



Legislation Details (With Text)

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Title:	Approval of a large scale Future Land Use MAP (FLUM) AMENDMENT consistent with Florida Statute Chapter 163 for Applicant and City initiated requests to change the Future Land Use Map designation of fifty-nine (59) parcels from Brevard County "Residential 2 Units Per Acre - R2" to City of Cocoa "Low Density Residential - LDR" with conditions. (Community Services Director)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. Ordinance 04-2020 FLUM Amendment Cape Canaveral Heights to LDR.pdf, 2. Exhibit A - Parcel Map.pdf, 3. RECORDED - Pre-Annexation Development Agreement.pdf, 4. Cocoa-Cape Canaveral Heights FLU Map.pdf, 5. Cocoa-Cape Canaveral Heights Location Map 6-2-20.pdf, 6. FLUM Application.pdf, 7. Legal Ad Proof (CC) - FLUM.pdf				

Date	Ver.	Action By	Action	Result
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CITY COUNCIL AGENDA ITEM

Memo Date: August 21, 2020
Agenda Date: September 9, 2020
Prepared By: Dodie Selig, Planning & Zoning Manager
Through: Nancy A. Bunt, Community Services Director
Requested Action:

APPROVAL OF A LARGE SCALE FUTURE LAND USE MAP (FLUM) AMENDMENT consistent with Florida Statute Chapter 163 for Applicant and City initiated requests to change the Future Land Use Map designation of fifty-nine (59) parcels from Brevard County "Residential 2 Units Per Acre - R2" to City of Cocoa "Low Density Residential - LDR" with conditions.

BACKGROUND:

On January 8, 2020, Ordinance 24-2019 was approved by the City Council, annexing fifty-nine (59) parcels of real property into the City of Cocoa. The subject property for this Future Land Use Map amendment is comprised of the 59 individual parcels previously annexed, consisting of approximately 139.23 acres of undeveloped land. Of the total subject site area, 43 parcels, containing 122.58 acres, are owned by three companies represented by the Applicant, Cantwell & Goldman, P.A. The remaining 16 parcels, containing 16.65 acres, are owned by other individuals. The property owners the Applicant represents wish to develop single-family homes on their property. Accordingly, the Applicant has petitioned the City for the application of a Future Land Use designation. The City is also considered an applicant for a city-initiated Future Land Use amendment for those properties (16 parcels) not represented by Cantwell & Goldman, P.A. This will allow those individual property owners to develop their parcels at some future date as well as ensuring that the FLU designations of

all parcels are compatible with each other. Hereinafter, the use of “Applicant” refers to both Cantwell & Goldman, P.A. and the City of Cocoa. A map depicting the subject parcels is attached as Exhibit A.

The subject property is located primarily north of the intersection of State Road 524 and State Road 520, bounded on the west by vacant, agricultural and residential unincorporated Brevard County parcels, on the east by Adamson Road, on the south by State Road 520 and State Road 524, and on the north by Florida Power and Light right-of-way.

The subject parcels are currently under Brevard County Residential 2 designation which permits lower density residential development with a maximum density of up to two (2) dwelling units per acre. This may be increased to 2.5 dwelling units per acre where a planned unit development concept is utilized.

During the annexation process, the primary property owners (owning 122.58 of the 139.23 acres) entered into a Pre-Annexation Development Agreement with the City of Cocoa, which is recorded in Brevard County Official Records Book 8598, Page 470. This Pre-Annexation Agreement provided that the City would process a future land use designation consistent with low density residential and eventual rezoning consistent with a Planned Unit Development. The City’s processing of the FLU designation and rezoning would, as agreed, remain subject to necessary public participation and hearings as required by law and submission of competent and substantial evidence in support thereof.

The proposed Low Density Residential designation is intended for neighborhoods of single-family detached housing, limited multiple family attached housing and limited clustered single family attached housing. Institutional, open space and recreational uses are also allowed in this category. The maximum density of the LDR designation is seven (7) dwelling units per acre although this may be increased up to 12 dwelling units per acre as part of a planned unit development per City of Cocoa Comprehensive Plan Policy 1.1.2.3.C. However, through the Pre-Annexation Development Agreement, the primary property owners agreed that any PUD project eventually developed on 122.58 acres of the property would have the following characteristics:

- **A maximum density of 4 dwelling units (d.u.) per gross acre**
- Minimum lot widths of 50 feet
- Minimum Lot Size of 5,000 square feet
- Minimum of one (1) enclosed parking space and two (2) driveway spaces
- 4 foot wide sidewalks along interior roadways
- Preserved wetlands counted as open space acreage on a one to one per acre (or fraction thereof) as provided in the Agreement
- Minimum internal roadway drive lane width of 11 feet, or 22 feet for a two way street

The assignment of a City Future Land Use designation must be consistent with the City’s Comprehensive Plan. Policy 1.1.2.3 Low Density Residential requires lands under this designation to provide buffers from the nuisance effects of higher intensity uses and major traffic corridors. Additionally, LDR developments should be located in areas where more intensive development would be unwarranted due to environmental constraints. The subject parcels are located just north of State Road 520 and 524. In this area, Lake Poinsett’s northern shore is just to the south of SR 520 and a portion of the southern part of the subject properties is in flood zone AE. In addition, there are a number of wetland areas over the subject parcels based on data from the national Wetlands

Inventory.

Future Land Use Designation: Current: Brevard County Residential 2

Proposed: Low Density Residential

Zoning District: Current: Brevard County RR-1 (Rural Residential), AU (Agricultural Residential), RVP (Recreational Vehicle Park), TR-3 (Mobile Home Park)

Proposed: A residential zone will be proposed in the future.

Existing Land Use: Vacant

Council District: District 3 - Councilmember Don Boisvert

Overview of Surrounding Area:

	Future Land Use Designations	Zoning Districts	Land Uses
North	Residential 2 (Brevard County)	AU and RR-1 (Brevard County)	Residential dwelling and vacant land
South	Community Commercial and Residential 2 (Brevard County)	RR-1, BU-1 and PUD (Brevard County)	Vacant land
East	Residential 8 and Neighborhood Commercial (Brevard County) and Medium Density Residential (City of Cocoa)	SR, AU and AGR (Brevard County) and RR-1 (City of Cocoa)	Residential dwellings and grazing land
West	RES-1 (Brevard County)	AU (Brevard County)	Vacant land

Large Scale 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: Application of a City of Cocoa LDR Future Land Use designation would allow for single family home development on the property. This would add additional tax revenue to Brevard County and the City of Cocoa with the City assuming responsibility for public improvements associated with the development.

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

Staff Finding: The future land use amendment will not negatively impact or diminish the service level of public facilities.

Potable Water: The subject parcels are abutting City of Cocoa public potable water main transmission lines. These main transmission lines may be extended via standard-sized

potable water service line extensions to the subject parcels.

Sanitary Sewer: The subject parcel is not currently served by the City of Cocoa Utilities Department for sanitary sewer service. Sanitary sewer in this area is provided by Brevard County Utilities. Properties within the City limits and in unincorporated County are served by Brevard County Utilities. The County maintains both a 10" sanitary sewer line on State Road 524 and a 12" sanitary sewer line on State Road 520 abutting the subject parcels. Both lines include existing force mains.

Solid Waste: As the property is currently vacant, there is no solid waste service to the parcel. If the property is developed in the future, a private hauler would provide service.

Stormwater Management: The application is subject to the City of Cocoa's stormwater utility program. Said program is now funded by a levy of an annual stormwater utility special assessment. The assessment provides funding to maintain the City's stormwater utility program which provides maintenance for the retention ponds and drainage features in the area.

Transportation: The subject property has options for entrances from State Road 520 & 524, which are classified as arterial roadways on Map M-II-2 of the City of Cocoa Comprehensive Plan 2020 - 2030. Overall, there would be minimal effect on the transportation capacity of the immediate area.

(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 subject property is vacant and covered with vegetation. Staff is not aware of any natural or historical resources that would be impacted by the development of this property. Tree, wildlife, and wetland studies will need to be completed prior to approval of a site plan or subdivision application.

(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 subject properties meet 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.

This application is also consistent with the East Central Florida region's 2017 Comprehensive Economic Development Strategy - Goal PL3: Promote smart growth principles and the development of community amenities.

(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: Police Protection is provided by the City of Cocoa Police Department. They indicate that they will be able to provide crime prevention and police protection services at the same level of service provided to other City residents and businesses with existing resources.

Fire Protection is provided by the City of Cocoa's Fire Station No. 3 (3505 SR 524), located ± 4 miles from the intersection of State Road 520 and State Road 524, serving as the primary station. Back-up service will be provided by City of Cocoa's Fire Station No. 1 (1740 Dixon Blvd.), located ± 6 miles from the same intersection and Brevard County's Fire Station No. 44 (3785 W. King Street), located ± 7.0 miles from the intersection of State Road 520 and State Road 524. All stations will provide Enhanced BLS (Basic Life Support) services and fire prevention and protection services.

Since annexation, the property has been subject to the City of Cocoa's levy of an annual fire special assessment to fund all or part of the fire protection services and facilities afforded by the City of Cocoa to properties located within the jurisdictional limits of the City of Cocoa

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

Staff Finding: The proposed Future Land Use of Low Density Residential will be consistent with the large lot neighborhood developments in the area. Currently, the proposed area is covered by a Brevard County Future Land Use of Residential 2. The area is zoned AU Agricultural Residential on the eastern portion, TR-3 Mobile Home Park on the northwest portion and RVP Recreational Vehicle Park on the southwest portion. Pursuant to Section 171.062 Florida Statutes, Brevard County land use plan and zoning or subdivision regulations will remain in effect until the City of Cocoa adopts City zoning for the area. As stated above, the Pre-Annexation Agreement entered into with the City for a large portion of the subject property requires a maximum density of 4 dwelling units per gross acre, which is consistent with the surrounding area.

Surrounding General Land Use Pattern:

	Future Land Use Designations	Density Allowed	Current Land Use
North	Residential 2 (Brevard County)	2 dwelling units/acre	Residential dwelling and vacant land
South	Community Commercial and Residential 2 (Brevard County)	N/A and 2 dwelling units/acre	Vacant land
East	Residential 8 and Neighborhood Commercial (Brevard County) and Medium Density Residential (City of Cocoa)	8 dwelling units/acre, N/A and 15 dwelling units/acre	Residential dwellings and grazing land
West	RES-1 (Brevard County)	1 dwelling unit/acre	Vacant land

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

Staff Finding: The subject properties are constant with the following goals of the comprehensive plan: GOAL 3.1: The City shall encourage and promote the provision of

decent, safe, and sanitary housing to meet the needs of the present and future population of the City. GOAL 13.1: The City shall maintain an ongoing commitment to Intergovernmental Coordination to ensure that the growth management goals of the comprehensive plan will be effectively implemented.

In addition, the designation must be consistent with the specific Comprehensive Plan policies regarding appropriate locations for Low Density Residential:

Policy 1.1.2.3.A Low Density Residential requires lands under this designation to be buffered from the nuisance effects of higher intensity uses and major traffic corridors. Although this property is located at the intersection of SR 520 and SR 524, the low density residential designation is appropriate due to the lower intensity uses on the surrounding properties.

Policy 1.1.2.3.B LDR developments should be located in areas where more intensive development would be unwarranted due to environmental constraints, incompatible with surrounding land uses, or where criteria set forth in Paragraph c, below, cannot be met. Low density residential is appropriate for this property because of the low density of the surrounding properties.

Policy 1.1.2.3.C Is not applicable because it allows increased densities up to 12 units per acre as part of a planned residential development. However, as discussed above, through the Pre-Annexation Agreement, the gross density of this site may not exceed 4 dwelling units per acre.

Policy 1.1.2.3.D Is also not applicable because it provides for clustered single family attached housing under certain criteria. Per the Pre-Annexation Agreement, any development shall have minimum lot widths of 50' and minimum lot sizes of 5,000 square feet, which is not indicative of clustered single family attached housing.

(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 will provide a favorable effect on the variety of housing options for the citizens of Cocoa. The densities in the area range from 8 dwelling units per acre to 1 dwelling unit per acre. The FLU of Low Density Residential has a maximum density of 7 dwelling units per acre, which has been limited to 4 dwelling units per acre for a majority of the subject property. Assigning a City of Cocoa FLU designation to the subject parcels is a first step in the process towards the creation of additional housing stock options within the City of Cocoa.

(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 residential units.

Submittal of the FLUM Amendment to the State of Florida

Following the first reading of Ordinance 04-2020 on June 24, 2020, the FLUM Amendment was transmitted to the Florida Department of Economic Opportunity (DEO) and other state agencies

under the Expedited Review process. The following comment responses were received by the City:

DEO reviewed the FLUM amendment and had no comments.

The Florida Department of Transportation (FDOT) reviewed the FLUM amendment and offered the following technical assistance comment which does not form the basis of a challenge:

1. The Department recommends the City of Cocoa request that the applicant provide a Traffic Impact Analysis (TIA), and coordinate with the Department to identify appropriate mitigation strategies to address potential impacts to State Facilities, as development progresses beyond the amendment phase.

The St Johns River Water Management District (SJRWMD) reviewed the FLUM amendment and had no comments.

The Florida Department of Environmental Protection (FDEP) reviewed the FLUM amendment and had no comments.

Issue concerning density disparity

The forty-three (43) parcels owned by the applicant's clients are limited in density to 4 dwelling units per acre by the Pre-Annexation Agreement discussed above. In that agreement the City committed to bring forward this FLU Map Amendment for the 43 parcels under the Low Density Residential designation. As was mentioned by staff at the first reading of this ordinance, it is important to assign the same FLU designation to all of the parcels, but it is equally important to ensure that they all have the same density.

The sixteen (16) individually owned parcels are not technically limited by the pre-annexation agreement. However, the individually owned parcels are all located within a larger area that makes up the 43 applicant parcels. In addition, staff is aware that two of the individually owned parcels have recently been purchased by the applicant's clients. This creates an imbalance among the parcels in the FLUM area where the applicant has some parcels limited to 4 units/acre and some at 7 units/acre and other individuals own parcels within the same development project area at 7 units/acre.

In order to address this issue, staff is requesting that all 16 of the individually owned parcels also be limited to the same density of 4 units/acre as a condition of this FLUM Amendment.

STRATEGIC PLAN CONNECTION:

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

The Planning & Zoning Board recommended denial of the item at the June 16, 2020 meeting.

Council approved the first reading of this ordinance on June 24, 2020.

RECOMMENDED MOTION:

APPROVAL OF A LARGE SCALE FUTURE LAND USE MAP (FLUM) AMENDMENT consistent with Florida Statute Chapter 163 for Applicant and City initiated requests to change the Future Land Use Map designation of fifty-nine (59) parcels from Brevard County "Residential 2 Units Per Acre - R2" to City of Cocoa "Low Density Residential - LDR" with the following condition:

1. That the density limit of 4 units per acre tied to the forty three (43) applicant owned parcels shall also be applied to the sixteen (16) individually owned parcels.