



Legislation Text

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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 11-2022, a Future Land Use Map (FLUM) Amendment consistent with Florida Statute Chapter 163, to change the Future Land Use Map designation of (1) parcel of real property totaling approximately 0.59 acres from City of Cocoa "Very Low Density Residential" to City of Cocoa "Medium Density Residential," provided that the maximum density allowable shall be eight (8) dwelling units per acre. First Reading.

BACKGROUND:

The subject property for this Future Land Use 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". The applicant is requesting to change the Future Land Use Map designation from "Very Low Density Residential" to "Medium Density Residential". Exhibit "B"

The assignment of a Future Land Use designation must be consistent with the City's Comprehensive Plan. Policy 1.1.2.4 states that Medium Density Residential (MDR) areas shall be regarded as areas of moderate density detached and attached housing.

Currently, the subject parcel has one Future Land Use classification, Very Low Density Residential.

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

Zoning District: Current: Residential Estates
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
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North	Very Low Density Residential, Low Density Residential	RU-1-7; RU-2-15	Vacant; Multi-family
South	Very Low Density Residential	Residential Estates	Residential Estates
East	Very Low Density Residential	Residential Estates	Residential Estates
West	Very Low Density Residential	Residential Estates, RU-1-7	Vacant

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: Application of a City of Cocoa MDR Future Land Use designation would allow for multi-family use on the property. This will increase the potential of tax revenue and capital investments.

- (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. Given that the subject property is approximately 0.59 acres and the proposed ordinance imposes a maximum density of eight (8) dwelling units per acre, the maximum number of achievable units on the property will be 4 units. This minimal increase from 1 to 4 units (3 net units) will have a de minimus impact on existing public facilities.

Potable Water: The subject parcel is served by the City of Cocoa Utilities Department for water service. Given the maximum achievable units on the property, there is no anticipated impact on potable water level of service. The 8" PVC Reuse line on the north side of Dixon Boulevard should be saddled and brought over to the property for irrigation purposes.

Sanitary Sewer: The City of Cocoa sanitary sewer is available in this area. Given the maximum achievable units on the property, there is no anticipated impact on wastewater level of service.

Solid Waste: The solid waste service to this parcel is provided by a private hauler. Solid Waste service shall be provided to the site in accordance with the applicable LOS standards and pursuant to the applicable requirements of the Waste Management Agreement and City Code.

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. The applicant will be required to adhere to the City's stormwater level of service standards upon submittal of any site plan application.

Transportation: The subject property will have an entrance from Dixon Blvd which is classified as Local roadway on Map M-II-2 of the City of Cocoa Comprehensive Plan 2020 - 2030. Given the maximum achievable units of four units on the property, any traffic impact will be de minimus.

Parks: The LOS level is 1.25 acres of developed recreational area per 1000 population. The Public Works Director has indicated that the City is currently finalizing a parks study, and based on this forthcoming study, the City of Cocoa currently provides approximately 17 acres of parks per 1000 residents. The number of park acreage within the City already far exceeds the minimum requirement of the comprehensive plan.

Schools: Staff does not anticipate a school capacity issue given the small number of students that could be generated by a development on the site. However, a Concurrency Determination must be performed by the School District prior to a site plan being issued for the property in accordance with Policy 11.1.2.2 of the Comprehensive Plan, Public School Facilities Element.

- (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 consists of approximately .59 acres. The proposed FLUM amendment will have very little impact on the environment given the availability of sewer. Natural/historic resources of the city should not be affected.

- (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 FLUM 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". Development of the subject parcel will place de minimus additional demands upon the city's resources.

- (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: As provided above, staff does not anticipate any negative impact on public facilities as a result of the amendment due to the minor increase in units that is proposed. Further, 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. 1 (1740 Dixon Blvd) which is located West of the subject parcel. All stations will continue to provide Enhanced BLS (Basic Life Support) services and fire prevention and protection services.

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

Staff Finding: The properties directly to the north, south, east and west are Very Low Density Residential. However, the proposed Future Land Use of Medium Density Residential will be consistent with the existing developments in the area, by providing an extension of the existing nearly three (3) acres of Medium Density Residential FLU designated property located across Dixon Boulevard and to the northwest of the subject property. 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.

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

Staff Finding: The subject property is consistent with the following goals of the comprehensive plan:

Land Use Element

GOAL 1.1: Create and maintain a broad range of 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 1.1.2.4 Medium Density Residential (MDR). Medium density residential areas shall be regarded as areas for moderate density detached and attached housing. The following criteria shall be used for determining appropriate locations for medium density residential areas.

A. Medium Density residential areas shall have access to a minor collector street, and preferably, to a major collector street or one of higher functional classification.

- B. These areas should have convenient access to community services.
- C. New development approved in accordance with the comprehensive plan shall provide amenities to include open space and buffering as required in the City's Land Development Regulations.

The subject property is easily accessible from US 1, an arterial street. Proximity to US 1 public transportation options will provide convenient access to community services.

Coastal Management Element

However, 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.

GOAL 9.2: The City shall, as practically and financially feasible, establish and implement strategies for new development, redevelopment and investment in public facilities, utilities and infrastructure to protect and mitigate losses to human life and property in areas subject to natural disasters, flooding, and sea level rise.

Objective 9.2.1: Coastal High Hazard Area (CHHA). The City shall continue to direct population concentrations away from the CHHA through implementation of the future land use map, land development code and through the development review and approval process.

Policy 9.2.1.1: The Coastal High Hazard Area is delineated as the area below the elevation of the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

Policy 9.2.1.2: The City shall continue to evaluate non-conforming land uses within the CHHA.

Policy 9.2.1.3: In order to continue to direct population away from the CHHA, any increase of density for properties within the CHHA shall generally be discouraged from the time of this plan's adoption.

Objective 9.2.2: Development, redevelopment, rebuilds, retrofits and additions in the City shall be planned and managed through strategies and design principles that are consistent with sound planning practices that protect life and property from the effects of flooding, storm surge and related impacts of sea level rise and that protect the long-term financial viability of the City.

Policy 9.2.2.1: All new development and redevelopment shall be consistent with, or more stringent than, the flood resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.

Policy 9.2.2.2: The City shall require site development techniques that encourage more efficient and climate resilient development practices that include, but are not limited to:

- Low impact development techniques on private and public property that provide

for site design, engineering and stormwater management to reduce stormwater runoff, encourage greater onsite storage, reuse or absorption and mitigate flood impacts such as pervious pavement, native vegetation, rain gardens or barrels, etc.

- Prioritization of living shoreline installation and maintenance.
- Allowance of specialized fortification techniques as recommended by the Florida Green Building Council.

Additionally, the City shall continue to further explore standards that increase the City's coastal resiliency, such as requiring development to build at least three feet above the area's Base Flood Elevation or reducing the development's total amount of required parking while increasing the facility's potential for water absorption and retention.

Objective 9.2.4: Evacuation Times. The City shall cooperate with Brevard County to ensure evacuation times are maintained or reduced and to ensure efficient evacuation of threatened residents to areas of safety in the event of a natural disaster.

Policy 9.2.4.3: The City shall generally discourage any increase in density within the Coastal High Hazard Area.

Staff notes that while increases in density in the CHHA shall be "generally" discouraged, 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.

- (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 ability of people to find adequate housing by increasing available units and choice of housing type.

- (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:

The City's Planning and Zoning Board held a public hearing on this request for a future land use amendment on September 7, 2022. At the meeting, several residents spoke during the public hearing to voice concerns regarding the application. Summarized, neighboring property owners commented regarding the following:

- Neighboring owners stated that the subject property is wet and swampy. Standing water is visible on the property, and at least one neighbor testified that her adjacent property already experiences flooding. The neighbors expressed concern about water intruding onto their property after development occurs.
- Several neighbors expressed concern that multi-family development could adversely impact the aesthetic and historic charm of Indian River Drive. Neighbors questioned whether a modern building adjacent to historic homes would result. The two neighbors owning property adjacent to the subject property stated that their homes were built in 1901 by the original Dixon owners that platted the area and that they are the only historical homes on Indian River Drive remaining. The recent article published in Southern Living Magazine about Cocoa was discussed, which mentions the stately homes on Indian River Drive, dripping with southern charm. Neighbors requested that the beauty of the area be preserved.
- At least one neighbor pointed out that foxes live on the property.

The applicant responded to the neighboring property owners' comments, as summarized below:

- Drainage concerns would be addressed during the site plan and building permit process given that City Codes regarding drainage would need to be observed and complied with.
- The subject property does not front on Indian River Drive, and the proposed development, in the applicant's view, would not impact the character of Indian River Drive as the subject property is not visible from Indian River Drive. The applicant intends to construct a single-family residence on the parcel currently owned by the applicant that is located between the subject property and Indian River Drive. The applicant stated the design for the multi-family building would not be modern and would be intended to blend in with the surrounding properties.
- The applicant stated that he could build a very large single-family home without a change in the future land use or zoning, which would be similar to the multi-unit building intended.
- The applicant stated he intends to leave a lot of the property as open space with walking paths.

After concluding the public hearing and listening to the public comment, the City's Planning and Zoning Board voted to recommend denial of the application to the City Council. The City's Planning and Zoning Board did not cite or refer to any particular criteria in Sections 15-10 and 15-11 of the City

Code governing Comprehensive Plan amendments as not being satisfied when making the recommendation to deny the application.

RECOMMENDED MOTION:

Staff recommends that the City Council approve first reading of Ordinance 11-2022, a Future Land Use Map (FLUM) Amendment consistent with Florida Statute Chapter 163, to change the Future Land Use Map designation of one (1) parcel of real property totaling approximately 0.59 acres from "Very Low Density Residential" to "Medium Density Residential" with a maximum density of eight (8) dwelling units per acre.