



Legislation Text

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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 Ordinance 08-2024, a City-initiated Future Land Use Map (FLUM) Amendment consistent with Florida Statute Chapter 163, of (20) parcels of real property totaling approximately 3.36 acres from City of Cocoa “Commercial” to City of Cocoa “Neighborhood Commercial.””

### **BACKGROUND:**

The Subject Parcels for this FLUM amendment are comprised of a grouping of (20) contiguous parcels totaling approximately 3.36 acres. The parcels are located along Cocoa Place, west of the intersection of Cocoa Place and North Cocoa Boulevard. A map depicting the location of the Subject Parcels is attached as Exhibit “A”, also described as:

106 - 139 Cocoa Place, 863 N Cocoa Blvd and 865 N Cocoa Blvd.

Staff determined that the current Zoning and current Future Land Use of the Subject Parcels are inconsistent. All of the parcels currently have the Future Land Use designation of **Commercial**, as shown in Exhibit “B”. However, the current zoning district of (18) of these parcels is RU-1-7 (Single-Family Residential), and R-P (Residential Professional) for (2) parcels. Neither RU-1-7 nor R-P are allowable zoning districts within the Commercial future land use designation. This incompatibility between the FLU and current zoning designations prevents the property owners from any expansion of current use or redevelopment should it be necessary due to loss of property or voluntarily. This FLUM request is in combination with the request to rezone (18) of the parcels to the C-N (Neighborhood Commercial) zoning district (See Ord. 09-2024). The two R-P parcels at the intersection of Cocoa Place and N Cocoa Blvd will remain zoned R-P, as both R-P and C-N are applicable zoning districts under the Neighborhood Commercial FLU category. The request for re-assignment of a Future Land Use designation to Neighborhood Commercial must be consistent with the City’s Comprehensive Plan. Policy 1.1.2.8 states that these areas “are intended to be low-impact in nature and serve the needs of the immediate residential area.” The Subject Parcels area less than 500’ from other “Neighborhood Commercial” designated uses, and it is less than 1500’ from a variety of residential areas. Eighteen (18) of the parcels are currently residential. This Future Land Use supports commercial uses, but is transitional as it allows for small scale commercial, multi-family, and single-family uses. Most importantly, the Neighborhood Commercial future land use designation is the only FLU designation in which R-P is an allowable

zoning district, with the exception of Mixed-Use which is generally currently located only in the Cocoa Village, north of Cocoa Village, and the south side of SR 520.

Therefore, staff feels that the most practical solution to ensure consistency of the Future Land Use with the Zoning of these parcels is to recategorize them as Neighborhood Commercial, while rezoning eighteen of the parcels to the compatible category of C-N (Neighborhood Commercial) under associated Ord 09-2024.

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

**Zoning District:** Current: (18) Parcels RU-1-7 (Single-Family Residential)  
(2) Parcels R-P (Residential Professional)

Proposed (Under Ord. 09-2024):  
(18) Parcels to C-N (Neighborhood Commercial)  
(2) Parcels to remain R-P (Residential Professional)

**Existing Land Use:** (18) Single-Family Residential and  
(2) Medical Office, Professional Office

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

**Overview of Surrounding Area:**

	Future Land Use Designations	Zoning Districts	Land Uses
<b>North</b>	Commercial	General Commercial (C-G)	Used Auto Sales
<b>South</b>	Commercial	Wholesale Commercial (C-W)	Mixed Use Commercial
<b>East</b>	Neighborhood Commercial	RU-2-25, C-N, and RU-2-15	Stormwater Pond, Medical Office, Residential
<b>West</b>	N/A	N/A	FEC Railroad

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

**I. COMPREHENSIVE PLAN AMENDMENT ANALYSIS**

**Consistency with Code of the City of Cocoa**

Planning & Zoning staff has addressed the criteria contained in Chapter 15, Article II, Sections 15-10 and 15-11 below:

- (1) Whether the proposed amendment will have a favorable or unfavorable effect on the city's budget or the economy of the city or the region;

**Staff Finding** The proposed amendment solves Zoning inconsistencies with the Future Land Use (FLU), establishing a more appropriate and logical land use pattern in this area of the City of Cocoa. The ability to redevelop and/or improve these parcels will increase property value, the potential for additional tax revenue, and other benefits to the local economy.

- (2) Whether the proposed amendment will diminish the level of service of public facilities;

**Staff Finding:** The Subject Parcels are an existing, established neighborhood. There is no anticipated increase in density or intensity. Therefore, the proposed amendment will not negatively impact or diminish the service level of public facilities, as described below.

Potable Water: The City of Cocoa Utilities Department provides water service to these (18) single-family and (2) small office parcels. Given the maximum achievable units on the property, there is no anticipated impact on potable water level of service.

Sanitary Sewer: The Subject Parcels area served by the City of Cocoa Utilities Department for sewer service to these (18) single-family and (2) small office parcels. Given the maximum achievable units on the property, there is no anticipated impact on sanitary sewer service.

Solid Waste: The solid waste service to the Subject Parcels is provided through the City's Solid Waste agreement, and shall continue to be served as such, in accordance with the applicable LOS standards and pursuant to the applicable requirements of the Waste Management Agreement and City Code.

Stormwater Management: It is not anticipated that the FLUM amendment will impact the stormwater management, as future development will be the same or similar to the existing density and intensity. Site plans for new developments will be required to adhere to the City's stormwater level of service standards.

Transportation: If a property is modified from its current use, a traffic impact analysis or Trip memorandum will be required to determine potential traffic impacts.

Parks: The Subject Parcels are an existing, established neighborhood. The quantity of park acreage within the City already far exceeds the minimum requirement of the comprehensive plan. There is no anticipated increase in density or intensity that will impact the requirements of the

Parks and Recreation element of the Comprehensive Plan.

Schools: As mentioned above, this is an existing, established neighborhood. There is no anticipated increase in density or intensity that will impact the requirements of the Public School Facilities Element of the Comprehensive Plan.

- (3) Whether there will be a favorable or unfavorable impact on the environment or the natural or historical resources of the city or the region as a result of the proposed amendment;

**Staff Finding:** The text amendment will not impact any natural or historical resources.

- (4) Whether the proposed amendment is consistent with and its effect upon the goals, objectives, and policies of the state comprehensive plan set forth in Chapter 187, Florida Statutes, and the East Central Florida Comprehensive Regional Policy Plan, adopted by Rule 29F-19.001, Florida Administrative Code;

**Staff Finding:** The proposed text amendment meets the following goal of the State Comprehensive Plan, Chapter 187.201(15) LAND USE - "In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner".

- (5) Whether the city is able to provide adequate service from public facilities to the affected property, if the amendment is granted, and whether the amendment will promote the cost/effective use of or unduly burden public facilities below the level of service set in the comprehensive plan;

**Staff Finding:** The proposed text amendment would not alter the City's ability to provide service capacity to lands under the Neighborhood Commercial FLU designation.

- (6) Whether the amendment is compatible with surrounding neighborhoods and land use;

**Staff Finding:** As mentioned above, the Subject Parcels are currently designated as Commercial FLU, with which the Neighborhood Commercial FLU category is compatible as it still supports commercial uses, but is transitional as it allows for small scale commercial, multi-family, and single-family uses.

- (7) If the amendment being requested is consistent with all the elements of the comprehensive

plan.

**Staff Finding:** The proposed FLUM amendment is consistent with the following Comprehensive Plan policies:

Land Use Element

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

**Policy 1.1.1.1:** Land Use Categories. The adopted FLUM contains and identifies appropriate locations for the following land use categories. The maximum densities/intensities shown in Figure FLU-1 are not guaranteed for all sites within each category. The zoning map and land development regulations may impose tighter densities and intensities of development based on land use allocation criteria policies.

**Policy 1.1.2.8 Neighborhood Commercial (NCOMM).** Neighborhood commercial areas are intended to be low-impact in nature and serve the needs of the immediate residential area. The following criteria shall be used for determining appropriate locations for neighborhood commercial land use designations on the future land use map.

- A. Neighborhood commercial areas may be allowed closer to the residential neighborhoods.
- B. The City anticipates that the average overall mix of uses in the Neighborhood Commercial Land Use category throughout the City will be a minimum of 85% commercial/office, public/institutional and recreational and a maximum of 15% residential.
- C. Pedestrian connectivity between neighborhood commercial and surrounding multi-family developments is highly encouraged.
- D. The following factors shall be considered when designating new Neighborhood Commercial areas or expanding existing Neighborhood Commercial areas:
  1. A land use compatibility study shall be conducted by the applicant to analyze the potential impact of a proposed new Neighborhood Commercial area or Neighborhood Commercial area expansion on the character of the surrounding uses, neighborhoods and natural environment.
  2. A multimodal transportation study shall be conducted by the applicant demonstrating that the transportation systems including roads, pedestrian walkways, bike ways, transit facilities affected by the proposed Neighborhood Commercial areas have sufficient current and projected capacity to handle the travel demand generated by the increased intensity. Additionally, multimodal transportation study shall address the requirements and level of service standards of the Transportation Element.
  3. The applicant shall prepare and submit a market study to demonstrate market demand and economic potential for a proposed Neighborhood Commercial area. The market study should include data and analysis concerning the

existing, planned and approved supply of commercial property within the market area, occupancy patterns and trends, the demand for commercial uses allowed under the Neighborhood Commercial designation and the demand for the commercial uses specifically proposed.

4. The City may consider the following qualitative factors when reviewing proposed Neighborhood Commercial areas:

(a) Whether existing vacant Neighborhood Commercial land in the market area can accommodate the size, shape, location, visibility, and access requirements of the proposed uses.

(b) Whether opportunities are available to redevelop existing Neighborhood Commercial land within the market area.

(c) Whether the proposed designation will encourage reinvestment in deteriorating or underutilized area, protect property values, discourage the proliferation of low intensity strip commercial uses and promote infill development.

E. At the discretion of the Planning and Zoning Administrator applicant submitted transportation or market studies may be waived for small scale future land use map amendments.

F. Annexed lands at the time of the initial City land use designation shall be exempt from the above study requirements provided the lands proposed for Neighborhood Commercial designation maintained a Brevard County Neighborhood Commercial future land use designation and no net increase in density or intensity will occur as a result of the City future land use designation. Notwithstanding the exemption from the above requirement any future land use map amendment is still subject to the requirements of Chapter 163 Part II Florida Statutes (F.S.).

G. For the purposes of analyzing public facilities impacts of proposed Future Land Use Map amendments, a mix of 85% non-residential and 15% residential land area split shall be utilized.

(8) Whether the amendment will have a favorable or adverse effect on the ability of people to find adequate housing reasonably accessible to their places of employment;

**Staff Finding:** The proposed FLUM amendment is designed to allow the single-family use to continue without being in conflict with the FLU, and the property uses are anticipated to remain single-family residential. Therefore, the amendment will not adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.

- (9) Whether the proposed amendment will promote or adversely affect the public health, safety, welfare, economic order, or aesthetics of the region or the city.

**Staff Finding:** The proposed application will reinforce the positive elements of the City by paving the way for future economic vitality without any negative impacts to public health, safety, and welfare.

**STRATEGIC PLAN CONNECTION:**

N/A

**BUDGETARY IMPACT:**

N/A

**PREVIOUS ACTION:**

N/A

**RECOMMENDED MOTION:**

Staff recommends the Planning & Zoning Board recommend **APPROVAL** to the City Council of Ordinance 08-2024, a City-initiated request of a Future Land Use Map Amendment consistent with Florida Statute Chapter 163 to change the Future Land Use Map designation of (20) parcels of real property totaling approximately 3.36 acres from "Commercial" to "Neighborhood Commercial".