City of Cocoa

65 Stone Street
Cocoa, FL 32922

Meeting Agenda

Wednesday, April 3, 2024

6:00 PM

Cocoa City Council Chambers

Planning and Zoning / Local Planning Agency

I. OPENING MATTERS:

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA AND MINUTES:

AGENDA:

24-122 Request approval of the Agenda for the Planning & Zoning Board Meeting held on Wednesday, April 3, 2024, either as written or with amendments.

Attachments: PZ Short Agenda April 3, 2024.pdf

MINUTES:

24-126 Request Board approval of the Minutes of the Planning & Zoning Meeting held on February 7, 2024, either as is or with amendments.

Attachments: 2-7-2024 draft.pdf

III. ACTION ITEMS:

1. 24-168 Consideration of a Zoning Map Amendment for a +/- 13.34-acre parcel located at 1600 Flower Mound Lane from Brevard County RU-2-10 to City RU-2-15 (Multiple Family Dwelling).

Attachments: Ordinance -2024 Rezoning Flower Mound Ln. Property to RU-2-15
1600 Flower Mound Ln Location.pdf
1600 Flower Mound Ln FLU.pdf
1600 Flower Mound Ln Zoning.pdf
Oak Meadows Rezoning Legal Ad - P&Z and 1st CC

2. 24-173 Election of Chairperson for the Planning & Zoning Board.

~~IV. ATTORNEY'S REPORT:~~

V. UPDATES AND STAFF REPORTS:

VI. NEXT MEETING DATE:

The next regularly scheduled meeting of the Planning and Zoning Board will be on Wednesday, May 1, 2024 at 6:00 PM at the 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.org.

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 meetings@cocoafl.org, 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 Council 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 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 City Council 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 Council; however, the City Council or administrative staff may provide a response at their discretion. When presenting before the City Council, all comments or questions should be directed to the Mayor or the chair of the meeting. Comments or questions should not be made directly to administrative staff without permission from the Mayor or 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 Council 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 Council, then it may be added to the agenda by an affirmative vote of the Council, and written documentation must be submitted at the time the item is added to the agenda. Matters may also be raised by the Council, City Manager or City Attorney under reports and acted upon by the City Council.

This agenda is posted on the Municipal Bulletin Board and at the Central Brevard Library and Reference Center in Cocoa for public review.

Legislation Details (With Text)

File #:	24-122	**Version:** 1	**Name:**		
Type:	Agenda		**Status:**	Agenda Ready	
File created:	3/4/2024		**In control:**	Planning and Zoning / Local Planning Agency	
On agenda:	4/3/2024		**Final action:**		
Title:	Request approval of the Agenda for the Planning & Zoning Board Meeting held on Wednesday, April 3, 2024, either as written or with amendments.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	PZ Short Agenda April 3, 2024.pdf				

Date	Ver.	Action By	Action	Result

PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: March 4, 2024
Agenda Date: April 3, 2024
Prepared By: Lori Chabot, Recording Secretary
Through: Stockton Whitten, City Manager
Requested Action:
Request approval of the Agenda for the Planning & Zoning Board Meeting held on Wednesday, April 3, 2024, either as written or with amendments.

BACKGROUND:

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

BUDGETARY IMPACT:

None

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Request approval of the Agenda for the Planning & Zoning Board Meeting held on Wednesday, April 3, 2024, either as written or with amendments.

Planning and Zoning
65 Stone Street • Cocoa, FL 32922
PHONE: (321) 433-8635
FAX: (321) 433-8685

AGENDA
Regular Meeting
April 3, 2024
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 3, 2024
2. MINUTES: Meeting of February 7, 2023

III. **OLD BUSINESS:** None

IV. **NEW BUSINESS:**

PZ-24-02100002 – 1600 Flower Mound Lane, Cocoa Fl 32922

A. **Ordinance XX-2024. 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 13.34 acres, more or less, and generally located on the northwest corner of Clearlake Rd and Sunhome St, from Brevard County RU-2-10 (Medium Density Multiple Family) to City of Cocoa RU-2-15 (Multiple Family Dwelling District); providing for the repeal of prior inconsistent ordinances and resolutions, severability, and an effective date. Tax Parcel ID number: 24-36-30-00-10

B. **Annual Election of Chairperson and Vice Chairperson for the Planning and Zoning Board.**

V. **TREE BOARD:**

VI. **OTHER BUSINESS:**
Planning and Zoning Board Open Discussion

VII. **NEXT MEETING DATE:**
Wednesday, May 1st at 6:00 pm

VIII. **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: Monica Arsenault, Interim City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8488 or via email at marsenault@cocoafl.gov

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 Planning and Zoning, 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 via email or mail at least three (3) days prior to the hearing.

Legislation Details (With Text)

File #:	24-126	**Version:** 1	**Name:**		
Type:	Minutes		**Status:**	Agenda Ready	
File created:	3/6/2024		**In control:**	Planning and Zoning / Local Planning Agency	
On agenda:	4/3/2024		**Final action:**		
Title:	Request Board approval of the Minutes of the Planning & Zoning Meeting held on February 7, 2024, either as is or with amendments.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	2-7-2024 draft.pdf				

Date	Ver.	Action By	Action	Result

PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: March 6, 2024
Agenda Date: April 3, 2024
Prepared By: Lori Chabot, Recording Secretary
Through: Monica Arsenault, City Clerk
Requested Action:
Request Board approval of the Minutes of the Planning & Zoning Meeting held on February 7, 2024, either as is or with amendments.

BACKGROUND:

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

BUDGETARY IMPACT:

None

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Request Board approval of the Minutes of the Planning & Zoning Meeting held on February 7, 2024, either as is or with amendments.

MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
February 7, 2024

A Regular meeting of the Planning & Zoning Board Local Planning Agency was held on February 7, 2024 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noted.

I. CALL TO ORDER:

Chairperson Simpson called the meeting to order at 6:05 PM.

ROLL CALL:

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

PRESENT:

Justin Simpson	Chairperson
Todd Anderson	Board Member
Ron Chabot	Board Member
Aleck Greenwood	Board Member
Marcus Wheeler	Board Member
Merrybeth Burgess	Alternate Member
Veronica Lopez-Valez	Board Member
Katherine Stewart	Alternate Member

ABSENT:

Wesley Park	Board Member

STAFF PRESENT:

Michael Blake, Mayor; Stockton Whitten, City Manager; Kristin Eick, Board Attorney; Luci Ribeiro, City Planner; Lori Chabot, Recording Secretary; Stephen Noto, AICP, Director of Planning for RVi Planning + Landscape Architecture; and Pat Tyjeski and Gaby Castro from Inspire Placemaking Collective.

Chairperson Simpson led the assembly in the Pledge of Allegiance.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of February 7, 2024

* **MOTION BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER CHABOT TO APPROVE THE FEBRUARY 7, 2024 REGULAR MEETING AGENDA EITHER AS WRITTEN OR WITH AMENDMENTS.**

AYES: SIMPSON, ANDERSON, CHABOT, GREENWOOD, WHEELER, BURGESS, LOPEZ-VALEZ, STEWART

MOTION PASSED UNANIMOUSLY (8-0)

2. MINUTES: Meeting of December 6, 2023.

* **MOTION BY BOARD MEMBER SIMPSON; SECONDED BY BOARD MEMBER GREENWOOD TO APPROVE THE DECEMBER 6, 2023 REGULAR MEETING MINUTES WITH AN AMENDMENT ON PAGE 12, IN THE MOTION UNDER THE NAYS, CHANGE BURGESS TO ANDERSON.**

AYES: SIMPSON, ANDERSON, CHABOT, GREENWOOD, WHEELER, BURGESS, LOPEZ-VALEZ, STEWART

MOTION PASSED UNANIMOUSLY (8-0)

The Recording Secretary swore in the speaker(s).

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

A. Annual Election of a Chairperson and Vice Chairperson for the Planning and Zoning Board

Luci Ribeiro, City Planner, introduced the item noting this is an annual election for Chairperson and Vice Chairperson. She also reminded Board Members this was on the December 6, 2023 Agenda, however it was tabled and moved to this meeting.

The nominations began and the board discussed the matter. Board Member Greenwood nominated current Chairperson Simpson to continue as Chairperson and nominated Todd

Anderson as Vice Chairperson. Both accepted the nomination. Katherine Stewart seconded the Motion.

* **MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY BOARD MEMBER STEWART TO ELECT JUSTIN SIMPSON AS THE CHAIRPERSON AND TODD ANDERSON AS THE VICE CHAIRPERSON FOR THE PLANNING AND ZONING BOARD.**

AYES: SIMPSON, ANDERSON, CHABOT, GREENWOOD, WHEELER, BURGESS, LOPEZ-VALEZ, STEWART

MOTION PASSED UNANIMOUSLY (8-0)

B. PZ-21-00100002- SITE PLAN AND PRELIMINARY PLAT APPROVAL (Lakes at Cocoa Groves)

Request consideration of a large-scale site plan and preliminary plat, pursuant to Chapter 18 and Appendix A, Zoning, Article XIII, Sec. 1 of the Cocoa City Code, of one (1) parcel of real property, totaling 246.43 acres, more or less, and generally located on the northeast corner of SR-528 and I-95, in Cocoa, Florida, for a residential subdivision of approximately 350 lots with private recreational common space and amenities. Tax Parcel ID number: 24-35-10-00-3.

Ms. Pat Tyjeski of Inspire presented for the project through a PowerPoint presentation. The presentation is attached to the Agenda. She stated staff's recommended is to approve the request with 15 conditions which are noted in the presentation.

Kendall Moore of Rockledge spoke and presented on behalf of the applicant. He reviewed the history of the property and their involvement and spoke about the development of the property. They have worked with City staff and the consultant on this project and stated Brightline was present and could give more information about the project.

Jose Gonzalez, VP of Brightline, thanked staff for their work. Mr. Gonzalez spoke about the project and stated they are supportive. They wanted to be here to answer questions.

Chairperson Simpson opened the discussion to the Board.

Vice Chairperson Anderson asked Mr. Gonzalez about the price point. In response, Mr. Gonzalez explained it had not yet been determined but the homes will be higher-end homes. He added that the minimum square footage is 1500 feet. Vice

Chairperson Anderson asked about a sound deafening wall to the south. In response, Mr. Gonzalez stated not a wall, but a berm, and noted that it takes the train 15 seconds to pass.

Vice Chairperson Anderson asked about the tree line and if it would stay or be extended. Mr. Gonzalez replied it would. Vice Chairperson Anderson asked if there was an interlocal agreement with BCSO for quicker response on service calls. In response, Attorney Garganese replied there was a Mutual Aid Agreement but not one specifically for that property. Further discussion continued regarding respond time.

Chairperson Simpson opened the hearing to the public.

Richard Hester, 4375 Seville Ave., Cocoa, said he received a notice about the meeting. He asked about the location of the project in relation to where he lives. He also asked if it backs up to the drainage canal and is concerned about the wildlife in the area.

Mr. Gonzalez replied to his concerns about the wildlife and stated they have relocated a lot of tortoises, and that it is ongoing. He also added the development does back up to the drainage canal.

Robert Hill, Cocoa, asked about the fence and tree line. Mr. Gonzalez shared information about the tree lines.

Bob, Cocoa resident, spoke stating that he moved here for the privacy. He added that he is not in favor of the project. He has concerns about the tortoises. He stated that he lives on a dirt road and doesn't want a black top road. He is afraid that would become a drag strip. In response, Vice Chairperson Anderson confirmed there will be a second entrance. Mr. Gonzalez also confirmed that.

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

Board Member Greenwood asked Mr. Gonzalez to return to the podium for questions. He spoke about the elevations and asked about the construction of homes. In response, Mr. Gonzalez stated he was not sure at this point.

Trees were discussed and the types that would be planted. Board Member Greenwood stated Cocoa is known for their trees and it was a major asset.

The discussion continued about the cost and sizes of homes. Board Member Greenwood thanked him and said he was supportive.

* **MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY VICE CHAIRPERSON ANDERSON TO RECOMMEND APPROVAL TO CITY COUNCIL the large-scale site plan and preliminary plat, pursuant to Chapter 18 and Appendix A, Zoning, Article XIII, Sec. 1 of the Cocoa City Code, of one (1) parcel of real property, totaling 246.43 acres, more or less, and generally located on the northeast corner of SR-528 and I-95, in Cocoa, Florida, for a residential subdivision of approximately 350 lots with private recreational common space and amenities. Tax Parcel ID number: 24-35-10-00-3.**

AYES: SIMPSON, ANDERSON, CHABOT, GREENWOOD, WHEELER, BURGESS, LOPEZ-VALEZ, STEWART

MOTION PASSED UNANIMOUSLY (8-0)

C. <u>PZ-24-02100001 – ZONING MAP AMENDMENT (301 S. Cocoa Blvd)</u>

Ordinance XX-2024. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; amending the Official Zoning Map designation of eleven (11) parcels of real property, totaling 1.39 acres, more or less, and generally located on the southwest corner of SR-520 and US-1, more particularly depicted and legally described on Exhibit "A" attached hereto, from Commercial Parkway District (C-P) to Neighborhood Commercial (C-N); providing for the repeal of prior inconsistent ordinances and resolutions, severability, and an effective date. Parcel ID numbers: 24-36-33-31-A-5, 24-36-33-31-C-1, 24-36-33-31-D-11, 24-36-33-31-D-12, 24-36-33-31-D-13, 24-36-33-31-C-2, 24-36-33-31-*-R.1, 24-36-33-31-*-R.2, 24-36-33-31-*-R.3, 24-36-33-31-*-R.4, and 24-36-33-31-*-R.5.

Stephen Noto presented the item and touched on facts relative to the property. The proposed changes are contrary to the established land use pattern. The City is embarking on a Visioning Study with regard to the property. The property falls in the CCRA and adjacent to the DSCRA. Both CRA's have recently sent out RFP's to update their plans.

City staff are bringing a visioning exercise of the corridor to bring the zoning and FLU designations into compliance.

Additionally, he pointed out that City staff does not recommend approving the project.

Ms. Mary Solik of Orlando, and representing Biscaya Cocoa Holdings provided a presentation. She reviewed some of the history of the property. She discussed the FLU issues and the inconsistencies. She stated they are stuck and cannot do anything on their property. They cannot lease or sell. She explained their request being made of the City and explained her rebuttal to the Sub-criteria A-F, which is the City's reasons for denial.

Vice Chairperson Anderson discussed the location of the property and its proximity to other properties that are noted as C-N. He stated that C-N is consistent to the South. The proposed property is all south of that and would be consistent with what is there, if approved. In response, Ms. Solik replied affirmatively.

Board Member Stewart asked if there is a plan of what they would like to put at that property. In response, Ms. Solik replied that her clients can market the property based on the zoning.

Ms. Ribeiro stated the applicant asked for a pre-app meeting and at that time, the request was for a gas station.

Board Member Greenwood stated he is not comfortable making a decision without knowing what will be put on the property. He referred to a page in the staff report and has concerns with what it states and explained his reasons. He also added that that intersection is the busiest.

Discussion continued with regard to the property what could be in that location. Board Member Greenwood stated that with the complexity of the situation he would not be comfortable approving it.

In response, Ms. Solik stated that the owner should be entitled to what is put there as it is within their right.

Vice Chairperson Anderson explained they would like to have a Walgreens. He would like to have something nice there. He agreed with Board Member Greenwood that it is the Gateway for Cocoa. Mr. Noto spoke and explained the constraints of the property and provided some examples of how the City and Property Owner could come together. Discussion continued among the board and the applicant representative.

Ms. Ribeiro also added with the contractor in place, RVi and the City are moving forward to fix the problem. Mr. Noto asked the property owner to work with the community and staff.

The board discussed the matter and how the FLU and the Zoning got to where it was. Board Member Chabot pointed out the property's location being just south of 520 and US1 and added that there is frequently a backup at the intersection and it would be hard to get in coming off SR520. Additionally, when the light changes the cars move fast. He also stated he does not want to see another gas station with loitering and people hanging out.

Board Member Wheeler spoke of risk mitigation on your investment and the Comp Plan and added he is a proponent of property rights. However, he noted that we have not found an amicable plan. Those involved need to find an amicable plan.

Steven Noto shared some historical zoning information and offered some suggestions. Discussion ensued regarding development of the property.

Chairperson Simpson mentioned the FLU Policy 1.1.10.8 and feels that based on this policy alone, it has to go the Council.

Purvette Bryant, Cocoa, asked the Board to deny the request. It is not a well thought plan to allow this zoning change without knowing what would be put there. This needs to be well thought out. They have a whole residential area and it makes more sense to deny and put something there that would help the Diamond Square community.

Attorney Garganese added that he hears the concerns and stated there is a provision in the City Code that allows one to submit plans in conjunction with the code request. The applicant could consider this.

* **MOTION BY CHAIRPERSON SIMPSON; SECONDED BY VICE CHAIRPERSON ANDERSON TO RECOMMEND APPROVAL TO THE CITY COUNCIL TO CHANGE THE PROPERTY from Commercial Parkway District (C-P) to Neighborhood Commercial (C-N).**

AYES: SIMPSON, ANDERSON, LOPEZ-VALEZ

NAYS: CHABOT, GREENWOOD, WHEELER, BURGESS, STEWART

MOTION FAILED (5-3)

* **MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY BOARD MEMBER STEWART TO RECOMMEND DENIAL to City Council the Zoning Map Amendment consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of 11 Parcens totaling 1.39 acres from C-**

P (Commercial Parkway District) to C-N (Neighborhood Commercial) as depicted on Exhibit A.

AYES: CHABOT, GREENWOOD, WHEELER, BURGESS, STEWART

NAYS: SIMPSON, ANDERSON, LOPEZ-VALEZ

MOTION PASSED (5-3)

City Manager Whitten clarified the visioning process where Diamond Square has issued an RFP to update the CRA Master Plan. This is a planning process or visioning process. He continued to explain the area that is included in this plan.

V. TREE BOARD:

Board Member Greenwood mentioned the SR520 road work and if the grass area could include landscaping and/or trees. Discussion continued with regard to what could be done in the area. City Manager Whitten clarified it is a DOT project but the City could ask.

VI. OTHER BUSINESS: None

VII. NEXT MEETING DATE:

The next scheduled meeting for the Planning and Zoning Board will be held on Wednesday, March 6, 2024 at 6 pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VIII. ADJOURNMENT:

MEETING WAS ADJOURNED AT 8:27 PM.

For Todd P. Anderson

Justin Simpson, Chairperson

Respectfully Submitted By:

Lori Chabot

Lori Chabot, Recording Secretary

Legislation Details (With Text)

File #:	24-168	**Version:** 1	**Name:**		
Type:	Agenda		**Status:**	Agenda Ready	
File created:	3/27/2024		**In control:**	Planning and Zoning / Local Planning Agency	
On agenda:	4/3/2024		**Final action:**		
Title:	Consideration of a Zoning Map Amendment for a +/- 13.34-acre parcel located at 1600 Flower Mound Lane from Brevard County RU-2-10 to City RU-2-15 (Multiple Family Dwelling).				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Ordinance -2024 Rezoning Flower Mound Ln. Property to RU-2-15 1600 Flower Mound Ln Location.pdf 1600 Flower Mound Ln FLU.pdf 1600 Flower Mound Ln Zoning.pdf Oak Meadows Rezoning Legal Ad - P&Z and 1st CC				

Date	Ver.	Action By	Action	Result

PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: March 27, 2024
Agenda Date: April 3, 2024
Prepared By: Patrick Murray - Planning Consultant
Through: Stockton Whitten - City Manager
Requested Action:
Consideration of a Zoning Map Amendment for a +/- 13.34-acre parcel located at 1600 Flower Mound Lane from Brevard County RU-2-10 to City RU-2-15 (Multiple Family Dwelling).

BACKGROUND:

The applicant, Mr. Tyler Enright of Kimley-Horn and Associates Inc., on behalf of the property owner, Mr. Nick Andersen of Cocoa Leased Housing Associates II, LLLP, is requesting to amend the Zoning Map designation of the +/- 13.34-acre Subject Property located at 1600 Flower Mound Lane. The Parcel ID of the Subject Property is 24-36-30-00-10 and is known as the "Oak Meadows Apartments". The Subject Property is located at the northwest intersection of Clearlake Rd., and Sunhome St. The request is to assign the RU-2-15, Multiple Family Dwelling zoning designation to the Subject Property as City of Cocoa zoning is currently unassigned.

Following the annexation from Brevard County into the City of Cocoa, the Subject Property was never assigned a zoning category. The purpose of this Zoning Map Amendment is to establish a zoning category for the Subject Property. As stated above, the Subject Property is currently being utilized as a residential apartment complex with approximately 120 units. The existing Future Land

Use designation is Medium Density Residential, which allows a maximum density of 15 dwelling units per acre. There are no plans to redevelop the property as a result of this rezoning application, however the property owner plans to upgrade many areas of the site as part of a Minor Site Plan application. No additional dwelling units are proposed at this time.

Future Land Use Designation: Current: Medium Density Residential
Zoning District: Current: City Zoning Not Assigned - Brevard County RU-2-10
Proposed: City of Cocoa RU-2-15 (Multiple Family Residential)
Existing Land Use: Affordable Multi-Family
Council District: District 2 - Deputy Mayor Hearn
Legal Ad Date: March 19, 2024

Overview of Surrounding Area:

	Future Land Use Designations	Zoning Districts	Land Uses
North	Brevard County (CC, NC, RES 15)	Brevard County (RU-1-9)	Cemetery
South	Medium Density Residential	RM-3 Planned Residential For Mobile Home Park	Mobile Homes
East	Institutional	Zoning Not Assigned	Cemetery
West	Brevard County (RES 15)	Brevard County (BU-1, RU-1-9)	Single Family Residential

I. Rezoning Analysis

The Planning & Zoning Division staff have reviewed the criteria contained in Appendix A of the City of Cocoa, Article XXI, Section 1(G) as follows:

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

Staff Finding: The surrounding land areas consist of a mixture of residential, non-residential, and institutional uses. The residential uses consist of land zoned City of Cocoa RM-3, developed as mobile homes to the south, whereas the Brevard County RU1-9 designation is developed as single-family homes to the north and west. The proposed RU-2-15 zoning district provides a consistent transition between the two residential uses and is not contrary to the established land use pattern. The Subject Property is currently developed, and any future improvements proposed by the Applicant or Property Owner will be required to comply with the development standards of the RU-2-15, Multiple-Family Dwelling District, of the City's Code of Ordinances. The apartment buildings onsite were constructed in 2009.

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

Staff Finding: As noted in the table above, the surrounding zoning districts are a mixture of City of Cocoa RM-3, Brevard County RU-1-9, and other City and County non-residential districts. Further, the abutting property to the east does not have a zoning category assigned to it. There are also two parcels to the north on Dixon Rd. that are designated as RU-2-15. If the Subject Property is designated as RU-2-15, it will not be isolated or unrelated to the adjacent and nearby districts, specifically the abutting residential uses, in particular because the Future Land Use designation assigned to this property is Medium Density Residential. This is the most appropriate zoning district for the existing use of multi-family apartments, which were constructed in 2009.

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: The proposed R-2-15 zoning district allows for a maximum of 15 dwelling units per acre for multi-storied structures, or 10 units per acre for single-story structures. Both densities are consistent with what is allowed by the current FLU of MDR (Medium Density Residential), which has a maximum of 15 units per acre.

Further, the Subject Property is already developed at a density of 8.9 dwelling units per acre *(120DUs / 13.3AC = 8.9du/ac)* which does not alter the existing density pattern or increase the load on public facilities.

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

Staff Finding: The existing district boundaries are illogically drawn based on the conditions of the area. Assigning the Subject Property the RU-2-15 zoning designation will provide a consistent transition between the City of Cocoa's RM-3 Brevard County's RU-1-9 zoning categories and assign a zoning designation within the City of Cocoa to allow for renovations of the property to occur.

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 existing FLUM designation of the Subject Property is Medium Density Residential. The proposed rezoning is consistent with Future Land Use Element Policy 1.1.2.4. Further, Figure FLU-1, Standards for Future Land Use Categories, which shows that RU-2-15 is an applicable zoning district for the MDR FLU category.

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

Staff Finding: Following the annexation into the City of Cocoa the Property never received a zoning designation. This proposed change will establish a zoning category where the property is subject to specific regulations as noted in the City's Land Development Code. The proposed zoning will be consistent with the surrounding zoning districts and mix of residential, commercial, and institutional uses.

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

Staff Finding: As an established residential use, the Subject Property's proposed RU-2-15 zoning district provides a consistent transition between the two adjacent residential uses and is not contrary

to the established land use pattern. It is anticipated that establishing the Subject Property as RU-2-15 would not adversely influence living conditions in the neighborhood as the project has been constructed since 2009.

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

Staff Finding: Due to the property being already established as an apartment complex, it is not anticipated that the proposed zoning would create or excessively increase traffic congestion or otherwise affect public safety. As noted above, the maximum density of 15 dwelling units per acre is less than what is allowed under the MDR Future Land Use designation.

i. *The proposed change will create a drainage problem.*

Staff Finding: The Subject Property is already developed and has undergone engineering review before the development of the apartment complex. It is not anticipated that the project will create a drainage problem as any potential issues.

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

Staff Finding: The Subject Property is already developed. The zoning of the Property will not further reduce light and air quality to adjacent areas.

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

Staff Finding: It is not anticipated that property values would be affected by the proposed rezoning as it is consistent with the existing multi-family use on the property. The proposed RU-2-15 zoning district provides a complementary transition between mobile homes to the south and the single-family home to the north.

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

Staff Finding: The Subject Property is already established as an apartment complex. It is not anticipated that the proposed zoning would be a deterrent to the improvement or development of adjacent property.

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

Staff Finding: The proposed change will not constitute a grant of special privilege to the property owner of the subject property as contrasted with the public welfare. The proposed zoning designation meets the requirements of the Comprehensive Plan and is consistent with the residential zoning districts in the surrounding area.

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

Staff Finding: The Subject Property does not currently have an assigned zoning category. Further, the proposed zoning (RU-2-15) is consistent with the allowable uses under the "Medium Density

Residential" Future Land Use per the City of Cocoa Comprehensive Plan.

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

Staff Finding: The proposed zoning is not out of scale with the needs of the area and would complement the existing residential scale in the immediate area.

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

Staff Finding: The Subject Property does not currently have an allocated category and assigning the property to RU-2-15 provides a complementary category to surrounding properties and is consistent with the City's Comprehensive plan designation.

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.

The Subject Property is currently utilizing public facilities and no further impacts are anticipated.

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

None

RECOMMENDED MOTION:

Staff recommends that the Planning & Zoning Board recommend APPROVAL to City Council of the Zoning Map Amendment consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of the subject parcel, totaling +/-13.34-acres, from Brevard County RU-2-10 to City of Cocoa RU-2-15 (Multiple Family Dwelling).

ORDINANCE NO. ___-2024

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 13.34 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE NORTHWEST CORNER OF CLEARLAKE ROAD AND SUNHOME STREET, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY RU-2-10 (MEDIUM DENSITY MULTIPLE FAMILY) TO CITY OF COCOA 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 the City of Cocoa Code, Article VIII, Section 1, is hereby amended to include a change of classification from Brevard County Medium Density Multiple Family (RU-2-10) to City of Cocoa Multiple Family Dwelling District (RU-2-15) for the real property identified by Tax Parcel ID Number 24-36-30-00-10 and further depicted and legally described on **Exhibit "A,"** attached hereto and incorporated herein by this reference. City Staff are 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 _____, 2024.

_____
MICHAEL C. BLAKE, Mayor

ATTEST:

_____
MONICA ARSENAULT, CMC
City Clerk

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

EXHIBIT A

LEGAL DESCRIPTION AND DEPICTION

Legal Description of Subject Property:

Exhibit "A"

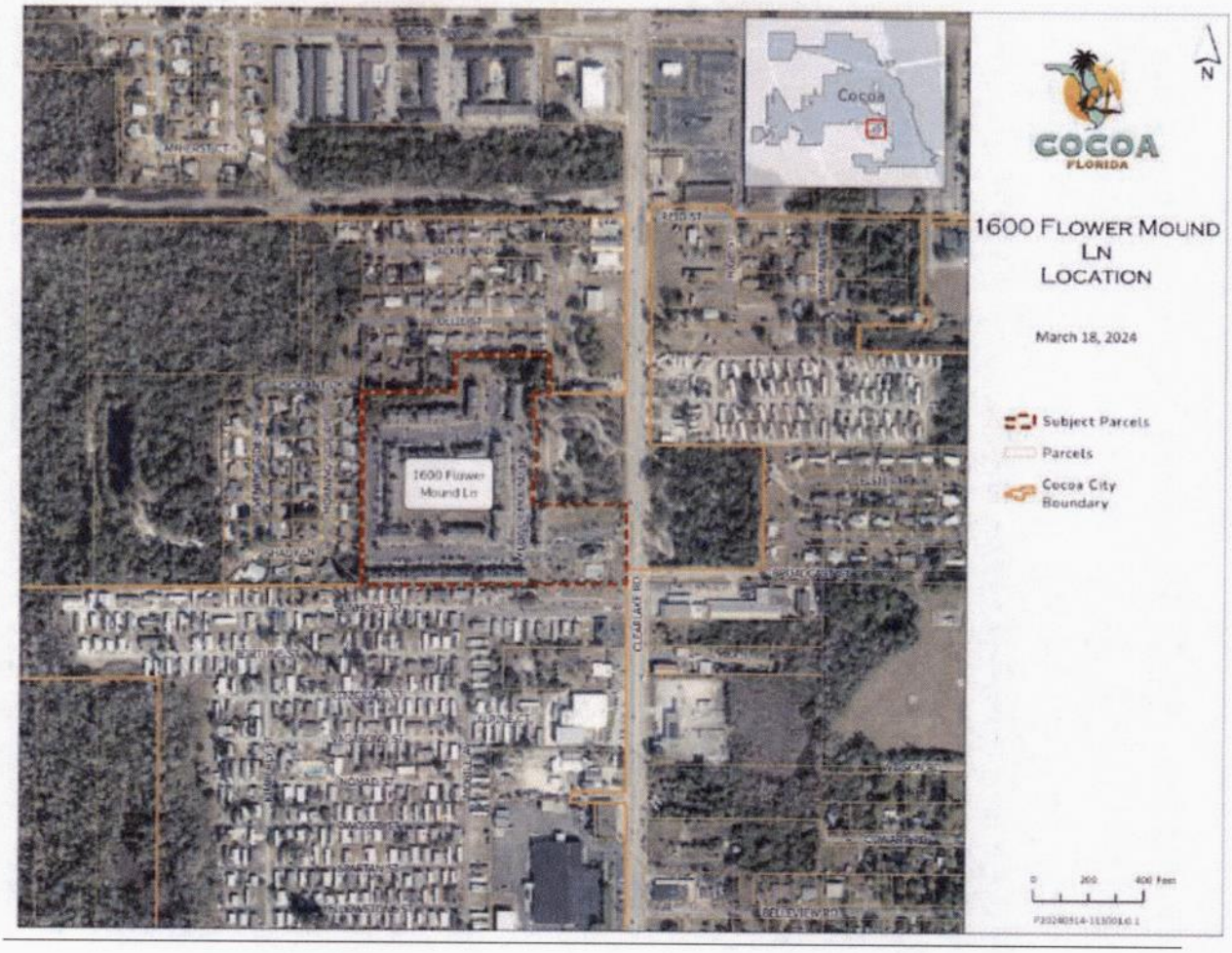
Legal Description of Property

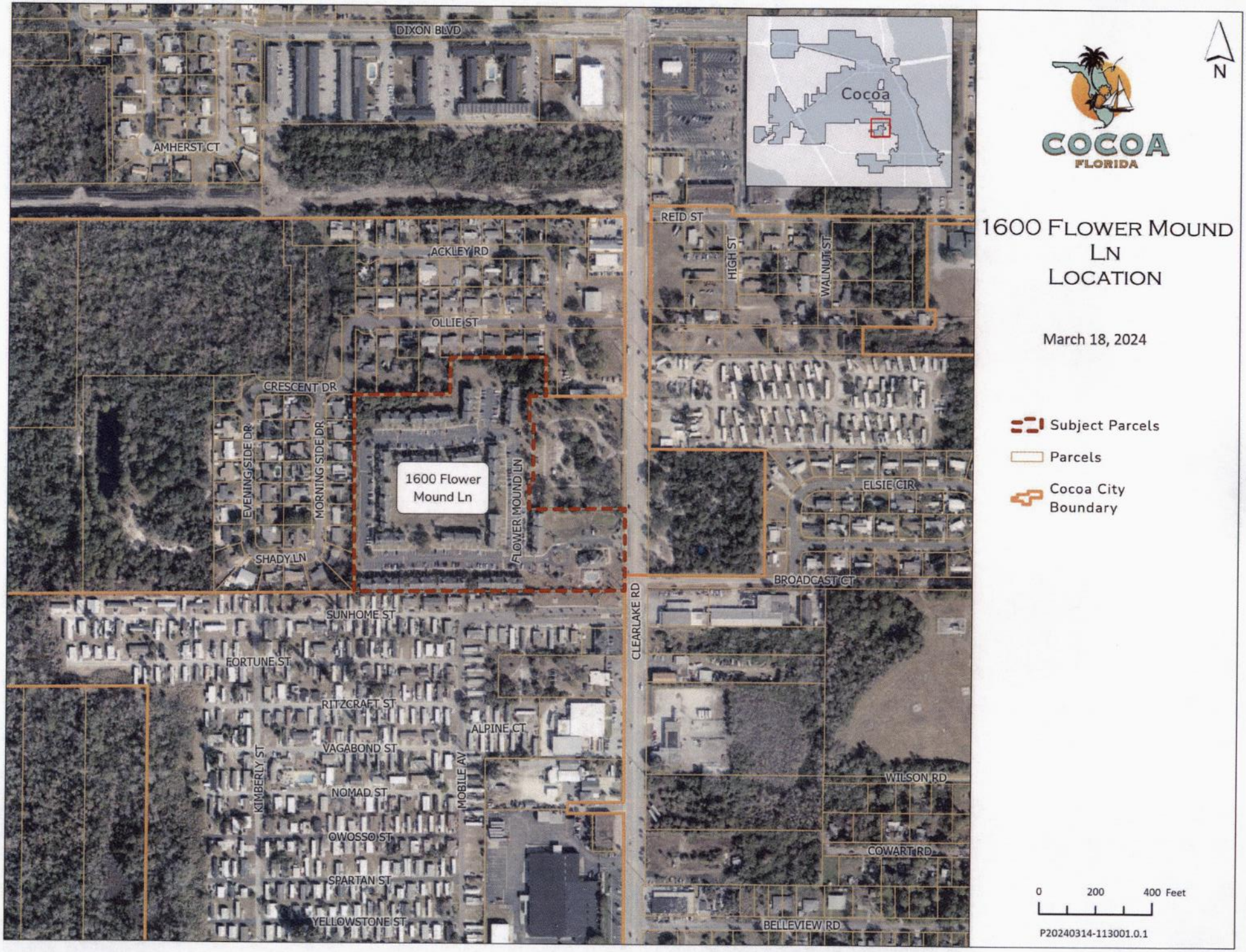
A PARCEL OF LAND LYING IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 24 SOUTH, RANGE 36 EAST, AND CONTAINING THE PARCELS OF LAND DESCRIBED IN OFFICIAL RECORDS BOOKS 1234, PAGE 1044, 2008, PAGE 973 AND 2038, PAGE 543 ALL LYING IN AND BEING OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID PARCEL BEING DESCRIBED AS FOLLOWS:

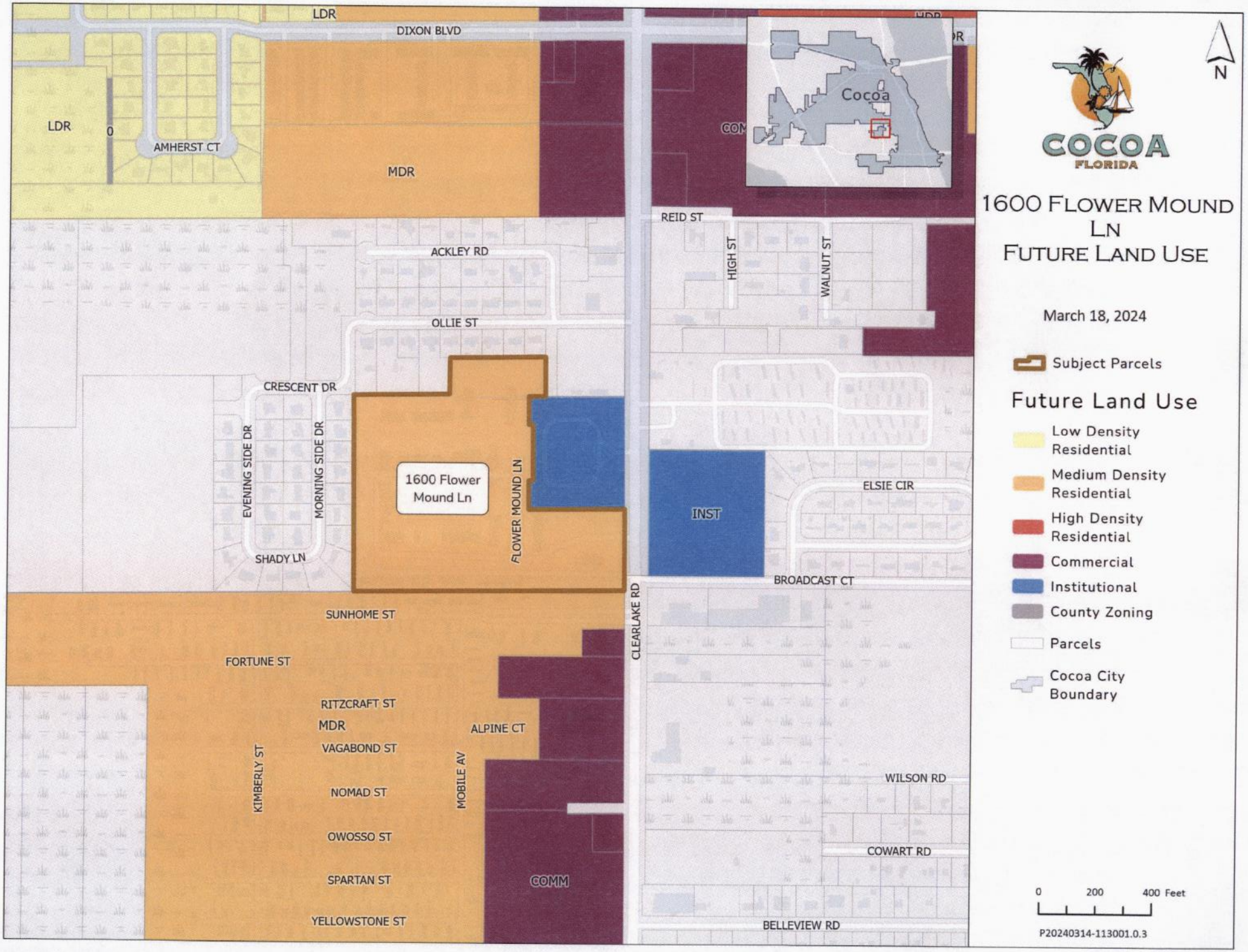
COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 30, THENCE S.89°12'02"W., ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, A DISTANCE OF 40.00 FEET TO A POINT LYING ON THE WEST RIGHT OF WAY LINE OF CLEARLAKE ROAD (AN 80.00 FOOT WIDE RIGHT OF WAY) AND SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.89°12'02"W., ALONG SAID SOUTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, A DISTANCE OF 959.35 FEET TO A POINT LYING ON THE SOUTHERLY PROLONGATION OF THE EAST LINE OF THE PLAT OF ACKLEY SUBDIVISION NO.3 AS RECORDED IN PLAT BOOK 18, PAGE 91 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N.00°27'00"W., ALONG SAID EAST LINE OF SAID PLAT OF ACKLEY SUBDIVISION NO.3, A DISTANCE OF 700.01 FEET TO A POINT LYING ON THE NORTH LINE THE SOUTH 700 FEET OF THE WEST 350 FEET OF THE EAST 1000 FEET OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30; THENCE N.89°12'02"E., ALONG SAID LINE, 339.87 FEET TO A POINT LYING ON THE SOUTHERLY PROLONGATION OF THE WEST LINE OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2008, PAGE 973 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG SAID PROLONGATION AND THE BOUNDARIES OF SAID PARCEL OF LAND, THE FOLLOWING FOUR COURSES AND DISTANCES: THENCE N.00°22'16"W., 132.27 FEET; THENCE N.89°17'44"E., 340.00 FEET; THENCE S.00°22'16"E., 139.67 FEET; THENCE S.89°34'04"W., 60.30 FEET TO THE NORTHEAST CORNER OF BLOCK 1 AS SHOWN ON THE PLAT OF PINECREST CEMETERY AS RECORDED IN PLAT BOOK 8, PAGE 23 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARIES OF SAID BLOCK 1, THE FOLLOWING FIVE COURSES AND DISTANCES; THENCE S.00°25'56"E., 100.00 FEET; THENCE N.89°34'04"E., 15.00 FEET; THENCE S.00°25'56"E., 200.00 FEET; THENCE S.89°34'04"W., 15.00 FEET; THENCE S.00°25'56"E., 102.43 FEET TO A POINT LYING ON THE NORTH LINE OF THE SOUTH 290 FEET OF THE EAST 650.00 FEET OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30; THENCE N.89°12'02"E., ALONG SAID LINE, 340.01 FEET TO A POINT LYING ON THE AFORESAID WEST RIGHT OF WAY LINE OF CLEARLAKE ROAD; THENCE S.00°25'56"E., ALONG SAID RIGHT OF WAY LINE, 290.01 FEET TO THE POINT OF BEGINNING.

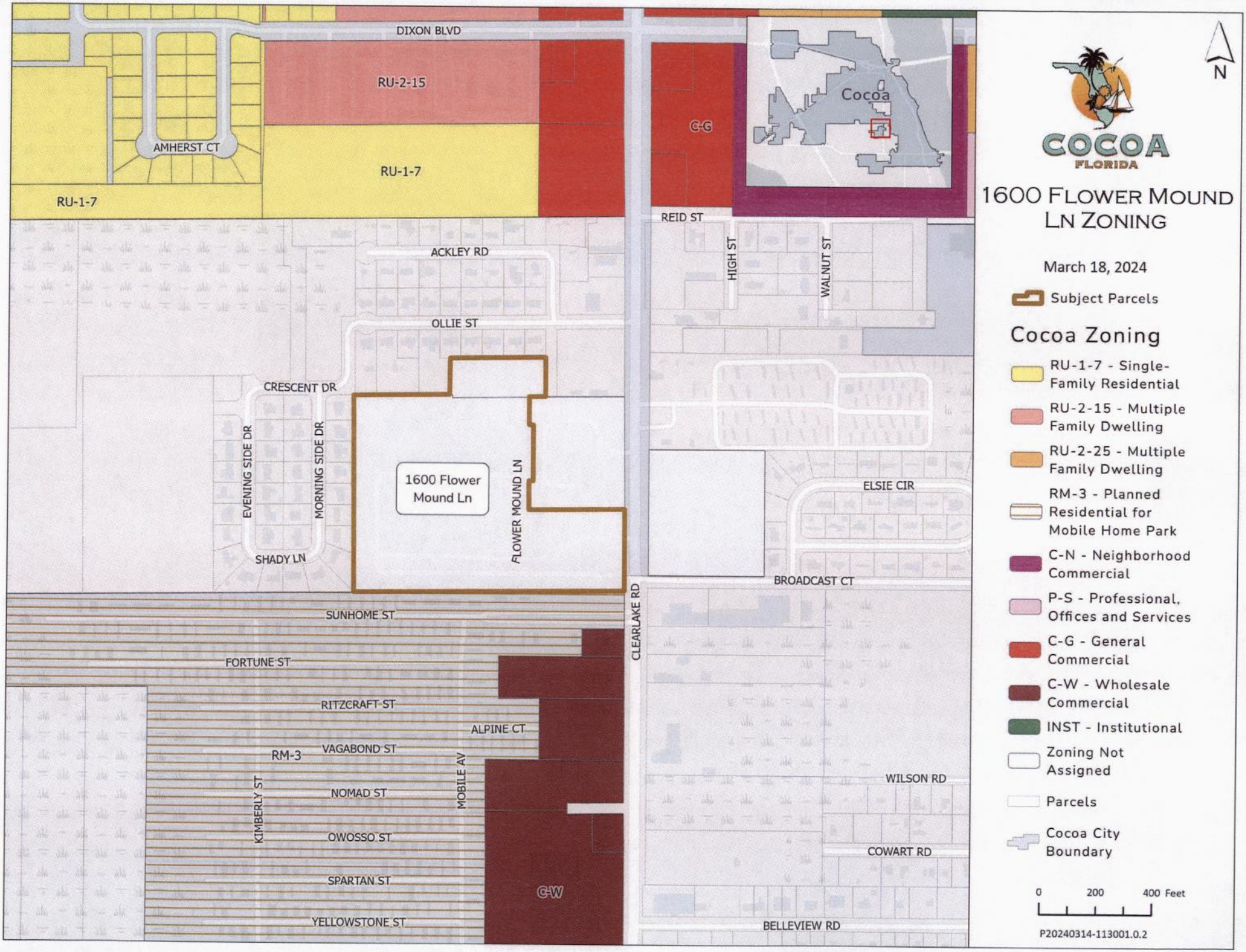
CONTAINING 13.33 ACRES MORE OR LESS.

Depiction of Subject Property:




DIXON BLVD
AMHERST CT
ACKLEY RD
OLLIE ST
CRESCENT DR
EVENING SIDE DR
MORNING SIDE DR
SHADY LN
1600 Flower Mound Ln
FLOWER MOUND LN
SUNHOME ST
FORTUNE ST
RITZCRAFT ST
ALPINE CT
VAGABOND ST
KIMBERLY ST
MOBILE AV
NOMAD ST
OWOSSO ST
SPARTAN ST
YELLOWSTONE ST
CLEARLAKE RD
REID ST
HIGH ST
WALNUT ST
ELSIE CIR
BROADCAST CT
WILSON RD
COWART RD
BELLEVIEW RD
Cocoa
N
COCOA
FLORIDA
1600 Flower Mound Ln Location
March 18, 2024
Subject Parcels
Parcels
Cocoa City Boundary
0
200
400 Feet
P20240314-113001.0.1


LDR
DIXON BLVD
LDR
AMHERST CT
MDR
ACKLEY RD
OLLIE ST
CRESCENT DR
EVENING SIDE DR
MORNING SIDE DR
SHADY LN
1600 Flower Mound Ln
FLOWER MOUND LN
SUNHOME ST
FORTUNE ST
RITZCRAFT ST
MDR
VAGABOND ST
NOMAD ST
OWOSSO ST
SPARTAN ST
YELLOWSTONE ST
KIMBERLY ST
MOBILE AV
ALPINE CT
COMM
CLEARLAKE RD
REID ST
HIGH ST
WALNUT ST
INST
ELSIE CIR
BROADCAST CT
WILSON RD
COWART RD
BELLEVIEW RD
Cocoa
N
COCOA
FLORIDA
1600 Flower Mound Ln
Future Land Use
March 18, 2024
Subject Parcels
Future Land Use
Low Density Residential
Medium Density Residential
High Density Residential
Commercial
Institutional
County Zoning
Parcels
Cocoa City Boundary
0
200
400 Feet
P20240314-113001.0.3


DIXON BLVD
RU-2-15
RU-1-7
AMHERST CT
RU-1-7
C-G
Cocoa
REID ST
HIGH ST
WALNUT ST
ACKLEY RD
OLLIE ST
CRESCENT DR
EVENING SIDE DR
MORNING SIDE DR
SHADY LN
1600 Flower Mound Ln
FLOWER MOUND LN
ELSIE CIR
BROADCAST CT
CLEARLAKE RD
SUNHOME ST
FORTUNE ST
RITZCRAFT ST
ALPINE CT
RM-3
VAGABOND ST
NOMAD ST
KIMBERLY ST
MOBILE AV
OWOSSO ST
SPARTAN ST
YELLOWSTONE ST
C-W
WILSON RD
COWART RD
BELLEVIEW RD
COCOA
FLORIDA
1600 Flower Mound Ln Zoning
March 18, 2024
Subject Parcels
Cocoa Zoning
RU-1-7 - Single-Family Residential
RU-2-15 - Multiple Family Dwelling
RU-2-25 - Multiple Family Dwelling
RM-3 - Planned Residential for Mobile Home Park
C-N - Neighborhood Commercial
P-S - Professional, Offices and Services
C-G - General Commercial
C-W - Wholesale Commercial
INST - Institutional
Zoning Not Assigned
Parcels
Cocoa City Boundary
N
0
200
400 Feet
P20240314-113001.0.2

LocaliQ
Florida
GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

CITY OF COCOA (TE)
Accounting Division
City Of Cocoa - Te
65 Stone ST
Cocoa FL 32922-7982

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Florida Today, a daily newspaper published in Brevard County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Brevard County, Florida, or in a newspaper by print in the issues of, on:

03/19/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.
Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 03/19/2024

Legal Clerk

Keegan Moran
Notary, State of WI, County of Brown

2-14-28
My commission expires

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KEEGAN MORAN
Notary Public
State of Wisconsin

AD#9964357 3/19/2024

CITY OF COCOA
NOTICE OF PUBLIC HEARING
ZONING MAP AMENDMENTS

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

PZ-24-02100002 – 1600 Flower Mound Lane, Cocoa Fl 32922

A. Ordinance XX-2024. 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 13.34 acres, more or less, and generally located on the northwest corner of Clearlake Rd and Sunhome St, from Brevard County RU-2-10 (Medium Density Multiple Family) to City of Cocoa RU-2-15 (Multiple Family Dwelling District); providing for the repeal of prior inconsistent ordinances and resolutions, severability, and an effective date. Tax Parcel ID number: 24-36-30-00-10

Planning and Zoning Board
Wednesday, April 3rd, 2024.
City Council First Reading
Tuesday, April 9th, 2024.

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 any of these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Manica Arsenault, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at marsenault@cocoafl.gov.

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.

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 Lucilene Ribeiro, Planner, at (321) 433-8535 or lribeiro@cocoafl.gov, 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. Ribeiro via email or mail at least three (3) days prior to the hearing.

Legislation Details (With Text)

File #:	24-173	**Version:** 1	**Name:**		
Type:	Informational Item		**Status:**	Agenda Ready	
File created:	3/28/2024		**In control:**	Planning and Zoning / Local Planning Agency	
On agenda:	4/3/2024		**Final action:**		
Title:	Election of Chairperson for the Planning & Zoning Board.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result

PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: March 28, 2024
Agenda Date: April 3, 2024
Prepared By: Abigail Bass, Assistant City Clerk
Through: Luci Ribeiro, Planner
Requested Action:
Election of Chairperson for the Planning & Zoning Board.

BACKGROUND:

Justin Simpson who was the chairperson for the Planning and Zoning board recently resigned as he no longer meets the eligibility requirements to serve as a board member.

BUDGETARY IMPACT:

PREVIOUS ACTION:

n/a

RECOMMENDED MOTION:

Election of Chairperson for the Planning & Zoning Board.

EXHIBIT A

COCOA
FLORIDA

Planning & Zoning Board Meeting

April 3, 2024



COCOA
FLORIDA

Planning & Zoning Board Meeting

April 3, 2024



Oak Meadows

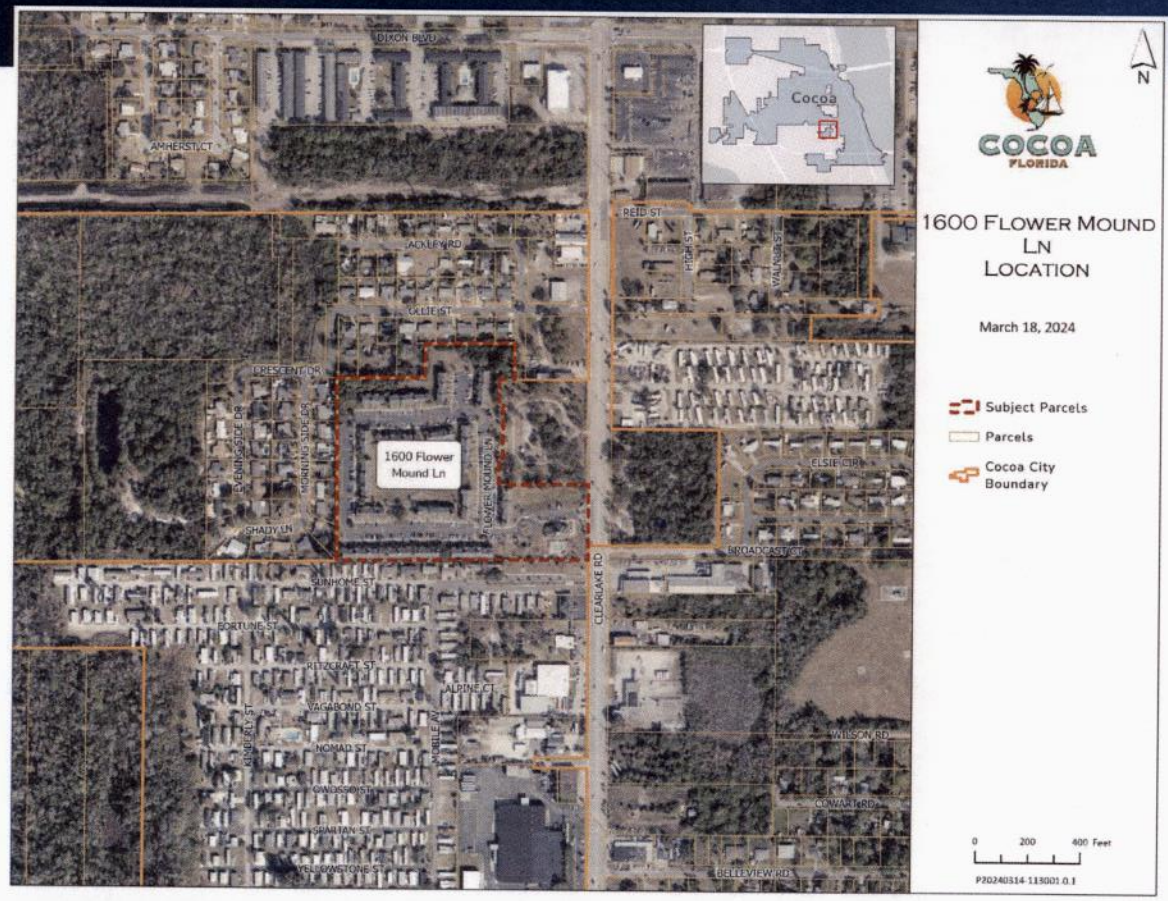
Rezoning Request – 1600 Flower Mound Lane



COCOA
FLORIDA

Oak Meadows
Location Map

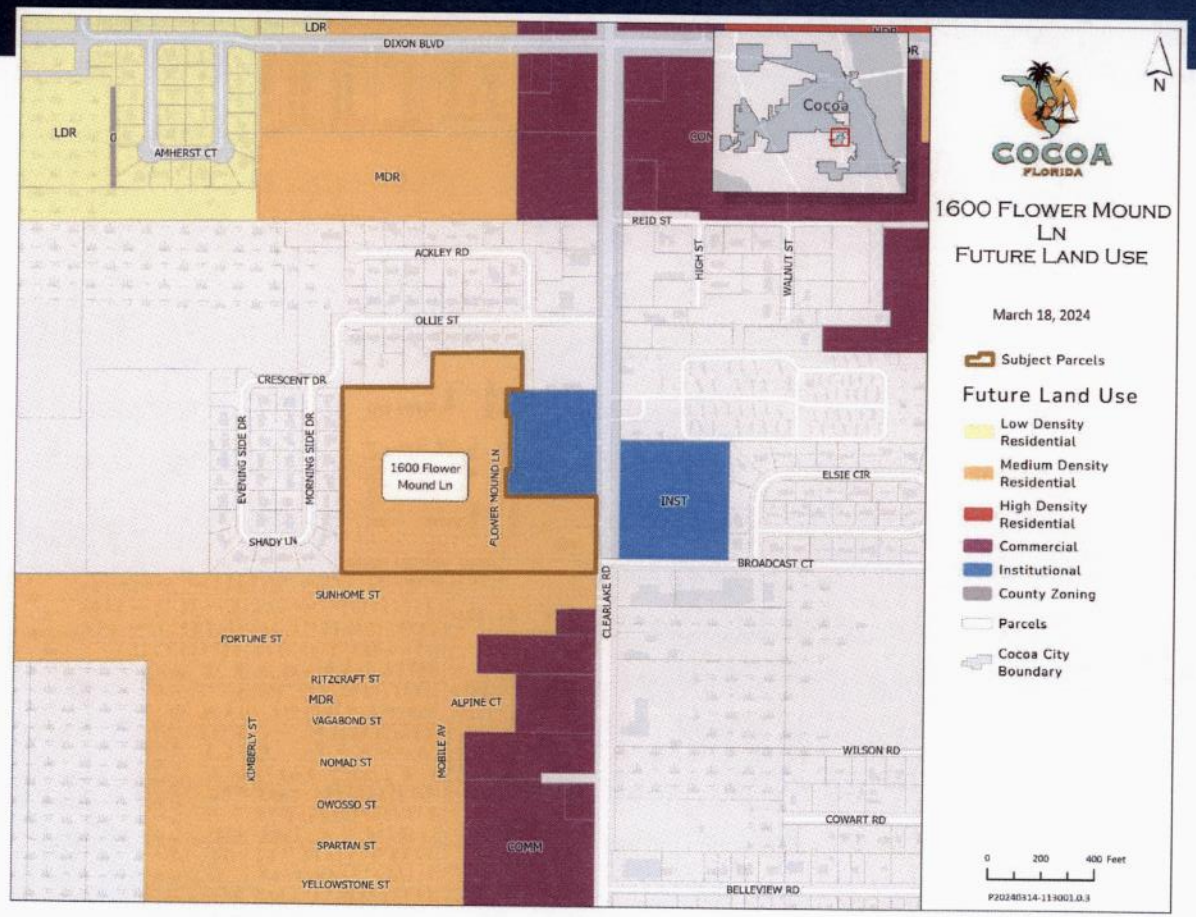
COCOA
FLORIDA



- The +/-13.34-acre subject property is located at the northwest intersection of Clearlake Rd., and Sunhome St.
- The Subject Property is currently developed as a residential apartment complex known as Oak Meadows Apartments.
- 120 Multi-Family apartments were constructed 2009.
- Annexation occurred from Brevard County into the City of Cocoa in 2012.

Oak Meadows
Future Land Use Map

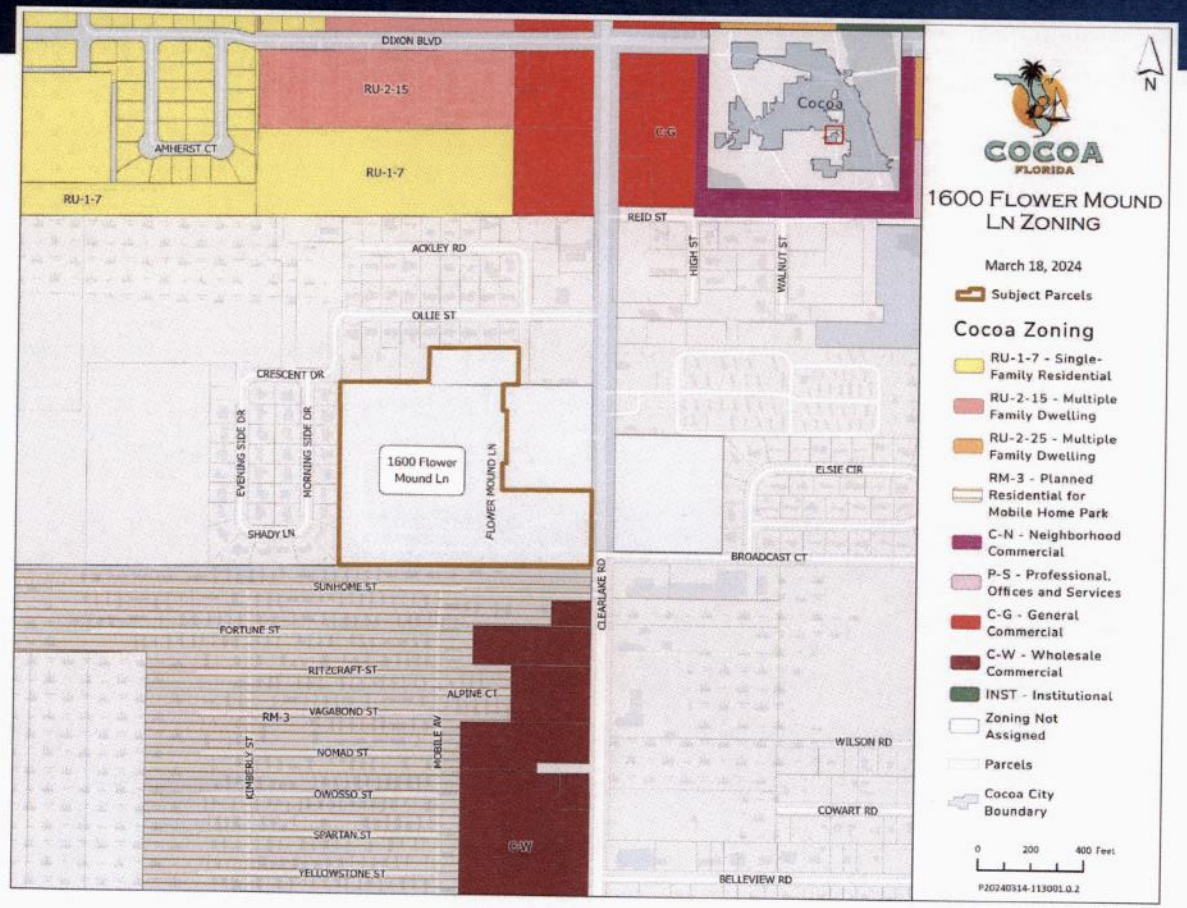
COCOA
FLORIDA



- The Future Land Use designation of the Subject Property is Medium Density Residential (MDR).
- The MDR FLU designation allows for a maximum density of 15 du/acre.
- The zoning districts that are consistent with the MDR FLU are RU-2-10, RU-2-15, RM-4, and PUD.

Oak Meadows
Zoning Map

COCOA
FLORIDA



- Following the annexation from Brevard County into the City of Cocoa, the Subject Property was never assigned a zoning category.

Rezoning Request

- The request is to assign the RU-2-15, Multiple Family Dwelling zoning designation to the Subject Property as City of Cocoa zoning is currently unassigned.

- In 2012 the Subject Property was approved for annexation from Brevard County into the City of Cocoa. However, while a FLU designation was assigned, a zoning category was not (Ordinance No. 03-2012).

Rezoning Request

- The reason for the requested change is to establish a zoning category in order for improvements to be made to the Subject Property.

- An established zoning category will provide correlation to the City's Land Development Code (LDC) for orderly growth and appropriate compatible uses.

Rezoning Request

- A multi-family apartment is currently in operation with 120 individual units. There are no plans to redevelop the property as a result of this rezoning application, however the property owner plans to upgrade many areas of the site. No additional dwelling units are proposed at this time.

- Generally, the RU-2-10 zoning is similar, however only certain areas of the City are designated this zoning category. As a result, the RU-2-15 zoning is the most appropriate category for the Subject Property.

Rezoning Request

- The subject property's requested zoning of RU-2-15, Multiple Family Residential, is applicable in the Low, Medium, and High Density Residential FLU designations. *Staff Report finding (a)*

- The existing development has an established 8.9 dwelling units per acre, which is consistent with the maximum density allowed per the FLU of Medium Density Residential. *Staff Report finding (e)*

Rezoning Request

- The proposed RU-2-15 zoning district provides a consistent transition between the two adjacent residential uses (Single Family & Mobile Homes). *Staff Report finding (a), (d), (g), and (k)*

- Should the Subject Property be designated as RU-2-15, it will not be isolated or unrelated to the adjacent and nearby districts, specifically the abutting residential uses. *Staff Report finding (b)*



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Rezoning Request

- There is compatibility through the Future Land Use designation as abutting properties are also categorized City of Cocoa Medium Density Residential and Brevard County's RES 15.

- The proposed rezoning is consistent with Future Land Use Element Policy 1.1.2.4.

Oak Meadows
Staff Recommendation

COCOA
FLORIDA

Staff recommends that the Planning & Zoning Board recommend APPROVAL to City Council of the Zoning Map Amendment consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of the subject parcel, totaling +/-13.34-acres, to City of Cocoa RU-2-15 (Multiple Family Dwelling).