



Legislation Details (With Text)

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On agenda: 9/27/2022 **Final action:**

Title: Consideration of Ordinance No. 12-2022/ First Reading: 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 approximately 0.59 acres from “Residential Estate District” (RE) to “Multiple-Family Dwelling District” (RU-2-15). Brevard County Parcel/ ID No. 24-36-21-BM-*5. (Public Works Director/Growth & Economic Development Director)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance 12-2022 - Rezoning Parcel on Dixon Blvd and Indian River Drive RE to RU-215.pdf, 2. Exhibit A Dixon Location Map.pdf, 3. Exhibit B Dixon Zoning Map.pdf, 4. Exhibit C Site Survey Concept.pdf, 5. Exhibit D Applicant Responses.pdf, 6. Florida Today Ad Receipt (1).pdf, 7. 500' buffer letter.pdf

Date	Ver.	Action By	Action	Result
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CITY COUNCIL AGENDA ITEM

Memo Date: September 21, 2022
Agenda Date: September 27, 2022
Prepared By: Bryant Smith III, P.E., CFM, Public Works and Interim Growth and Economic Development Director
Through: Stockton Whitten, City Manager

Requested Action:
 Consideration of Ordinance 12-2022, 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 approximately 0.59 acres from “Residential Estate District” (RE) to “Multiple-Family Dwelling District” (RU-2-15). Brevard County Parcel/ ID No. 24-36-21-BM-*5. First Reading.

BACKGROUND:

The subject property for this Zoning Map amendment is comprised of a .59-acre vacant parcel, owned by Carey Properties LLC. The parcel is located southeast of and adjacent to Dixon Boulevard, just west of its intersection with North Indian River Drive. A map depicting the location of the subject parcel is attached as Exhibit “A”.

Currently, the subject parcel has the City’s Residential Estate zoning designation. The applicant is requesting to change the property’s zoning to the City’s RU-2-15 designation. Please see Exhibit “B” for a map depicting of zoning designations for the subject and surrounding properties. Exhibit “C”

depicts the development currently proposed by the applicant for the property. However, should the City Council approve the accompanying Future Land Use Amendment and the rezoning, the applicant will be able to develop up to four dwelling units on the site in any manner compliant with City Code and the Comprehensive Plan.

Future Land Use Designation: Current: Very Low Density Residential
Proposed: Medium Density Residential)

Zoning District: Current: Residential Estate
Proposed: RU 2-15

Existing Land Use: Vacant land

Council District: District 2 - Councilmember Lavander Hearn

Overview of Surrounding Area:

	Future Land Use Designations	Zoning Districts	Land Uses
North	Very Low Density Residential; Low Density Residential	RU-1-7; RU-2-15	Vacant, Multi-family
South	Very Low Density Residential	Residential Estates	Single-Family Residence
East	Very Low Density Residential	Residential Estates	Single-Family Residence
West	Very Low Density Residential	Residential Estates; RU-1-7	Vacant

I. Consistency with Code of the City of Cocoa

The Property Owner/Applicant are requesting a Zoning Map amendment to change the subject property zoning district from Residential Estates to RU-2-15.

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:

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

Applicant Response: See Exhibit "D".

Staff Finding: Staff finds that the zoning change will not be contrary to the established land use pattern. While surrounding properties are zoned Residential Estate and RU-1-7, nearly three (3) acres of land located across Dixon Boulevard is zoned RU-2-15 with a Medium Density Residential Future Land Use. On this Medium Density Residential property, an existing 52-unit apartment complex at 650 Dixon Boulevard already has largely defined the character of Dixon Boulevard in the vicinity. Given the density maximum of eight (8) dwelling units per acre, which results in a maximum of 4 units on the subject property, staff believes the Medium Density Residential designation will provide a coherent transition and appropriate buffer between the existing multi-family development on Dixon Boulevard and the estate single-family homes on Indian River Drive.

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

Applicant Response: See Exhibit "D"

Staff Finding: Staff finds that the proposed change would not create an isolated district unrelated to nearby and adjacent districts. The use would remain residential, and there is a property across from the subject one with the same zoning. Along nearby North Indian River Drive north of Dixon Boulevard, the properties have more intensive zoning (RU-1-7) than the subject property has at present. However, the eight (8) dwelling units per acre density maximum imposed for this subject property is consistent with the surrounding RU-1-7 properties, for which 7 dwelling units per acre is generally permitted.

- 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.

Applicant Response: See Exhibit "D"

Staff Finding: Staff finds that the subject property consists of a .59-acre vacant parcel of land, and this zoning impact would not increase or overtax public facilities. Under the Future Land Use map amendment heard previously, the density the property would be allowed to develop at would be limited to eight (8) dwelling units per acre. Based on the property size, the applicant would be limited to four (4) dwelling units on his property, which is a net increase of only 3 units. All City departments required to review projects reviewed this one, and no comments were made regarding this proposal overtaxing services.

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

Applicant Response: See Exhibit "D"

Staff Finding: Staff finds that the district boundaries are not illogically drawn in relation to existing conditions on the property proposed for change. The district boundaries follow a

common pattern in zoning.

- 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: Subject to the adoption of the Future Land Use Map amendment for this property, staff finds that this petition will not be contrary to the Future Land Use Map or have an adverse effect on the Comprehensive Plan. The majority of properties on the northern (opposite) side of Dixon Boulevard have the same future land use classification. The subject property is also within one (1) block of U.S. 1, which has more intensive Commercial and Regional Activity Center future land uses.

Staff notes that the subject property is located within both the Coastal Planning Area and Coastal High Hazard Area, as identified in Maps M-IX-2 and CM-1 of the Comprehensive Plan, Coastal Management Element. While increases in density in the CHHA shall be “generally” discouraged in accordance with Policy 9.2.1.3, the proposed Future Land Use amendment to Medium Density Residential is proposed to be conditioned with an 8 dwelling units per acre maximum, which results in the availability of 4 units to be constructed on the property. A net increase of three units will have no impact upon hurricane evacuation times. The eight (8) dwelling unit per acre maximum is consistent with other Low Density Residential properties within the immediately vicinity, which are permitted 7 dwelling units per acre. In addition, staff notes that any future site plans and construction plans will need to conform to the City’s floodplain management regulations and will need to incorporate climate resilient development techniques as listed in Policy 9.2.2.2.

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

Applicant Response: See Exhibit “D”

Staff Finding: The proposed Future Land Use of Medium Density Residential will allow for a greater diversity of housing in the neighborhood and the City. With the increasing cost of rent, multi-family housing as infill on a smaller scale than the larger multi-family projects are more frequently being constructed and can increase the supply of more affordable rentals. Such smaller infill projects also serve to increase the diversity of housing for persons seeking an alternative to the large multi-family project commonly found today. Such infill projects can allow persons to have a greater sense of neighborhood.

- g. Whether or not the proposed change will adversely influence living conditions in the neighborhood.

Applicant Response: See Exhibit “D”

Staff Finding: Staff finds that the proposed change will not adversely influence living conditions in the neighborhood. The limitations on density placed on the property in the preceding Future Land Use Map amendment will ensure that development of the site will be in the proper scale for the neighborhood and limited to 4 dwelling units given the size of the property. This project will add to the neighborhood by increasing the housing opportunity and

providing an opportunity for new residents.

- h. Whether or not the proposed change will create or excessively increase traffic congestion or otherwise affect the public safety.

Applicant Response: See Exhibit “D”

Staff Finding: Staff finds that due to the minimal increase in density and the small size of the property, the proposed amendment will not create or excessively increase traffic congestion in the area. The property’s proximity to North Indian River Drive and U.S. 1 will also reduce any traffic impacts on the area.

City staff has reviewed this petition, and did not find any concern with the amendment affecting the public safety. This project has not been found to create any impacts on the response time of emergency personnel.

- i. Whether or not the proposed change will create a drainage problem.

Applicant Response: See Exhibit “D”

Staff Finding: Staff finds that the proposed change will not create a drainage problem. Staff from the Public Works Department has reviewed the petition, and raised no concerns with drainage. The rezoning from RE to RU-2-15 will allow for maximum lot coverage to increase from 20% under RE to 40% under RU 2-15. (“Lot coverage” means the percentage of the lot or parcel of land that is covered or occupied by all principal and accessory structures. Fences, driveways, swimming pools, pavers, and decks less than thirty (30) inches in height shall not be included in the computing of lot coverage.) In addition, with a change from Very Low Density Residential to Medium Density Residential, the maximum impervious surface ratio increases from .40 to .70. However, the applicant will be required to comply with stormwater level of service requirements at the time of site plan review. In addition, the additional condition that the density may only be increased to 8 dwelling units per acre should also have the practical result of decreasing lot coverage of the project. Finally, constraints regarding the placement of fill, structures, and accompanying compensatory storage in the floodplain likely will have the practical effect of reducing increased impervious surfaces on the property.

- j. Whether or not the proposed change will seriously reduce light or air to adjacent areas.

Applicant Response: See Exhibit “D”

Staff Finding: Staff finds that the zoning intensity proposed by the zoning amendment will not be of a height or bulk scale to decrease air or light to the surrounding areas. Height restrictions of 35 feet apply in both the RE and RU-2-15 equally.

- k. Whether or not the proposed change will adversely affect property values in the adjacent area.

Applicant Response: See Exhibit “D”

Staff Finding: Staff finds that the proposed amendment will likely not adversely affect property values in the adjacent area. Rather, new buildings to enhance the older multi-family buildings in the area may serve to increase property values. Given the limited number of units that can be built with the density cap of eight (8) dwelling units per acre, staff does not anticipate any adverse effect to property values in the neighboring Residential Estate properties along North Indian River Drive.

- l. Whether or not the proposed change will be detrimental to the improvement or development of adjacent property in accord with existing regulations.

Applicant Response: See Exhibit "D"

Staff Finding: Staff finds that the proposed change will not be detrimental to the improvement or development of adjacent property. The street is currently largely undeveloped, and the development which does exist is generally two-story multi-family as proposed by the applicant. The area is currently largely undeveloped.

- m. Whether or not the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

Applicant Response: See Exhibit "D"

Staff Finding: Staff finds that the proposed change will not constitute a grant of special privilege to the applicant as the amendment is consistent with the land use pattern along Dixon Boulevard. The project will also not be detrimental to the public welfare.

- n. Whether or not there are substantial reasons why the property cannot be used in accord with the existing zoning.

Applicant Response: See Exhibit "D"

Staff Finding: Staff does not believe there is a substantial reason that the property cannot be used in accordance with the existing zoning of Residential Estate. However, the Applicant desires to build a four-plex that would not be possible under the existing zoning.

- o. Whether or not the change suggested is out of scale with the needs of the neighborhood.

Applicant Response: See Exhibit "D"

Staff Finding: Staff finds that the change suggested is not out of scale with the needs of the neighborhood. Existing development in the area is predominately small multi-family buildings or larger home along the Indian River.

- 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.

Applicant Response: See Exhibit "D"

Staff Finding: Staff does not believe it would be impossible to find other adequate sites for development of multi-family uses. However, staff does not believe the requested rezoning is inconsistent with the surrounding land use pattern.

STRATEGIC PLAN CONNECTION:

N/A

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

The City's Planning and Zoning Board held a public hearing on this request for a rezoning on September 7, 2022. Given that the Planning and Zoning Board recommended denial of the accompanying future land use amendment, the Board also recommended denial of the rezoning request. Absent approval of the future land use amendment to Medium Density Residential, the rezoning request to RU-2-15 would not be consistent with the City's Comprehensive Plan.

RECOMMENDED MOTION:

Staff recommends that the City Council approve on first reading Ordinance 12-2022, 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 0.59-acre parcel from "Residential Estate" (RE) to the Multiple Family Dwelling District (RU-2-15).