



Legislation Details (With Text)

File #: 21-154 **Version:** 1 **Name:**

Type: Ordinance **Status:** Public Hearing

File created: 2/12/2021 **In control:** City Council

On agenda: 2/23/2021 **Final action:**

Title: Approve 2nd and Final Reading: Ordinance 03-2021: a ZONING MAP AMENDMENT consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of one (1) parcel totaling 15.74 acres from General Commercial to Mixed-Use Planned Unit Development, and final approval of an associated Binding Development Agreement, Final Development Plan and Preliminary Subdivision consistent with Chapter 18 Subdivisions and Appendix A Zoning of the City Code for the Cirrus Mixed-Use PUD project on this same parcel. (Community Services Director)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance 03-2021 Cirrus Rezoning CG to Mixed-Use PUD (003).pdf, 2. Final PUD plan set.pdf, 3. Cirrus PUD Development Agreement - Final Clean.pdf, 4. Exhibit B - Overall Site Plan.pdf, 5. Cocoa Retail - Title Opinion w-attachments.PDF, 6. Building Renderings.pdf, 7. Traffic Impact Analysis revised 2-3-21.pdf, 8. Legal ad Proof (PZ and both CC).pdf

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

CITY COUNCIL AGENDA ITEM

Memo Date: February 12, 2021
Agenda Date: February 23, 2021
Prepared By: Dodie Selig, Planning & Zoning Manager
Through: Nancy A. Bunt, Community Services Director

Requested Action:
 Approve 2nd and Final Reading; Ordinance 03-2021: a ZONING MAP AMENDMENT consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of one (1) parcel totaling 15.74 acres from General Commercial to Mixed-Use Planned Unit Development, and final approval of an associated Binding Development Agreement, Final Development Plan and Preliminary Subdivision consistent with Chapter 18 Subdivisions and Appendix A Zoning of the City Code for the Cirrus Mixed-Use PUD project on this same parcel.

BACKGROUND:

The subject property is a single parcel of land comprising 15.74 acre located at the northwest corner of SR524 and South Industry Road. The parcel is bound on the north by SR528, on the east by South Industry Road, on the south by SR524 and on the west by the Coventry of Cocoa residential PUD. The parcel is addressed as 2320 Highway 524 and is further identified as Parcel ID: 24-36-18-27-*-1. The property was developed in 1993 as a Winn-Dixie grocery store with a stormwater pond and extensive parking. The grocery store closed in 2007 and the site has been vacant since.

Project Details:

The property owner desires to redevelop the site as a Mixed-Use Planned Unit Development (PUD) in two phases. The first phase would develop 13.49 acres of the property with a multi-family residential use consisting of 280 apartment units in two buildings. The two buildings contain a total of 20 studio units, 134 one-bedroom units, 107 two-bedroom units and 19 three-bedroom units. The buildings would be four (4) floors in height, the roof parapet would be 55 feet in height and the highest point would be 62.5 feet. Amenities would include a vertical clubhouse integrated into the corner of one building, a pool courtyard with outdoor grilling areas, a second courtyard with gathering areas, a rooftop lounge/deck area for space launch viewing, a dog park and a walking trail around the stormwater pond. A sky-bridge at the 4th floor level will connect the two apartment buildings. Parking is provided by a mix of open air spaces and garage units.

The second phase would develop 2.25 acres of the existing parking lot as a future commercial use. The specific use or uses will be limited to those uses allowed under the development agreement. Stormwater for both phases would be constructed in phase one and utilize the existing stormwater pond located on the residential portion of the site. The existing wetland of approximately 1.6 acres at the northwest corner of the property which will remain untouched by the development plans.

The Applicant has submitted the following applications related to this project:

- A Development Agreement
- An Overall Site Plan (Exhibit B of the Development Agreement)
- A Rezoning of the parcel from General Commercial to Mixed-Use Planned Unit Development (Ordinance 03-2021)
- A Final Planned Unit Development (PUD) plan set (sheet 1-19 and 24-28)
- A Preliminary Subdivision to create two parcels, one for the multi-family use and one for the future commercial use (PUD plan set, sheet 20-23)
- A Large-Scale Site Plan (this is a part of the PUD plan set) (The Site Plan also includes a Landscape Plan)

In addition the following supporting documents are provided:

- Building Renderings
- Traffic Impact Analysis
- Title Opinion

Summary of Binding Development Agreement:

The Development Agreement allows the subject property to be developed as a Mixed-Use PUD in two phases.

Phase 1 is limited to multi-family residential use and includes construction of all shared site infrastructure and access. The development agreement provides a timeframe of a maximum of 48 months for the completion of the first phase of the project.

Phase 2 is a future commercial development. The agreement lists potential uses allowed for Phase 2 with the final use(s) to be identified in an amendment to the agreement. Within forty-eight (48) months of the Effective Date, the Developer and the City are required to amend the Final Development Plans for the remaining Phase 2 and development agreement to establish the specific use(s), site layout, drive aisles, parking, landscaping, building elevations, open space provision and

timing of completion for the second phase. The agreement provides for the City Manager to approve an optional 1-year extension to complete the amendment for good cause shown. Any other extensions will require City Council consideration and approval.

Future Land Use Designation: Commercial

Zoning District: C-G (General Commercial)

Existing Land Use: Vacant commercial building

Council District: District 3 - Councilmember Rip Dyal

Overview of Surrounding Area:

	Future Land Use Designations	Zoning Districts	Land Uses
North	Industrial	M-2	Vacant land (north of interchange)
South	Neighborhood Commercial	N-C	CVS (adjacent) and Commons Shopping (south of SR524)
East	Commercial	C-G and N-C	Retail and McDonalds (adjacent) and US Post (east of South Industrial)
West	Medium Density Residential	Residential PUD	Single-Family homes

Consistency with Code of the City of Cocoa

The submitted application and plans have been reviewed by City staff for consistency with Chapter 18 Subdivisions and with Appendix A Zoning of the City of Cocoa Code and found to be in substantial compliance although a few issues remain to be addressed as detailed below.

PUD Analysis:

The decision of the Planning and Zoning Board of the City of Cocoa on the preliminary development application shall include the findings of fact that serve as a basis for its recommendation. In making its recommendation, the Planning and Zoning Board of the City of Cocoa shall consider the following facts:

1. Degree of departure of proposed planned unit development from surrounding areas in terms of character and density.

Staff Finding:

The adjoining parcel to the west is a residential PUD with 204 single-family units on approximately 41 acres of land for a density of 5 units/acre. The multi-family portion of the proposed mixed-use PUD will contain 280 apartment units on 13.49 acres for a density of 20 units/acre. This increase in density is appropriate for a mixed-use project and is less than the 25 units/acre allowed under the Commercial Future Land Use of the site. A multi-family apartment project should be located in close proximity to commercial uses and convenient transportation access, both of which describe this site's location.

2. Compatibility within the planned unit development and relationship with surrounding neighborhoods.

Staff Finding:

The proposed multi-family and future commercial uses will be compatible with each other and with the adjacent existing commercial and residential uses. Residents of the multi-family units will be able to access the commercial uses on the adjoining parcels and the Cocoa Commons shopping plaza directly across SR524 on foot or by bicycle if they wish. The multi-family buildings are required to be set back from the property line further than would be the case under conventional multi-family zoning. Location of the pool area within the u-shape of the building further removes it from the adjoining residential homes to the west.

3. Prevention of erosion and degrading of surrounding area.

Staff Finding:

The developer of each phase will be required to prevent erosion or degrading of any natural areas. In addition, a St Johns River Water Management District permit has been applied for by the applicant which will control impact to the existing wetland.

4. Provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation as shown in the preliminary development plan.

Staff Finding:

A review of the level of service for public facilities is provided below under the Concurrency Management section heading.

5. The nature, intent and compatibility of common space, including the proposed method for the maintenance and conservation of said common space.

Staff Finding:

The multi-family recreation space will consist of a vertical clubhouse integrated into the corner of one building, a pool courtyard with outdoor grilling areas, a second courtyard with gathering areas, a rooftop lounge/deck area for space launch viewing, a dog park and a walking trail around the stormwater pond and wetland area. These amenities will be shared by the apartment residents and their guests and will be maintained by the apartment owner's management company.

6. The feasibility and compatibility of the specified stages contained in the preliminary development plan to exist as an independent development.

Staff Finding:

The first phase of the PUD will construct all shared site improvements at the same time that the multi-family development occurs. This will allow the first phase to exist independently of any future development on the second phase. It will also allow the second phase to construct only the use associated with that phase.

7. The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed planned unit development.

Staff Finding:

The existing entry at the southwest corner of the property provides deceleration lanes for traffic turning into the property from either the east or west bound direction of SR524. In addition, this is a signalized intersection which significantly improves turning movements. The secondary entry to the site is a right-in / right-out movement and it also has a deceleration lane for vehicles entering the site. The site is already laid out with cross access easements to ensure that traffic can move from SR524 to all the outparcels adjacent to the primary site.

8. The availability and adequacy of water and sewer service to support the proposed planned unit development.

Staff Finding:

The existing utility lines will be upgraded and moved from under the building site to an area along a shared access drive aisle providing easier access and greater capacity.

9. The benefits within the proposed development and to the general public to justify the requested departure

from standard land use requirements inherent to a planned unit development classification.

Staff Finding:

The multi-family component of the PUD will provide a new form of residential development which will appeal to a new market as well as providing an increased tax base. Redevelopment of this empty shopping plaza will bring a significant visual and economic improvement to the area.

10. The conformity and compatibility of the planned unit development with any adopted development plan of the City of Cocoa.

Staff Finding:

Redevelopment of the site is compatible with the following from the Comprehensive Plan: Objective 1.1.4, Policy 1.1.10.3, Goal 1.2, and Objective 1.2.1. These are listed in more detail below.

11. The conformity and compatibility of the proposed common space, primary residential and nonresidential uses within the proposed planned unit development.

Staff Finding:

The multi-family component of the PUD will provide common recreation space amenities for the residents as discussed above. The wetland area will remain as common preservation space. The common public space for the future commercial phase will be determined when that phase develops.

The PUD code provides additional requirements not listed above. These include building setbacks, landscape buffer, minimum floor area per dwelling unit, maximum length of structures, off-street parking, lighting, trash enclosures, underground utilities and preservation of trees/landscape requirements. These have been reviewed and found in compliance.

Site Plan Analysis:

The site was originally designed for access solely by vehicle traffic. However, since the proposed project will be adding residential units to the site, a sidewalk connection from the multi-family parcel to the SR524 sidewalk has been added along the west side of the entry drive. There is an existing sidewalk along the north side of SR524 and across the roadway along the north side of the Cocoa Commons shopping center properties which provide convenient access for pedestrian traffic.

The parking requirements for multi-family use are one space for each studio unit, 1.5 spaces for each one-bedroom unit and 2 spaces for each two and three-bedroom unit, for a total of 474 parking spaces required. The Final PUD plans show that 7 parallel spaces, 230 regular parking spaces, 112 compact parking spaces, 79 garage units and 10 handicapped parking spaces will be provided, for a total of 438 parking spaces. An Administrative Waiver is allowed for up to 5% of the total number of parking spaces required, or 24 spaces. The applicant has requested an Administrative Waiver for 23 spaces. In addition, the sidewalk connection which was recently added to the plans resulted in the loss of 13 parking spaces. A waiver for those spaces will be incorporated into the Development Agreement.

Subdivision Analysis:

The Preliminary Subdivision will create two (2) lots. Lot 1A encompasses the multi-family residential portion of the site, while Lot 1B contains the future commercial phase. There is no minimum lot size under PUD zoning.

Consistency with Comprehensive Plan Policies and Objectives

Objective 1.1.4: Redevelopment. The City shall encourage redevelopment of areas that are exhibiting evidence of decline (i.e., disproportionate number of vacant, dilapidated and/or substandard structures) through redevelopment programs and through maintaining land development regulations that contain standards and procedures to encourage redevelopment where desirable.

Policy 1.1.10.3: Innovative land use development patterns, including PUDs and Cluster Zoning shall be permitted and encouraged in appropriate areas, as defined in the land development regulations.

GOAL 1.2: The City of Cocoa shall place a strong emphasis on requiring quality integrated mixed-use development

to improve the appearance of the City, increase property values and achieve a higher quality of life for its businesses, residents and visitors.

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

Policy 1.2.1.3: The City shall consider development incentives to encourage developers to revitalize/redevelop abandoned strip malls and commercial sites by converting them into mixed-use developments.

Concurrency Management/Adequate Public Facilities

Wastewater

The Level of Service (LOS) for wastewater is 319 gallons per day per household, based on the 280 units, the projected demand on the wastewater system is 89,320 gallons per day.

The Sellers Plant is currently permitted to treat 4.5 mgd of wastewater per day, and is currently operating at 2.08 mgd. The maximum peak flow over the past twelve months was 4.56 mgd. Thus, there is sufficient capacity for Wastewater.

Stormwater Management

The Level of Service (LOS) for Stormwater Management is as follows:

Design Storm Event”	25-year frequency/24-hour duration event
On-site Stormwater Management:	Retention of the first one inch of rainfall for areas of more than one acre.
Stormwater Quantity:	Post development Stormwater runoff flow rates, quantities, peaks, and velocities shall be equal to or less than levels that existed prior to development.
Stormwater Quality:	No significant degradation of water quality in receiving water bodies.

A St Johns River Water Management District Permit for the original development of the site was issued in 1993 and updated in 2008. A St Johns River Water Management District Permit for this project was applied for on December 8, 2020 and a copy of the final permit will be provided to the City when it is issued.

Potable Water

The LOS for potable water is 122 gallons per capita per day (gpcd) per household. Based on the City of Cocoa EAR Population Projections report, the average permanent resident per dwelling unit is 2.35 per occupied unit. Thus, the average demand per household is estimated at 286.7 gpcd, and based on the 280 proposed dwelling units the overall demand is 80,276 gpcd.

The Dyal Plant provides potable for the City of Cocoa service area and it is currently permitted to operate at 48 million gallons per day (mgd). The maximum provision over the past twelve months is 34 mgd. Thus, there is sufficient capacity for Potable Water.

Solid Waste

The Level of Service (LOS) for the City of Cocoa is 1.2 tons of solid waste disposal per capita per

year, and residential collection LOS shall be 2 times per week per household with green waste and recyclables once per week. The City contracts with Waste Management for the provision of solid waste, and the projected solid waste generated will be collected consistent with the adopted level of service standards.

Roadways (Transportation)

The minimum LOS for SR524 is D.

The Space Coast TPO Traffic Counts Report for 2019 indicates that for the Cox Road to Industry Road segment of State Road 524, the average annual daily traffic trips is 13,380 and it is classified as Urban Minor Arterial. The multi-family use will generate roughly 3,394 new net daily trips based on the applicant's traffic Impact Analysis. Based on the Current Maximum Acceptable Volume (19,470) established by the Space Coast TPO, there is sufficient capacity on State Road 524 to support this development. Adding the projected additional trips to the existing results in a total of 16,774 trips, 2,696 under the Maximum Acceptable Volume limit.

Recreation

The Level of Service (LOS) for Recreation is 1.25 acres per 1,000 population.

Pursuant to the City of Cocoa Comprehensive Plan EAR (October 2010) Data and Analysis, there exists a surplus of 118.34 acres of parks, which was determined to be more than sufficient to meet the needs of the citizens through 2020. The City's current population is 18,833 which requires 23.54 acres of park and recreation facilities. The EAR identified the City as having 323.58 acres (including the 165.09 acres Cocoa Conservation Area) available for residents. Thus, the City has sufficient recreation/parks to support the project and maintain the adopted LOS.

Schools

A School Capacity Availability Determination Letter was received from the Brevard County School Board for this project. It indicates that there is insufficient capacity at Saturn Elementary and Cocoa Jr./Sr. High School at this time. However, the adjacent school concurrency service areas do have sufficient capacity to provide for the projected needs of the Cirrus development.

STRATEGIC PLAN CONNECTION:

N/A

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

The Planning & Zoning Board heard multiple development applications related to the Mixed-Use PUD project proposed on this property and made the following recommendation with conditions on February 3, 2021:

The Planning & Zoning Board recommended approval to City Council of the Binding Development Agreement, Final PUD Rezoning and Preliminary Subdivision for the Cirrus Mixed-Use PUD project with the conditions set forth below:

And

The Planning & Zoning Board voted to approve 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 Development Agreement / Final PUD / Preliminary Subdivision have been approved by City Council.

Development Agreement

2. A Waiver will be added to Phase 1 of the Development Agreement to allow a minimum 2.5" d.b.h at planting for trees on the landscape plan that are not counted as replacement trees.
3. A Waiver will be added to Phase 1 of the Development Agreement to allow a reduction in the total number of parking spaces required based on the addition of a sidewalk connection along the southwest access aisle.

Subdivision

4. The Amended and Restated Restrictive Covenants and Easement Agreement shall address maintenance of common access driveway and shall be recorded prior to Final Subdivision approval by City Council.

Civil Plans

5. Revise landscape plans to increase 4 trees from 2.5" to 4" d.b.h at planting and increase 1 tree from 2.5" to 6" d.b.h at planting.
6. Provide a sidewalk, landscape buffer and parallel parking spaces along the west side of the entry access drive aisle in place of the existing 90-degree parking spaces.

Traffic Impact Analysis

7. Provide an updated Traffic Impact Analysis that includes the "Arbors at Cocoa Landings" project in the analysis.

City Council approved the first reading of this ordinance on February 9, 2021.

RECOMMENDED MOTION:

Approve on 2nd and Final Reading; Ordinance 03-2021: a ZONING MAP AMENDMENT consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of one (1) parcel totaling 15.74 acres from General Commercial to Mixed-Use Planned Unit Development, and final approval of an associated Final Development Plan, Binding Development Agreement and Preliminary Subdivision with the following additional conditions:

1. The Amended and Restated Restrictive Covenants and Easement Agreement shall address maintenance of common access driveway and shall be recorded prior to Final Subdivision approval by City Council.
2. Remove reference to public drainage easements from the dedication prior to Final Subdivision approval by City Council.
3. Revise landscape plans to increase 4 trees from 2.5" to 4" d.b.h at planting and increase 1 tree from 2.5" to 6" d.b.h at planting.
4. Change the proposed grade on the west banks of the swale between Coventry and the site to state they will be regraded to a minimum height of 6" above the existing control structure #2 rim.