-10	CBD	C-C	C-G	C-C	C-P	CBD	C-P	C-C
* * *																		
Commercial																		
Gym and fitness facilities <u>of less than 7500 square feet.</u>			P			P	P		P		P		**<u>P</u>**		**<u>P</u>**	P	**<u>P</u>**	

*** * ***

<u>Section 3.</u> 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.

<u>Section 4.</u> Incorporation Into Code. This Ordinance shall be incorporated into the City Code of the City of Cocoa and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this Ordinance and the City Code may be freely made.

<u>Section 5.</u> 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 6. 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 _____, 2023.

_____
MICHAEL C. BLAKE, Mayor

ATTEST:

_____
CARIE SHEALY, MMC
City Clerk

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

Location Map
Gym and Fitness

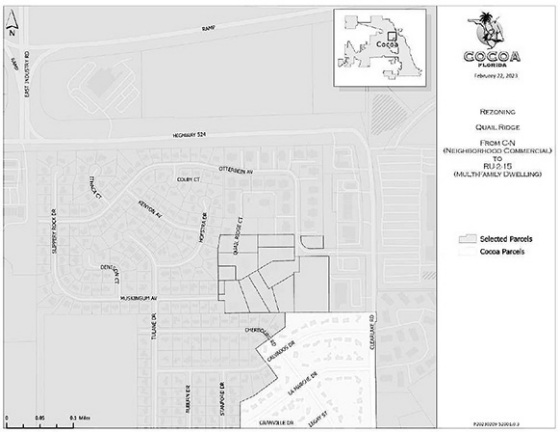


CITY OF COCOA
NOTICE OF PUBLIC HEARING
ZONING MAP AND TEXT AMENDMENTS

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

PZ-23-02100002 (Quail Ridge | City of Cocoa)

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; amending the Official Zoning Map designation of seventy-seven (77) parcels of real property, totaling 11.59 acres, more or less, and generally located on the southeast corner of Quail Ridge Court and Otterbein Avenue, in Cocoa, Florida, more particularly depicted and described on Exhibit "A" attached hereto, from C-N (Neighborhood Commercial District) to RU-2-15 (Multiple-Family Dwelling District); providing for the repeal of prior inconsistent ordinances and resolutions, severability, and an effective date.



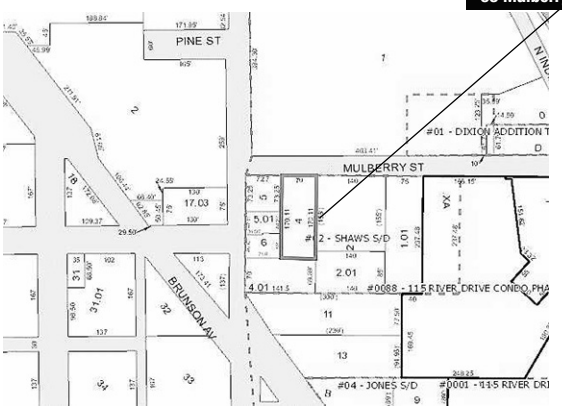
PZ-23-02000001 (Gym and Fitness)

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE LISTS OF PERMITTED AND SPECIAL EXCEPTION USES IN APPENDIX A, ARTICLE XI OF THE ZONING ORDINANCE OF THE CITY OF COCOA RELATED TO GYM AND FITNESS FACILITIES IN THE RESTRICTED COMMERCIAL, NEIGHBORHOOD COMMERCIAL, GENERAL COMMERCIAL, CENTRAL BUSINESS DISTRICT, COMMERCIAL PARKWAY, WHOLESALE COMMERCIAL, PLANNED UNIT DEVELOPMENT, AND COCOA WATERFRONT OVERLAY DISTRICTS; ADOPTING A DEFINITION OF "GYM AND FITNESS FACILITIES"; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

PZ-23-02100001 (63 Mulberry Street | DRH Designs, Inc.)

C. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 0.27 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF MULBERRY STREET, APPROXIMATELY SIXTY FEET EAST OF THE INTERSECTION WITH FORREST AVENUE, IN COCOA, FLORIDA, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM CORE COMMERCIAL DISTRICT (C-C) TO MULTIPLE FAMILY DWELLING DISTRICT (RU-2-25); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

63 Mulberry



PZ-23-00200002 – Small-Scale Site Plan Appeal (Advantage Self Storage)

D. An appeal relating to the denial of a Small-Scale Site Plan application for a self-service storage facility pursuant to Appendix A, Zoning, Article XIII, Section 1 (H) in the Manufacturing and Industrial District (M-2). The 2.99-acre site is identified as Parcel 24-35-12-00-759 through the Brevard County Property Appraiser.

PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
PUBLIC HEARING FOR ALL ITEMS WILL BE HELD ON
April 5, 2023
CITY COUNCIL 1st PUBLIC HEARING FOR ITEMS A THROUGH C WILL BE HELD ON
April 25, 2023
ALL HEARINGS WILL TAKE PLACE AT 6:00 P.M. OR SOON THEREAFTER IN THE COCOA CITY HALL COUNCIL CHAMBERS LOCATED AT
65 STONE STREET, COCOA, FL

General Notice Information:

This is a public meeting. Interested parties are hereby advised that they may appear at said meeting and be heard. The facility wherein this public meeting will be held is accessible to the physically handicapped.In accordance with the Americans With Disabilities Act, persons needing assistance to participate in anyof these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Carie Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@cocoafl.org.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the BOA, P&Z Board/LPA or City Council with respect to any matter considered at its meeting or hearing, that person will need a record of the proceedings and for such purpose, affected persons may need to assure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals otherwise not allowed by law.

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

Public Participation Information:

Members of the public may view the meeting agenda, ordinances, project applications, supporting documents, and staff reports on the City's website at the following link prior to attending or commenting:

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

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

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

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

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

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

FT-GCI1033372-01