



Legislation Details (With Text)

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<b>Title:</b>	Consideration of a City-initiated Zoning Map Amendment to change the Zoning category of (18) parcels of real property totaling approximately 3.1 acres from City of Cocoa RU-1-7 "Single-Family Residential" to C-N "Neighborhood Commercial"....End				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Ordinance 09-2024 _ Rezoning Cocoa Place.pdf, 2. Legal Ad P&Z July 11.pdf, 3. Exhibit A- Re-Zoning Location.pdf, 4. Exhibit B- Re-Zoning.pdf				

Date	Ver.	Action By	Action	Result
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**PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM**

Memo Date: July 2, 2024  
 Agenda Date: July 11, 2024  
 Prepared By: Jennifer Webster - Planner, City of Cocoa  
 Through: Stockton Whitten - City Manager

Requested Action:  
 Consideration of a City-initiated Zoning Map Amendment to change the Zoning category of (18) parcels of real property totaling approximately 3.1 acres from City of Cocoa RU-1-7 "Single-Family Residential" to C-N "Neighborhood Commercial"..

**BACKGROUND:**

This rezoning request to C-N is being made concurrently with Ordinance 08-2024 which is the request to change the Future Land Use (FLU) category of these parcels from "Commercial" to "Neighborhood Commercial". For purposes of further discussion, this report assumes that this request has been received and granted by the Board. The subject parcels are located along Cocoa Place, west of the intersection of Cocoa Place and North Cocoa Blvd, as shown in the attached Exhibit "A". The subject parcels have been developed and platted as a single-family residential neighborhood since 1959. Single-family residential as a *land use* is not compatible or permissible within the current Commercial FLU. Furthermore, RU-1-7 is not an allowable zoning district within the Commercial FLU. See Zoning Map, Exhibit "B". It was recently brought to the City's attention that one of the properties' primary structures was completely lost due to a fire. Because the lot is now vacant, a single-family residence cannot be reconstructed until the future land use and zoning designations are consistent and are established such that single-family residential is an allowable use.

Although the subject parcels have existed in the City since approximately 1959, the lot dimensions are considered nonconforming to the City’s current development standards for the RU-1-7 zoning district. Particularly, the lot widths are only 60’, where the minimum required lot width for RU-1-7 is now 75’. However, in accordance with Appendix A, Zoning, Article X, Nonconformities, Sec. 3., in any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot which is of record, even if it is non-conforming due to its dimensions. Any new homes that are erected will be required to meet applicable setbacks absent approval of a variance.

Neighborhood Commercial (C-N) allows for single-family homes to be constructed in accordance with RU-1-7 standards. If these parcels are rezoned to C-N, the existing single family use will be consistent with both their anticipated Neighborhood Commercial future land use and zoning. Single-family redevelopment where structures are lost due to fire or other natural disaster will be permissible. However, utilization of the properties for multi-family or neighborhood commercial development will require the future aggregation of lots to ensure that they are no longer nonconforming. Accordingly, not only will rezoning to C-N allow the permissible redevelopment of single-family uses, it would also expand the opportunity for other uses (small scale multi-family and neighborhood commercial uses) if and only if two or more of these lots were to be *combined* in the future.

Therefore, staff feels that the most practical solution to make the zoning and the future land use of these parcels consistent is to rezone them to C-N in conjunction with the future land use amendment to Neighborhood Commercial.

**Future Land Use Designation:** Current: Commercial  
Proposed: Neighborhood Commercial (Ord 08-2024)

**Zoning District:** Current: RU-1-7 (Single-Family Residential)  
Proposed: C-N (Neighborhood Commercial) (Ord 09-2024)

**Existing Land Use:** Single-family residential

**Council District:** District 2 - Councilmember Lavander Hearn

**Legal Ad Date:** June 26, 2024

**Overview of Surrounding Area:**

	Future Land Use Designations	Zoning Districts	Land Uses
North	Commercial	General Commercial (C-G)	Used Auto Sales
South	Commercial	Wholesale Commercial (C-W)	Mixed Use Commercial

East	Neighborhood Commercial	Residential Professional (R-P); RU-2-25; C-N, RU-2-15	Medical/Office, Stormwater Pond, Residential
West	N/A	N/A	FEC Railroad

(Immediately west of the FEC Right of Way has an Industrial FLU designation)

**I. Rezoning Analysis**

The Planning & Zoning staff have studied and considered the following criteria, according to Appendix A of the City of Cocoa, Article XXI, Section 1(G), to show whether or not:

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

Staff Finding: The surrounding land area consists of primarily commercial use. Therefore, this request is not contrary to the established land use pattern. Further, as described above, the C-N zoning district allows for single-family residential uses.

- 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 General Commercial (C-G), Wholesale Commercial (C-W), Residential Professional (R-P), and RU-2-25 and C-N for those properties across US-1. The Florida East Coast Railroad Right of Way is directly west of this property. The area of the subject parcels that will be designated as Neighborhood Commercial (C-N) will not create an isolated district unrelated to adjacent and nearby districts and is located very close to other C-N zoned properties on US-1.

- 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 area to be rezoned is +/- 3.1 acres consisting of (18) individual lots averaging .17 acres each. Seventeen (17) of these lots consist of (1) single-family dwelling unit, which is consistent with its current zoning of RU-1-7. One (1) lot is vacant. The existing density is likely to remain unchanged absent the aggregation of the existing platted lots. Only in the event of a multiple lot combination would the density be permitted to increase. Therefore, at this time, the proposed change would not materially alter the population density pattern nor will it increase or overtax the load on the City’s public facilities. Even in the event that all of the affected properties were aggregated, the maximum number of multi-family units that could be constructed would be 45 units (a net increase of 27 units), which is unlikely to overtax public facilities.

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

Staff Finding: The Subject Parcels are currently zoned RU-1-7 and are not drawn illogically in relation to their existing conditions on the property proposed for change. However, the RU-1-7 zoning district is inconsistent with the current Commercial FLU designation. The boundary of this district is appropriate in consideration of the request to rezone to C-N.

- e. *The proposed change would be contrary to the Future Land Use Map and would have an adverse effect on the Comprehensive Plan.*

Staff Finding: The proposed rezoning is consistent with Future Land Use Element Policy 1.1.2.8. **Neighborhood Commercial** in that these areas are “intended to be low-impact in nature and serve the needs of the immediate residential area.” Further, in Figure FLU-1, *Standards for Future Land Use Categories*, shows that C-N is an applicable zoning district for the Neighborhood Commercial FLU. The proposed rezone to C-N would not have an adverse effect on the Comprehensive Plan.

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

Staff Finding: It was recently brought to the City’s attention that one of the properties’ primary structures was completely destroyed due to a fire. With the lot now cleared and vacant, the lot remains undevelopable under the current zoning, due to the incompatibility with the current Commercial FLU. The City recognizes that any future losses of use would not be able to be restored if no change was made. It is this awareness of circumstance that makes the passage of the proposed amendment necessary. The proposed rezoning will allow for future restoration due to any foreseeable losses and will also be consistent with the surrounding zoning districts and mix of commercial uses.

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

Staff Finding: The existing density is likely to remain unchanged absent aggregation of the previously platted lots and is not expected to adversely influence living conditions in the neighborhood. Conversely, new, individual, single-family redevelopment will be permitted which would increase the value of and beautify the properties. Only in the event of a multiple lot combination would the density be permitted to increase, at which time the development would be reviewed on a case by case basis as to the impact on the neighborhood.

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

Staff Finding: It is not anticipated that the proposed rezoning would create or excessively increase traffic congestion or otherwise affect public safety. As noted above, Fire Protection is provided by the City of Cocoa’s Fire Station No. 2 (300 Brunson Avenue) which is located 1.5 miles south of the subject parcels. All stations will continue to provide Enhanced BLS (Basic Life Support) services and fire prevention and protection services.

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

Staff Finding: Any new single-family development in this neighborhood will be required to not exceed the maximum lot coverage, or the maximum impervious surface ratio (ISR) that is required for single-family development standards so as not to impact public stormwater areas.

Therefore, it is not anticipated the proposed change will create a drainage problem. In the event of future lot combinations, the developments would also be required to meet those regulations for stormwater retention.

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

Staff Finding: Any new construction is required to meet the requirements of the City Code to ensure light and air to adjacent areas are not reduced. It is not anticipated that this project will reduce light and air to adjacent areas.

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

Staff Finding: As previously mentioned, the area to be rezoned is +/- 3.1 acres and relatively small compared to the adjacent commercial properties. It is not anticipated that the zoning change will adversely affect property values in the adjacent areas. Conversely, new, individual, single-family redevelopment would increase the value of and beautify the properties. Furthermore, in the event of future lot combinations to create small scale multifamily or commercial developments, this would further increase property value in the neighborhood.

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

Staff Finding: It is not anticipated that the proposed rezoning would be a deterrent to the improvement or development of adjacent property, as it is increasing the land use compatibility with the adjacent properties. None of the surrounding properties are vacant, and the rezoning is not anticipated to functionally impact any surrounding parcel.

- 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 is City-initiated and will not constitute a grant of special privilege to the property owners of the subject parcels as contrasted with the public welfare. The proposed zoning designation meets the requirements of the Comprehensive Plan and is consistent with the commercial zoning districts in the surrounding area.

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

Staff Finding: As previously mentioned, the current zoning district of RU-1-7 is not permitted in a Commercial or Neighborhood Commercial FLU. As a result of this limitation, the properties cannot be developed or restored without a rezoning. It is necessary to rezone to C-N in order to provide a permissible path to single-family development.

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

Staff Finding: The proposed rezoning is not out of scale with the needs of the area and would complement the existing commercial character 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:** There is no proposed use being requested at this time. However, the rezoning of these properties will expand the acceptable uses for future development.

### **Consistency with Comprehensive Plan Policies and Objectives**

The proposed C-N “Neighborhood Commercial” zoning designation is consistent with the allowable uses under the “Neighborhood Commercial” 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.*

If capacity issues relating to any public facilities or services regulated by the City of Cocoa adopted Comprehensive Plan is identified, necessary and appropriate mitigation will be required to be addressed prior to construction. As stated above, the maximum density increase possible as a result of the rezoning will be a net gain of 27 units. This is minimal and is not anticipated to negatively impact public facilities, particularly because the property is adjacent to a major arterial of US-1. However, because the lots are nonconforming in nature, the density is likely to remain unchanged, and no further impact to public facilities is anticipated.

### **BUDGETARY IMPACT:**

N/A

### **PREVIOUS ACTION:**

N/A

### **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 (18) parcels along Cocoa Place, totaling approximately 3.1 acres, from RU-1-7 “Single-Family Residential” to C-N “Neighborhood Commercial”.