

**MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
JUNE 5, 2019**

The regular meeting of the Planning & Zoning Board/ Local Planning Agency was held on June 5, 2019 at City Hall, 65 Stone Street, Cocoa, FL, as publically noted.

I. CALL TO ORDER:

Chairperson Dobrin called the meeting to order at 6:04 PM

<u>PRESENT:</u>	Michael Dobrin	Chairperson
	Al Washington	Vice Chairperson
	Todd Anderson	Board Member
	Sherry Ervin	Board Member
	Trina Gilliam	Board Member
	Marilyn Green	Board Member
	Alec Greenwood	Board Member
	Lawrence Koss	Board Member
	Kristen Eick	Assistant City Attorney
	Courtney Jackson	Recording Secretary

<u>ABSENT:</u>	Russell Sengel	Board Member
	Jeri Blanco	Board Member

STAFF PRESENT:

Monica Arsenault, Assistant City Clerk, Jake Williams Jr., Mayor, Angela Essing, Community Services Senior Partner, Dodie Selig, Planning & Zoning Manager. Chairperson Dobrin led the assembly in the Pledge of Allegiance.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of June 5, 2019

Board Member Greenwood asked for allotted time on each agenda to allow board member input for items that need to be brought to the board's attention at meetings.

In response, Chairperson Dobrin pointed out that as a board they cannot add or vote on new agenda items that have not been previously approved for discussion at the meetings. Board Member Greenwood clarified it would be purely for discussion.

Board members Koss and Anderson confirmed Board Member Greenwood meant this going forward and not just for this meeting. In response, Board Member Greenwood confirmed it was for future meetings so that they can bring up a new item during the meeting.

- * **MOTION** by Chairman Dobrin; **SECONDED** by Vice Chairperson Washington to designate a section on each agenda moving forward that will allow for new information to be brought to the board for a consensus.

Chairperson Dobrin asked if Ms. Selig had an issue with the motion before allowing a vote. In response, Ms. Selig stated that she did not have a problem with it.

AYES: Dobrin, Washington, Anderson, Ervin, Gilliam, Green, Greenwood, Koss

Motion passed UNANIMOUSLY. (8-0)

- * **MOTION** by Board Member Ervin; **SECONDED** by Board Member Green to approve the agenda with amendments.

AYES: Dobrin, Washington, Anderson, Ervin, Gilliam, Green, Greenwood, Koss

Motion passed UNANIMOUSLY. (8-0)

2. **MINUTES:** Meeting of May 1, 2019

Discussion began over past minutes being delayed from becoming available for the Board to review due to Staff shortages.

Chairperson Dobrin asked if it may be possible in the future to have the minutes sent to the Board at least one week prior to the meeting so they have time to review them.

- * **MOTION** by Board Member Koss; **SECONDED** by Board Member Greenwood to approve the minutes from May 1, 2019 as written.

AYES: Dobrin, Washington, Anderson, Ervin, Gilliam, Green, Greenwood, Koss

Motion passed UNANIMOUSLY. (8-0)

III. OLD BUSINESS:
NONE

IV. NEW BUSINESS:

Board Member Green mentioned two letters that were brought up at the last meeting and wanted to know if they were going to be attached to those minutes. In response, Ms. Arsenault said they would be scanned into Cocoa's digital archive, attached to the minutes, and referenced as exhibits in those minutes as well.

A. PZ-18-0010005- Preliminary Subdivision (Adamson Creek Phase 18)

Approval of Preliminary Subdivision consistent with Chapter 18 Subdivisions and Appendix A, Zoning of the City Code. The property owner desires to develop 94 single-family residential lots along with a storm water tract and amenities as Phase 1B of a previously approved Planned Unit Development known as Adamson Creek. The subject property is located on the east side of Adamson Road, approximately 1.25 miles north of State Road 524 and contains +/- 27.31 acres. The property is identified by Parcel #'s: 24-35-22-25-2 and 24-35-22-25-Q.

Ms. Selig provided a PowerPoint presentation¹ to the Board. She explained the background of the project which included a Planned Unit Development (PUD) that was approved in 2005 as well as 431 single-family homes on 178 acres, 44 acres of open space and amenities. Phase 1 was approved and recorded in 2006-and was later broken down into 3 phases (1A, 1B and 1C). Phase 1A was recorded in 2007 with 154 single-family homes. On October 13, 2015 the City approved a Preliminary Subdivision for Phases 1B and 1C. The 2015 approval expired in 2016. DR Horton, Inc. purchased the property in January 2018 and they commenced construction of the infrastructure based on that prior approval. This situation came to light when the contractor approached the City for inspections of the site work.

After discussion of the project background Ms. Selig introduced the Project Summary. She shared that the plans submitted for approval at this time do not contain the customary engineering pages found in a typical preliminary subdivision application. This is in part because the original PUD is still in effect and that approval included all the relevant engineering detail customary to such a project. City staff have inspected the site work completed and have given approval. In addition, because the site work is completed, the applicant is requesting approval of the Final Subdivision along with this Preliminary Subdivision application. Therefore the plans submitted are the final plat pages.

Ms. Selig noted the details of the Phase 1B Project and explained that there are 1.02 acres of developable land, 6.29 acres of wetland area, 94 single-family homes on 2 streets, a storm water pond which will be stocked with fish, and a dock/viewing platform. Additionally, Tract K contains a multi-use playing field area along Saxton Road, a sidewalk connection will link Orsino Lane with the existing walkway around the wetland in Tract P as well as the storm water pond in Tract E, and 3.47 acres of open space credit towards the minimum 25% requirement.

¹ PowerPoint Presentation: Preliminary Subdivision Adamson Creek Phase 1B

Unlike Phase 1A, the roads created in Phase 1B will be private roads owned and maintained by the Adamson Creek Home Owner's Association, Inc. with an easement recorded on the plat to the City of Cocoa. The plans have been reviewed by City staff for consistency with Chapter 18 Subdivisions and with Appendix A Zoning of the City of Cocoa Code and found to be in substantial compliance. The majority of the lots created by this subdivision are 50 feet in width and 120 feet in depth which equates to 6,000 sq.ft. of lot area. Lots on roadway curves are allowed a minimum width of 25 feet, and corner lots are required to be 15% larger than interior lots. This subdivision plat meets these requirements. There is no minimum lot size under PUD zoning and minimum setbacks and distance separation between structures will be addressed when a building permit is applied for.

Staff is still awaiting comments from the City's flood plan reviewer which may need to be addressed as well as a School Capacity Letter from the Brevard County School Board. Therefore, staff has added conditions to its recommendation below that all outstanding review comments will have to be resolved prior to recording of the Final Subdivision Plat.

Board member Ervin inquired if the walkway for this project was similar to Emerald Lakes and if it would be a gated community. In response, Ms. Selig described the similarities between the two subdivisions and noted that while it is not going to be a gated community, it will be privately owned and maintained.

Staff recommends the Planning & Zoning Board recommend approval to City Council of the Preliminary Subdivision for Adamson Creek Phase 1B with the conditions set forth below:

1. A copy of the School Capacity Determination Letter is required prior to recording of the Final Subdivision Plat.
2. All comments generated by the City's flood plain reviewer must be addressed prior to recording of the Final Subdivision Plat.
3. The existing construction lien must be cleared and a clean title report provided to the City prior to recording the Final Subdivision Plat.
4. Confirmation is needed that the sidewalks along both streets are only in Tract R-1.
5. Please provide a printed name line for each witness signature line within the dedication section of the plat.

Chairperson Dobrin wanted to know when development would begin.

Ms. Selig said that it is currently in construction, but once the final plat has been recorded, then they can begin to build and sell homes.

Chairperson Dobrin opened the discussion to the public.

Mr. Edward Jones, 125 Grace Ave., expressed his concern over the construction of his community being done without his permission and the flooding it is causing to his property. He further explained that he was given a letter from the developer in 2005 asking him to annex his property into the City limits for around \$12,000. Mr. Jones admitted he never granted permission to have his home annexed from county to city and declined the developer's offer.

Board Member Koss asked if Mr. Jones' property has been flooded since development began in 2005-2007 to which Mr. Jones replied "yes".

Board Member Ervin inquired if the flooding was possibly from the construction of Lost Lakes around that same time frame.

Mr. Jones was not sure where the specific cause of the flooding is, he just knows the flooding began after the development started.

Chairperson Dobrin asked if there was a current offer for his property.

Mr. Jones said the developer called again a month ago with another offer, but was not able to match the offer originally given in 2005.

Discussion began about possible ways for Mr. Jones to receive another monetary offer that could match his original offer from 2005.

Vice Chairperson Washington wanted to confirm with Mr. Jones that he came before the board previously for his flooding issue and had developers promise they would mitigate the flooding on his property.

Mr. Jones replied that he did come before the board previously, but the developers never fulfilled their promise to fix his flooding issue.

Chairperson Dobrin asked if the construction company or the City of Cocoa could do anything to prevent the flooding and wanted to know if there was any legal action Mr. Jones could take. In response, Mr. Jones said that there was nothing the developer nor the City of Cocoa could do; it was the County's responsibility and did not feel as though legally challenging the issue would work.

Ms. Selig said DR Horton will contain all the storm water as required by St. Johns River Water Management, but it should not affect his property based on where it is located.

Board Member Koss asked when Mr. Jones' property was annexed and if it was just his property or the properties adjacent to him. He wanted to confirm with Mr. Jones what his specific issues were to further understand his situation.

Mayor Williams stated that he was familiar with Mr. Jones' issue and noted that the first phase with the other developer was affecting Mr. Jones' property and they said they would mitigate the issue of the flooding. He added that the issue is not with the City, it is with the first phase developer, but the second phase of the development should not directly affect Mr. Jones' property.

The Board Members asked Mr. Jones to share his Parcel ID so they could verify where his property was located to see if they could figure out where the flooding could be coming from. It was clarified that the Parcel ID is 24-35-22-00-263.

Michael Wells, 1318 Mycroft Dr., asked the Board to consider a sound barring wall for Adamson Creek after expressing his concern for noise disturbance from the development.

Board Member Koss asked if there was a fence that would block the sound.

Mr. Wells stated that DR Horton has put up a plastic fence to help mitigate the noise, but it is not effective. He further discussed all the situations that cause the noise.

Board Member Ervin wanted to make sure it was not the specific site that was causing the noise, but the traffic. In response, Mr. Wells agreed it was the traffic. Chairperson Dobrin inquired if putting up the projected 94 homes would make any more of a noise impact than what the development construction is already causing. In response, Mr. Wells stated it would not make a significant impact either way on the noise level.

Patricia Rutt, 1394 Mycroft Dr., stated that she is experiencing the noise problem as well and her solution is widening Adamson Road, putting in a stop light at the entrances, and reducing the speed limits. She feels the noise is coming from all of the Waste Management trucks, as well as the other vehicles going to and from the construction dump site. By implementing these changes, she feels it would greatly reduce the noise.

Board member Ervin asked if Ms. Rutt has a Home Owners Association and if so, would she be getting a different Home Owners Association with the new development. In response, Ms. Rutt confirmed they have a Home Owners Association but was not sure if she would be getting a new one.

Board member Ervin suggested that she consult with her Home Owners Association for her concerns regarding the speed limit and consult with Florida Department of Transportation for her suggestions on widening the road and implementing stop lights. She also suggested that she be persistent with her concerns until her concerns are answered.

Ms. Rutt asked the Board what other amenities would be added to Adamson Creek. She further discussed her concerns with the construction and the noise mitigation.

Mayor Williams mentioned that putting up a noise-barrier wall on the side facing I-95 in Adamson Creek is something he can bring up at the next TPO meeting.

Board Member Koss asked if there was anything the City can do to hold the developer accountable to ensure the flooding and noise mitigation issues for surrounding properties are addressed. In response, Ms. Selig confirmed that there is something that can be done by the developer.

Board Member Koss also asked if the board can recommend a condition to address Mr. Jones' flooding issue and the noise mitigation.

Mr. Michael Weiss, DR Horton, Inc. Representative, stated that, while he cannot comment on Mr. Jones' property flooding, he is very sympathetic towards the issue and noted that the flooding is unique in its nature. Mr. Weiss further signified that DR Horton is completely compliant with St. Johns in terms of storm water management and to this day, has not ever been found in violation regarding their storm water system setups in Adamson Creek.

Board Member Gilliam asked Mr. Weiss if DR Horton can put up a barrier around Mr. Jones' property to protect his home from storm water flooding in. In response, Mr. Weiss responded that he cannot confirm if he can, but stated he would discuss it with DR Horton as something the developer can look into given Mr. Jones' unique flooding situation.

Chairperson Dobrin asked for the overall feeling of the Board regarding flooding and how the developer has handled the situation thus far.

Board Member Greenwood thought the issue lies with the original developer back in 2006.

Ms. Selig wanted to iterate that DR Horton will have to be briefed over every issue before a plat is approved.

Mr. Weiss stated that due to the unique situation, he is unsure what is causing Mr. Jones' property to flood continuously.

Mr. Jones added that his issue is not with the developer. He stated that his issue is with the City of Cocoa for not doing enough to help solve his flooding issue and for allowing construction to happen without his permission.

Board Member Anderson responded to Mr. Jones and pointed out that his issue is with Brevard County specifically and not with the City of Cocoa.

- * **MOTION** by Board Member Anderson; Seconded by Board Member Koss to approve the subdivision plat with the conditions set forth by staff.

AYES: Dobrin, Washington, Anderson, Ervin, Gilliam, Green, Greenwood, Koss

Motion passed UNANIMOUSLY. (8-0)

B. PZ-19-00200005- Large Scale Site Plan (850 Cidco Rd.)- ITEM TO BE TABLED

Approval of a Large-Scale Site Plan consistent with appendix A, Zoning, Article III, Section 1(D), to construct a new industrial fabrication building, along with additional concrete equipment pads and associated parking. The property is identified as 850 Cidco Road, Cocoa, Florida. (Parcel ID: 24-35-12-00-06).

Chairperson Dobrin asked why it was tabled to which Ms. Selig replied that

Chairperson Dobrin asked when it would be ready. In response, Ms. Selig announced it will most likely be ready by the board's next meeting in July.

- * **MOTION** by Board member Ervin; **SECONDED** by Board member Koss to table the item.

AYES: Dobrin, Washington, Anderson, Ervin, Gilliam, Green, Greenwood, Koss

Motion passed UNANIMOUSLY. (8-0)

V. OTHER BUSINESS:

A. Tree Board Update:

Board Member Ervin asked if everyone received Linda Dolphin's email with the Tree Reports².

Board Member Greenwood mentioned a question brought up at a previous meeting that was asked by Board Member Anderson regarding trees being removed from the corner of Beverly St. and Manor Dr.

² Simon Stratford (ISA Certified Arborist) tree Report on 2656 N. Indian River Dr., Cocoa, FL & Chlorophyll Fluorescence Readings in Leaves Report by Stratford Arboricultural Research and Development

Ms. Selig noted she would investigate the issue further.

Board Member Greenwood mentioned he did some research into Tree City USA and discovered Cocoa is a Tree City USA designee. He mentioned a bill that could go into effect in July 2019 that was proposed by Sarasota's Senator that would have an impact on the Tree Board's mission. Board Member Greenwood suggested that the City of Cocoa should implement a tree replacement program because other cities require private property owners, who have removed trees from their property, to plant a replacement tree somewhere else in the City so as not to decrease the number of trees the City has. He feels this program would greatly benefit Cocoa and would prevent the city from becoming treeless.

After further discussion, Board Member Koss made the distinction that an arborist can be certified, but may not be qualified to determine if a tree needs to be removed or not. He also recommended that his Value of Trees letter that he provided at a previous meeting be included in the City's next FYI newsletter.

Board Member Green asked how risk assessment qualifications from arborists gets communicated to the board and how the board's recommendations to City Council is communicated when a tree gets removed. In response, Ms. Selig stated that they can look into it and do further research on the subject.

B. Recent Development Update: None

C. Notice of Future Amendment to Parking Material Standards:

Ms. Selig announced she will try her best to present this to the Board by the next meeting in July.

VI. NEXT MEETING DATE:

- * **MOTION** by Board Member Koss; **SECONDED** by Board Member Greenwood to hold the next meeting on July 17, 2019 at 6 pm.

AYES: Dobrin, Washington, Anderson, Ervin, Gilliam, Green, Greenwood, Koss

Motion passed UNANIMOUSLY. (8-0)

VII. ADJOURNMENT:

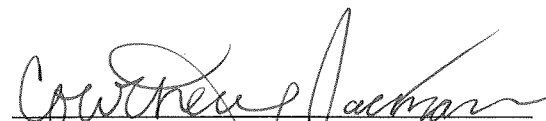
- * **MOTION** by Vice Chairperson Washington; **SECONDED** by Board Member Koss to adjourn the meeting of June 5, 2019.

AYES: Dobrin, Washington, Anderson, Ervin, Gilliam, Green, Greenwood, Koss

Motion passed UNANIMOUSLY. (8-0)

MEETING WAS ADJOURNED AT 7:41 PM.

Respectfully submitted by:


Michael Dobrin, Chairperson
Courtney Jackson, Recording Secretary