

CITY OF COCOA
PLANNING & ZONING BOARD
MEETING MINUTES
JANUARY 13, 2016

A regular meeting of the Planning & Zoning Board of the City of Cocoa was held on Wednesday, January 13, 2016, in the Council Chambers located at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Michael Dobrin called the meeting to order at 6:00 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Michael Dobrin	Chairman
Al Washington	Vice-Chairman
Todd Anderson	Board Member
Billy Meyers	Board Member
Jake Williams Jr.	Board Member

MEMBERS ABSENT:

Jack Moore	Board Member
Russell Sengel	Board Member

OTHERS PRESENT:

Steven Belden, AICP	Community Services Director
Steven Biel	Senior Planner
John Titkanich	City Manager
Kim Kopp	Board Attorney
Joy Lombardi	Recording Secretary

APPROVAL OF AGENDA & MINUTES:

1. Approval of Agenda: January 13, 2016.

Motion by Mr. Anderson, seconded by Mr. Washington, to approve the agenda of January 13, 2016. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: October 14, 2015.

Motion by Mr. Washington, seconded by Mr. Williams, to approve the minutes of October 14, 2015, as written. Vote on the motion carried unanimously.

OTHER BUSINESS:

1. Election of Board Chair and Vice-Chair.

Motion by Mr. Anderson, seconded by Mr. Williams, to re-elect Michael Dobrin for Chairman and Al Washington for Vice-Chairman. Vote on the motion carried unanimously.

OLD BUSINESS:

None

NEW BUSINESS:

A. **PZ-15-00200008 – LARGE-SCALE SITE PLAN – CLEARLAKE ISLES** Tabled

B. **APPEAL ZONING CODE INTERPRETATION OF COMMUNITY SERVICES DIRECTOR**

In accordance with City of Cocoa Code, Art. XIII, Sec. 1, (H)(1), the Applicant's (PNG Properties, LLC) representative is requesting appeal to the Planning & Zoning Board of a zoning interpretation made by the Community Services Director of the City of Cocoa.

Assistant Attorney Kim Kopp provided the Board with an overview of their role in the decision of the appeal. Attorney Kopp explained that the hearing format will be de novo; meaning that the Board will hear all the evidence that is presented from both sides, consider the evidence, and made a decision.

Steven Belden, Community Services Director of the City of Cocoa, provided an overview and Exhibits for the Board's review. Mr. Belden stated the applicant is requesting an appeal to the Planning & Zoning Board of a decision made by the Community Services Director regarding the proposed use set forth in the applicant's small scale site plan application. Mr. Belden explained that there are two issues to consider: 1) the zoning interpretation of Section 12; C-G, General Commercial zoning district; and 2) the use determination; what is the proposed use of the property? Staff's opinion is that the proposed use is a transportation facility.

Mr. Belden provided the time line of events leading up to the appeal. On August 12, 2015, the applicant met with Community Services Department staff. During the preliminary discussion of the proposed use and review of the conceptual site plan, which labeled areas as "valet parking", the initial determination was made that the use was permitted in the C-G zoning district under the "storage garage, public and private automobile parking" use.

October 20, 2015, a formal site plan application was submitted to the Community Services Department. The site plan identified several areas as "storage lots" and the general statement on the site plan cover sheet described the use as "convert existing commercial site and building into short term vehicle storage." Further, the site plan application described the proposed use as a "transportation depot" which is a prohibited use in the C-G zoning district per Section 12(D)(1), "manufacturing activities, freight transportation terminals, storage, warehousing and other activities of a similar nature." However, the use is permitted in the M-2 zoning district per Section 19(A)(7), "transportation facilities; passenger and/or freight." Therefore, the determination was made that the use was not consistent with the permitted uses of the C-G zoning district.

November 3, 2015, Steven Biel, Senior Planner, submitted correspondence to the engineer, Steven Monroe, P.E., with the following site plan comments: Prior to site plan approval a Special Exception application must be submitted for review and approval by the City of Cocoa Board of Adjustment unless the storage/parking area is enclosed per Appendix A, Zoning, Article XI, Section 12(A)(9) and under Article XI, Section 12(C), Special Exceptions, (7) Any other use in keeping with the intent of the District.

November 17, 2015, a revised site plan application was submitted that changed the areas previously labeled as "storage lots" to "parking lot". Further, the general statement on the cover sheet described the use as "convert existing commercial site and building into short term vehicle parking."

November 21, 2015, City Manager John Titkanich sent an e-mail to Attorney Kim Rezanka outlining her client's options: 1) apply for a special exception; 2) provide the storage garage; or 3) appeal the determination of the Community Services Director to the Planning and Zoning Board.

December 15, 2015, an appeal was submitted to the City Clerk's office by Attorney Kim Rezanka on behalf of the applicant.

Mr. Belden stated that the appeal letter that was submitted specifically states the proposed use to "...operate a parking and transportation facility for cruise passengers traveling to Port Canaveral." In the M-2 zoning district, "Transportation facilities; passenger and/or freight" is a permitted use.

Mr. Belden concluded by stating that it was his determination that the parking of public and private automobiles must be contained within a storage garage as described in Section 12(D)(9) and the proposed use is a "transportation depot/facility" as described by the site plan application and the appeal letter and therefore is only permitted in the M-2 industrial zoning district.

Attorney Kim Rezanka, of the Dean Mead Law Firm, cross examined Mr. Belden regarding the Codes definition of intense use, long-term storage, and transportation facility. Mr. Belden's response was that the Code did not specifically state those definitions.

Attorney Rezanka inquired about the option to apply for a special exception.

John Titkanich, City Manager for the City of Cocoa, stated that the opportunity was provided to the applicant, and is still an option, to apply for a special exception arguing that the use is in keeping with the intent of the district; which is, "an area intended to be developed and preserved as a major commercial center serving the commercial needs of the community and region. The type of uses and other restrictions are intended to promote adequate protection from conflicts with adjacent residential and other noncommercial uses, and to minimize the interruption of traffic along adjacent thoroughfares."

Attorney Rezanka stated that all she is seeking is for the City to abide by the rules of fair play. An applicant should be able to rely on the assurances of a zoning authority, whether the insurances are acts, words, or omissions. On August 2015, Park 'N Go submitted a concept plan and was told by Mr. Belden and Mr. Biel that the proposed parking use was a permitted use. Based on the meetings and discussions with City staff, Park 'N Go made plans to open the business and entered into contracts, expended funds, hired experts and attorneys, and ordered eleven (11) buses for the Cocoa facility. If this were a permitted use, Park 'N Go could have been opened within two weeks. On November 3, 2015, Park 'N Go received a comment letter from Mr. Biel and learned that the parking use was going to require a storage garage. Finally, on December 15, 2015, the letter of appeal was submitted to the City.

Attorney Resenka stated that she will address both the storage issue, which was the subject matter of the appeal, and the new issue of whether or not they are a transportation facility.

Attorney Rezanka introduced the representatives of the company: John Bona, President of PNG Properties, LLC; Dan Williamson, Vice-President of Development; Rick Fairchild, Director of Technology; Matt Bona, Director of Operations; Steven Monroe, P.E.; Ken Stevens, Representative of Home Depot USA, Inc. (owner of the subject property).

She explained that Mr. Williamson will discuss the plan, the experience of the company, the expenses incurred, trip generation and parking at the facility, and the jobs this would bring to the City. Mr. Monroe will provide testimony regarding the site plan and the revisions that were submitted to the City. Brad Smith, AICP, will discuss the City staff report and why it is inconsistent with the intent of City Code.

Attorney Resenka stated that she will conclude the presentation addressing legal issues raised by the City staff report.

Dan Williamson, Vice-President of Development for Park 'N Go, testified that Park 'N Go is family company with approximate eleven (11) properties around the United States; with six (6) facilities that are currently operational and a few facilities that are in different stages of development. He stated that the company converts blighted or abandoned properties into productive operations that generate 40-50 jobs and that the economic impact is positive. Mr. Williamson further stated that Park 'N Go met with City staff in August and provided a drawing and discussed plans to open in phases, if approved, they would have been open in two weeks. Following the meeting, Mr. Williamson believed they had a verbal approval.

Mr. Williamson explained the concern regarding the trip count; having developed properties around the United States, he conducted a rough trip count analysis. He stated that the Port activity is a very short window, between 2 & 4 hours, during off peak times. The current parking lot and its design were much more excessive and the proposed use would not be close to exceeding the current design in trip counts. Traffic patterns are designed not to impact the intersection. The applicant moved forward with acknowledgement that the proposed use would be approved and purchased shuttle buses and expended \$150,000 dollars with other efforts in preparation of being open quickly. Other facilities have been opened within one week.

City Manager John Titkanich asked Mr. Williamson if it is common practice to have pre-application meetings that are followed by a formal application for staff to review. Mr. Williamson replied that some projects are a go from the start. Mr. Titkanich asked Mr. Williamson if he was a traffic engineer. Mr. Williamson stated that he was not.

The Board voiced concerns regarding traffic issues at that location and stated that the City of Cocoa did not give a formal approval for the proposed use.

Steve Monroe, P.E., Vice President of Engineering for M.E. Construction, Inc., provided a time line of events leading up to the site plan submittal. He stated that on August 19, 2015, he contacted Senior Planner Steven Biel regarding the items that would need to be provided with the site plan submittal and Mr. Biel informed him that the submittal would be a small scale site plan and provided Mr. Monroe with an application and a checklist to follow. August 20, 2015 Mr. Monroe contacted a surveyor and provided additional information for the site and on September 4, 2015 he received the revised survey. October 5, 2015, the site plan was delivered to the City. October 20, 2015, he contacted the City to inquire about the review. November 3, 2015, the comment letter was received that required a special exception or the storage parking area to be enclosed. November 17, 2015, a revised site plan was submitted to the City. Mr. Monroe stated that he contacted the City on December 4 & 9 to inquire about the review with no response.

Mr. Monroe stated that a traffic study will be required for concurrency and contracted with a traffic engineer to study the existing conditions and proposed conditions and the impact at the intersection. He explained that the study will identify peak hour trips and daily trips and compare existing to the proposed use. According to Mr. Monroe, it is the opinion of the traffic engineer, that the proposed use would be less of an impact than a home depot or retail store.

Mr. Monroe reviewed the site plans that were submitted to the City and explained the changes to the Board.

Brad Smith, Landscape Architect and Certified Planner, provided testimony stating that there are two issues to consider; how to classify the proposed use and to determine if the use is permitted in the C-G zoning district. Mr. Smith stated that the use is a parking lot and it is his determination that it is permitted in the C-G zoning district. Mr. Smith outlined and reviewed the City Code beginning with the intent of the Code and quoted Article XII, Section 1, Off-Street Parking, "to provide for the temporary storage of vehicles on-site for patrons, workers, or residents." He stated that is all that is being done here. Mr. Smith went on to review the definition of garages in the Code and stated that the proposed use did not seem to fit into either. Mr. Smith further stated that Section 12; C-G, General Commercial zoning district specifically states "storage garage, public and private automobile parking" are both permitted uses and parking cars is what the intended use is.

Mr. Smith reviewed the description of "transportation facilities" and stated that the definition in Section 15-22, concurrency, uses the phrase "transportation facilities" and the definition implied is "roadway". FDOT defines "facility" as a length of roadway; therefore, the proposed Park 'N Go is not a "transportation facility".

Mr. Smith stated that Park 'N Go is a parking facility using an existing parking lot to park cars. The proposed use is a parking lot used for "public automotive parking", a permitted use under the C-G, General Commercial zoning district.

Mr. Smith asked the Board to make a reasonable determination that the interpretation made by the City is incorrect and that this use is permitted in the C-G zoning district.

Attorney Rezanka requested a break. Chairman Dobrin stated that the meeting would resume in five (5) minutes. The meeting resumed at 8:26 p.m.

Attorney Rezanka stated that they are not requesting a change of use or a special exception because she believes the proposed use is a permitted use that only should require a small scale site plan to be approved by staff. She expressed that, if the Board upholds staff's determination, there needs to be legal findings. Attorney Rezanka further stated that the proposed use is not storage or a transportation facility but rather a parking lot; which is the reason for the appeal, to determine if this is a permitted use.

Attorney Rezanka reviewed the definitions of transportation facility again and determined that Park 'N Go is not a transportation facility.

To conclude, Attorney Rezanka asked the City to use common sense as to what a parking lot is. Park 'N Go is a service business at an existing parking lot. She stated that it would be unjust to allow the City to prevent what is clearly a permitted use; especially when Park 'N Go was given assurances that it was permitted. We request that you grant our appeal and allow the site plan to continue with parking to be considered a permitted use in the C-G zoning district.

John Titkanich, City Manager, expressed that the decision before the Board is whether this is a permitted use. Mr. Titkanich stated that a parking structure would be allowed; provided it was for public and private automobiles.

Mr. Titkanich explained that Mr. Smith stated it's a parking lot and quoted Article XII, Section 1, but in that section it discusses temporary parking for patrons, workers, or residents, and that is the intent, not for a regional facility that is nearly 10 miles away.

Mr. Titkanich further stated that in the zoning district regulations of Section 12, C-G, General Commercial District; the provisions of this district are intended to apply to an area intended to be developed and preserved as a major commercial center serving the commercial needs of the community and region.

Mr. Titkanich continued stating that Mr. Smith used the term derelict and blighted when describing the property and that is simply not true; it is a vacant commercial parcel that does not have any code violations.

Mr. Titkanich explained that the formal application that was submitted to the City was not the same as what was talked about in the initial pre-application meeting. He stated that the proposed use would be allowed in the M-2 zoning district; however, the applicant can apply for a special exception and argue their opinion that the use is in keeping with the intent of the C-G zoning district.

City Manager John Titkanich agreed with the determination of the Community Services Director that the proposed use is clearly prohibited in the C-G zoning district.

Motion by Mr. Anderson, seconded by Mr. Washington, to accept the Community Services Director's determination that the proposed use set forth in the Site Plan Application is not permitted in the C-G zoning district. Vote on the motion carried unanimously.

Based on the evidence and testimony presented at the hearing, it was the consensus of the Planning & Zoning Board that the proposed use is a transportation facility and is not a permitted use in the C-G zoning district.

OTHER BUSINESS:

None

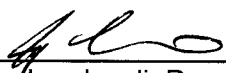
NEXT MEETING DATE:

The Board members established that the next meeting of the Planning & Zoning Board would be held on Wednesday, February 10, 2016, at 6 P.M. in City Hall Council Chambers.

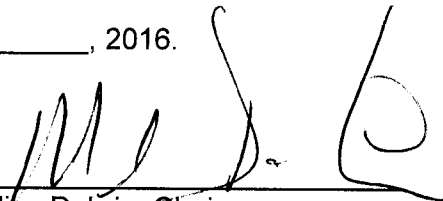
ADJOURNMENT:

There being no further business the meeting adjourned at 9:17 pm.

Approved on this 10 day of February, 2016.



Joy Lombardi, Recording Secretary



Mike Dobrin, Chairman



CITY OF COCOA
Planning & Zoning Board /
Local Planning Agency
City Council Chambers

Cocoa City Hall
65 Stone Street
Cocoa, FL 32922

AGENDA
Regular Meeting
January 13, 2016
6:00 p.m.

I. OPENING MATTERS:

1. CALL TO ORDER
2. ROLL CALL

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Regular Meeting of January 13, 2016
2. MINUTES: Regular Meeting of October 14, 2015

III. OTHER BUSINESS:

Election of Board Chair and Vice-Chair

IV. OLD BUSINESS:

None

V. NEW BUSINESS:

A. PZ-15-00200008 – LARGE-SCALE SITE PLAN – CLEARLAKE ISLES **TABLED**

Request by Clearlake Isles, LP for approval of a large-scale site plan consistent with Appendix A, Zoning, Article XIII, Section 1 to construct two (2), three (3)-story buildings with a total of 84 units for senior living and associated amenities, such as swimming pool and cabana. The property is located on the east side of Clearlake Road, approximately 250 feet south of the Clearlake Rd./University Blvd. intersection and is identified by the Brevard County Property Appraiser's Office as Parcel ID No. 24-36-20-00-00258.0-0000.00.

B. APPEAL ZONING CODE INTERPRETATION OF COMMUNITY SERVICES DIRECTOR

In accordance with City of Cocoa Code, Art. XIII, Sec. 1, (H)(1), the Applicant's (PNG Properties, LLC) representative is requesting appeal to the Planning & Zoning Board of a zoning interpretation made by the Community Services Director of the City of Cocoa.

VI. NEXT MEETING DATE:

February 10, 2016

VII. ADJOURNMENT:

(Over)



NOTICE TO PUBLIC:

This meeting may include the attendance of one (1) or more members of the Cocoa City Council who may or may not participate in the Board discussions held at this public hearing.

All persons and parties are hereby advised that if they should decide to appeal any decision made by this Board with respect to any matter considered at this hearing, they will need a record of the proceedings and that for such purpose, affected persons may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The facility where this public hearing will be held is accessible to the physically handicapped. Interested parties are hereby advised that they may appear at said meeting and be heard with respect to the application. Written comment from the public with regard to the application will also be accepted.

Information pertaining to the above may be inspected at the Planning & Zoning Division at 65 Stone Street, Cocoa, Florida between 8:00 a.m. and 5:00 p.m., Monday through Friday, beginning the Friday before the Board Meeting date, or by phoning (321) 433-8535.



**City of Cocoa
Planning & Zoning Board**

STAFF REPORT

Date:	January 6, 2015
Project Name:	Notice of Appeal Re: Proposed Use Set Forth in Site Plan Application
Meeting Date:	January 13, 2016
Property Owner:	Home Depot USA, Inc ATTN: Property tax Dept. B-12 P.O. Box 105842 Atlanta, Georgia 30348-5842
Applicant:	PNG Properties, LLC John Bona P.O. Box 643864 Vero Beach, Florida 32964
Applicant Representative:	Kimberly Bonder Rezenka Dean Mead 7380 Murrell Rd., Suite 200 Viera, Florida 32940
Requested Action:	APPEAL OF COMMUNITY SERVICES DIRECTOR'S DETERMINATION THAT PROPOSED USE SET FORTH IN SITE PLAN IS NOT PERMITTED IN C-G ZONING DISTRICT

BACKGROUND

In accordance with City of Cocoa Code, Art. XIII, Sec. 1, (H)(1), the Applicant's representative is requesting appeal to the Planning & Zoning Board of a decision made by the Community Services Director regarding the proposed use set forth in the Applicant's site plan application. The Notice of Appeal was submitted to the City Clerk's office on December 15, 2015, and is attached hereto.

On August 12, 2015, the Applicant, PNG Properties, LLC, met with members of the Community Services Department, to include the Community Services Director, Economic Development Manager, and the Senior Planner, regarding a proposed project located at the old Winn Dixie site (now owned by The Home Depot). The discussion was preliminary and conceptual in nature and a concept plan was submitted at that time. During the meeting it was initially determined that the proposed use, described as a parking facility, is a permitted use in the C-G (General Commercial) zoning district;

specifically, Sec. 12 (A) Principal Uses and Structures, (9) Storage garage, public and private automobile parking.

On October 20, 2015, a formal Site Plan application was submitted for the proposed use. The site plan indicated several "storage lots" in the site. Additionally, the Site Plan Application form indicated under Sec. 6. Property Information that the proposed use was "Transportation Depot." Further, according to Ms. Rezanka, this appeal "stems from the Company's submittal of a concept plan and two versions of a Minor Site Plan, seeking approval from the City of Cocoa of a Site Plan to operate a **parking and transportation facility** for cruise passengers traveling to Port Canaveral."

There are two issues to be resolved with this Appeal. The first issue is how to classify the proposed use (i.e., is it a parking facility, storage facility, or transportation facility). All three references have been used interchangeably by the applicant. The second issue is whether the various plans and proposals submitted by the applicant contain a use that is permitted in the C-G zoning district. This issue necessitates examination of applicable provisions of City Code.

Use Determination

The original site plan, dated September 30, 2015, indicated on the cover sheet under the General Statement the following: "Converts existing commercial site & building into short term vehicle storage. Install landscaping & new vehicle barriers to accommodate new use." Site Plan page C-3 labeled several areas as "Storage Lot". Furthermore, contained in the Site Plan Application form under sec. 6 Property Information, Proposed Use on Property – it states "**Transportation Depot.**"

The resubmitted site plan dated November 17, 2015 modified the language under the General Statement section from short term vehicle storage to vehicle parking and changed the site plan labels to "Parking Lot".

Finally, the appeal letter received from attorney Kim Rezanka on December 15, 2015, second paragraph states "This Appeal stems from the Company's submittal of a concept plan and two versions of a Minor Site Plan, seeking approval from the City of Cocoa of a Site Plan to operate a **parking and transportation facility** for cruise passengers traveling to Port Canaveral."

It should be noted that Sec. 19 of the City Code, provides that the M-2 Industrial district allows "Transportation facilities, passenger and/or freight" as a principal permitted use. In fact, there is currently a cruise passenger parking/transportation facility located in the M-2 in the Grissom Industrial Park. Transportation facilities, passenger and/or freight, are only permitted in the M-2 zoning district due to their intensity and potential high traffic volume.

The proposed use is a park and go lot for the Port Canaveral cruise passengers. The operation is such that cruise passengers will drive to the proposed facility and pull up to a drop off point where they will exit their vehicle and the vehicle will be driven to a location on the lot by an employee of the facility. The passengers will be shuttled to the Port and then on their return from the cruise will be shuttled back to the facility to pick up their vehicle. This is not a typical parking lot use where individuals park their vehicle and walk to a use nearby and then return to their vehicle. The only

purpose of the facility is to shuttle cruise passengers back and forth, similar to the above-referenced existing use permitted in the Grissom Industrial Park located in the M-2 (Industrial) zoning district.

It is staff opinion that the proposed use, as stated by the applicant and applicant's attorney representative, is a transportation facility. Such transportation facilities are not authorized in the C-G zoning district.

Proposed Use and C-G Zoning District

In the C-G (General Commercial) zoning district, "Storage garage, public and private automobile parking" is a permitted use. Upon review of the City Code, staff determined that this permitted parking use is dependent upon there being a storage garage. The zoning code uses a variety of wording to address "parking" in other zoning districts as described below:

Sec. 9 R-P Residential Professional, "Parking facilities, provided that a suitable landscape plan is approved and maintained" is permitted as a Special Exception;

Sec. 12 C-G General Commercial, "Storage garage, public and private automobile parking" is a permitted use;

Sec. 13 CBD Central Business District, "Parking lots and garages, public or private" is allowed as a Special Exception; and

Sec. 18 C-C Core Commercial, "Public and private automobile parking" is a permitted use.

Additionally, Sec. 19 M-2 Industrial, allows as a permitted use "Transportation facilities, passenger and/or freight."

Each zoning district uses slightly different, but similar language, to describe the type of parking and facilities permitted because the intended permitted use in each district is different. Additionally, to demonstrate that public and private automobile parking is only allowed within a storage garage in the C-G zoning, it is helpful to look at a different use which uses similar language structure. Under the C-G zoning, (14) Package store, beer and wine; the package store use is allowed but is restricted to beer and wine only. This is consistent with the interpretation that public and private automobile parking is permitted only within a storage garage.

To address the specific use interpretation in question, there is a clear distinction that should be noted between Sec. 18 C-C, where "Public and private automobile parking" is allowed as a permitted use without the requirement to be contained within a storage garage, whereas in the C-G zoning district "Storage garage, public and private automobile parking" does require automobile parking to be contained within a storage garage. Also, the storage garage use in C-G is specifically restricted to automobile parking only and would not allow for the storage of other types of vehicles or machinery such as boats, recreational vehicles or construction equipment. Additionally, the CBD zoning district allows for both parking lots and garages, further supporting the interpretation that the language in the C-G zoning district is a requirement that the automobile parking be contained in a storage garage.

It should also be noted that this is the first time a use of this nature has been proposed in a commercial zoning district.

Recommendation

Staff recommends the Planning & Zoning Board agree with the Community Services Director's determination that the proposed use set forth in the Applicant's site plan is for a transportation facility and not for a "storage garage, public and private automobile parking", and therefore, is not specifically authorized in the C-G zoning district.



Dean Mead
7380 Murrell Road
Suite 200
Viera, FL 32940

(321) 259-8900
(321) 254-4479 Fax
www.deanmead.com

Attorneys and Counselors at Law
Orlando
Fort Pierce
Gainesville
Tallahassee
Viera/Melbourne

KIMBERLY B. REZANKA
(321) 751-6103
KRezanka@deanmead.com

December 15, 2015

Sent via email: cshealy@cocoafl.org

Ms. Carie Shealy
City Clerk, City of Cocoa
65 Stone St.
Cocoa, FL 32922

Re: NOTICE OF APPEAL TO PLANNING & ZONING BOARD
November 21, 2015 Interpretation by Community Development Director
Proposed Use at 2320 Highway 524, within C-G Zoning District

Dear Ms. Shealy:

On behalf of PNG Properties, LLC (the "Company"), the buyer working with Home Depot USA, Inc. regarding the above-reference Property, we are filing this Notice of Appeal regarding the November 21, 2015 Interpretation of the Community Development, pursuant to City of Cocoa Code of Ordinances ("City Code"), Art. XIII, Sec. 1, (H)(1). The interpretation to be appeal in contained in the email attached hereto as **Exhibit "A"**.

This Appeal stems from the Company's submittal of a concept plan and two versions of a Minor Site Plan, seeking approval from the City of Cocoa ("City") of a Site Plan to operate a parking and transportation facility for cruise passengers traveling to Port Canaveral. Initial meetings between the Company with the City's Community Development Director, Economic Development Director and Senior Planner Steven Biel resulted in the opinion from City that the proposed use was a principal use in General Commercial District (C-G). The Company believed this opinion to be based upon concept plan submitted to the City on August 12, 2015, a copy of the concept plan is attached hereto as **Exhibit "B"**. Upon the City's direction that only a Minor Site Plan was required, the Company submitted a Minor Site Plan for the parking facility on October 20, 2015. The first submittal is attached hereto as **Exhibit "C"**. Senior Planner Biel provided written comments dated November 3, 2015, indicating that a Special Exception would be needed for the parking facility. Stunned, the Company sought guidance from the City Manager and City Attorney. In the interim, the Company submitted a revised Site Plan to

indicate that no "storage" was intended at the parking facility, only parking was planned to occur at the facility. The second submittal is attached hereto as Exhibit "D".

The Company believes that the G-C (C-G) allows "private automobile parking" as a principal use. The City disagrees and has claimed that such parking is only a principal use in a "storage garage". The applicable code section is below.

Sec. 12. - District and intent—C-G, General Commercial District.

The provisions of this district are intended to apply to an area intended to be developed and preserved as a major commercial center serving the commercial needs of the community and region. The type of uses and other restrictions are intended to promote adequate protection from conflicts with adjacent residential and other noncommercial uses, and to minimize the interruption of traffic along adjacent thoroughfares.

- (A) PRINCIPAL USES AND STRUCTURES. The following uses and structures are permitted for any use or group of uses that are developed, either separately, or as a unit with certain site improvements shared in common:
- (1) All principal uses and structures allowed in section 10, P-S Professional Services District, and section 11, C-N, Neighborhood Commercial District, except residential uses and child care centers, day nurseries or kindergartens.
 - (2) Any other retail sales outlet of products sold directly to the consumer.
 - (3) Wholesaling from sample stocks.
 - (4) Dry cleaning establishments using nonflammable solvents and cleaning fluids as determined by the fire chief.
 - (5) Business service establishments.
 - (6) Commercial recreation structures such as theaters, driving ranges, bowling alleys, and similar uses except drive-in theaters (enclosed structures shall be air conditioned).
 - (7) Automobile laundry or quick wash.
 - (8) Liquor stores (retail) and cocktail lounges.
 - (9) Storage garage, public and private automobile parking.
 - (10) Repair service establishments such as household appliances, radio and television and similar uses.

Despite the Company's best efforts to resolve this interpretation issue of whether Sec. 12(A)(9) provide three (3) principal uses or one principal use, the City is demanding that the Company apply for a Special Exception for the parking facility. The Company believes that three principal uses clearly exist in that section based upon the plain meaning of the words "storage" and "parking", and based upon the pattern and word usage in this City Code section and other Code sections.

The City Code defines "park" or "parking" as "the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers. . .". Sec. 20-51(k). There is also a definition for "public parking space", which includes parking spaces on private property for use by members of the public. Sec. 20-51(o). However, no definition for "storage" or "storage garage" could be found in the City Code. The Merriam-Webster on-line dictionary defines "storage" as "space or place for storing, the safekeeping of goods in a depository (as a warehouse)".

One Florida case has examined the difference between "storage" and "parking", finding that one has more a degree of permanency than the other. In *Castro v. Miami-Dade County Code*

Enforcement, the Court turned to the American Heritage Dictionary (1979) for the definition of "store", defined as "to reserve or put away for future use," while "storage" is defined as "the act of storing goods, as in a warehouse for safekeeping." Therefore, the court reasoned, the county code contemplated a placing away of boats for a considerable period, and not for a brief placement. *See id.*, 844 So. 2d 784, 785 (Fla. 3d DCA 2003). The court stated that its conclusion was reinforced by the Second District Court's opinion in *International Ins. Co. v. Mason*, 442 So.2d 379 (Fla. 2d DCA 1983), that "stored" and "storage" contemplate a certain degree of permanency. *See id.* "International cites as persuasive *State v. Breidenbach*, 5 Ohio App. 2d 52, 213 N.E.2d 745 (1964) and *Williams v. Grier*, 196 Ga. 327, 26 S.E.2d 698 (1943). In *Breidenbach* the Ohio Court of Appeals, in reviewing a county zoning resolution, stated (at 746) "we observe in passing that storage of automobiles indicates a certain degree of permanency, while the term 'parking' connotes transience." In *Williams v. Grier*, the Georgia Supreme Court concluded that "parking" does not equate to "storing". An earlier Florida case similarly reviewed other jurisdictions to come to the same conclusion. "Other jurisdictions which have considered the issue seem to have decided that "stored" or "storage" denotes a certain degree of permanency." *Int'l Ins. Co. v. Mason*, 442 So. 2d 379, 380 (Fla. 2d DCA 1983).

In addition, at no time prior to November 3, 2015 letter from Mr. Biel did the City Staff ever indicate that a Special Exception was even remotely a requirements. In meetings between the Company and City staff on August 11th and 12th, regarding the proposed facility, the language regarding zoning for parking in this location was reviewed at length. Steven Biel, Senior Planner reviewed the zoning and told the Company representatives that the site was zoned for parking. The Company generated a concept sketch for the property and provided it to the City on August 12th. The Company representatives reviewed the concept sketch with Steven Biel, Steven Belden and Joani Junkala, and although Steven Belden seemed adverse to the concept plan, City staff reiterated again that the zoning supported parking and there was "nothing to be done to prevent parking."

Now, the City has found a way "to prevent parking", a principal use is G-C. The Company relied upon the City staff and has spent substantial funds preparing for the operation of the parking facility. The Company's relationship with Home Depot USA, Inc. is in jeopardy if the City demands an application for a Special Exception.

On behalf of PNG Properties, LLC, we respectfully request that the Planning & Zoning Board overturn the interpretation of the Community Development Director. To require the Company to submit a Special Exception Application under the vague and ambiguous standard of "any other use in keeping with the intent of the district" could prove to be a useless exercise and will only delay the Company further.

Sincerely,


Kimberly B. Rezanka

KBR:bms
enclosures

copy to: City Manager (via email)
City Attorney, Anthony Garganese (via email)
John Bona

Kim Rezanka

From: John Titkanich <jtitkanich@cocoafll.org>
Sent: Saturday, November 21, 2015 9:53 AM
To: Kim Rezanka; Anthony Garganese (OrlandoLaw)
Cc: Steven Belden
Subject: RE: Vacant Home Depot property/Park N Go

Kim:

First, I apologize as both Anthony and I were unaware that a concept plan was provided by your client the day after the August 11th meeting. After conferring with my staff this morning, our Economic Development Manager did have a copy of the concept plan you emailed yesterday evening. The original concept plan appeared to denote a proposed indoor/outdoor public parking project.

I understand that during the pre-application process there may have been some confusion as to whether the proposed project would constitute a permitted use on the subject property under the current C-G zoning designation. However, after City staff received and preliminarily evaluated the actual site plan application submitted by your client, including several variations of the proposed site plan denoting the project as a "Transportation Depot" and "Storage Lots," the Community Development Director has determined that the proposed use is not permitted on the subject property under the current C-G zoning designation because the proposed use does not fall within the permitted use of "Storage Garage, public and private automobile parking." In other words, a public and private automobile parking project is allowed provided the parking is in a storage garage. The proposed outdoor parking facility will require approval of a special exception by the Board of Adjustment under the listed special exception use of "Any other use keeping with the intent of the district."

Under the circumstances, the City is still willing to complete a full site plan review. However, as we discussed yesterday, your client will need to submit additional technical information that is required by the City Code including a traffic impact analysis. Once all the technical information has been submitted, the Community Development Director will make a final determination on the entire application, which is subject to appeal to the Planning & Zoning Board pursuant to the City Code. Alternatively, at this stage of the site plan review process, your client can elect to immediately appeal the Community Development Director's determination that the proposed project is not a permitted use to the Planning & Zoning Board. Under the second option, if the Planning and Zoning Board upheld your appeal, the City will immediately resume the full site plan review based on the Planning & Zoning Board's decision. The City is affording your client the right to have an immediate appeal of the land use determination as a way to minimize the costs that may be required to finalize a full site plan review and determination in the event the Community Development Director's land use determination is upheld by the Planning & Zoning Board. Either way, your client is being afforded the right to present their application to the Planning & Zoning Board for a final determination.

Please consult with your client and advise the City as to how your client wishes the City to proceed with the application. The City will wait to hear back from you before taking any additional steps regarding the pending application. If your client wishes to file an appeal now, submit a written request to appeal to the city clerk, with a copy to me, within thirty (30) days of receiving this email pursuant to Appendix A- Zoning, Article XIII, Section 1 (H). Additionally, the City returned the application fee payment (check) submitted with the site plan application as it was more than required fee, \$500 vs. \$350. Please have your client resubmit the site plan application fee in the proper amount of \$350.

If you have any questions or concerns, please do not hesitate to contact me or Anthony.

Regards,

EXHIBIT "A"

John



**John A. Titkanich, Jr.,
AICP**

City Manager

65 Stone St., Cocoa, FL 32922

(321) 433-8686 | jtitkanich@cocoafl.org

Fax: (321) 433-8690

Serving our Community with PRIDE!

Stay Connected:       www.cocoafl.org

From: Kim Rezanka [<mailto:KRezanka@deanmead.com>]

Sent: Wednesday, November 18, 2015 6:20 PM

To: John Titkanich; Anthony Garganese (OrlandoLaw)

Cc: Steven Belden

Subject: FW: Vacant Home Depot property/Park N Go

John and Anthony,

Contrary to what was stated today, my clients did indeed share a conceptual site plan (copy attached) with your staff and left a copy. Your staff knew exactly what my client was intending to do and advised them it was a permitted use. It was not a "survey" that was given to your staff.

I again spoke with my client and the representatives are not inclined to submit for a special exception.

We again ask you reconsider your staff interpretation and deem a parking lot a permitted use, without a "garage" for "storage". If you will not reconsider, please provide a denial to the site plan so we may challenge either to Planning and Zoning (Art. XIII, Sec. 1(H)) or Circuit Court.

Thank you for your consideration.

Sincerely,
Kim Rezanka



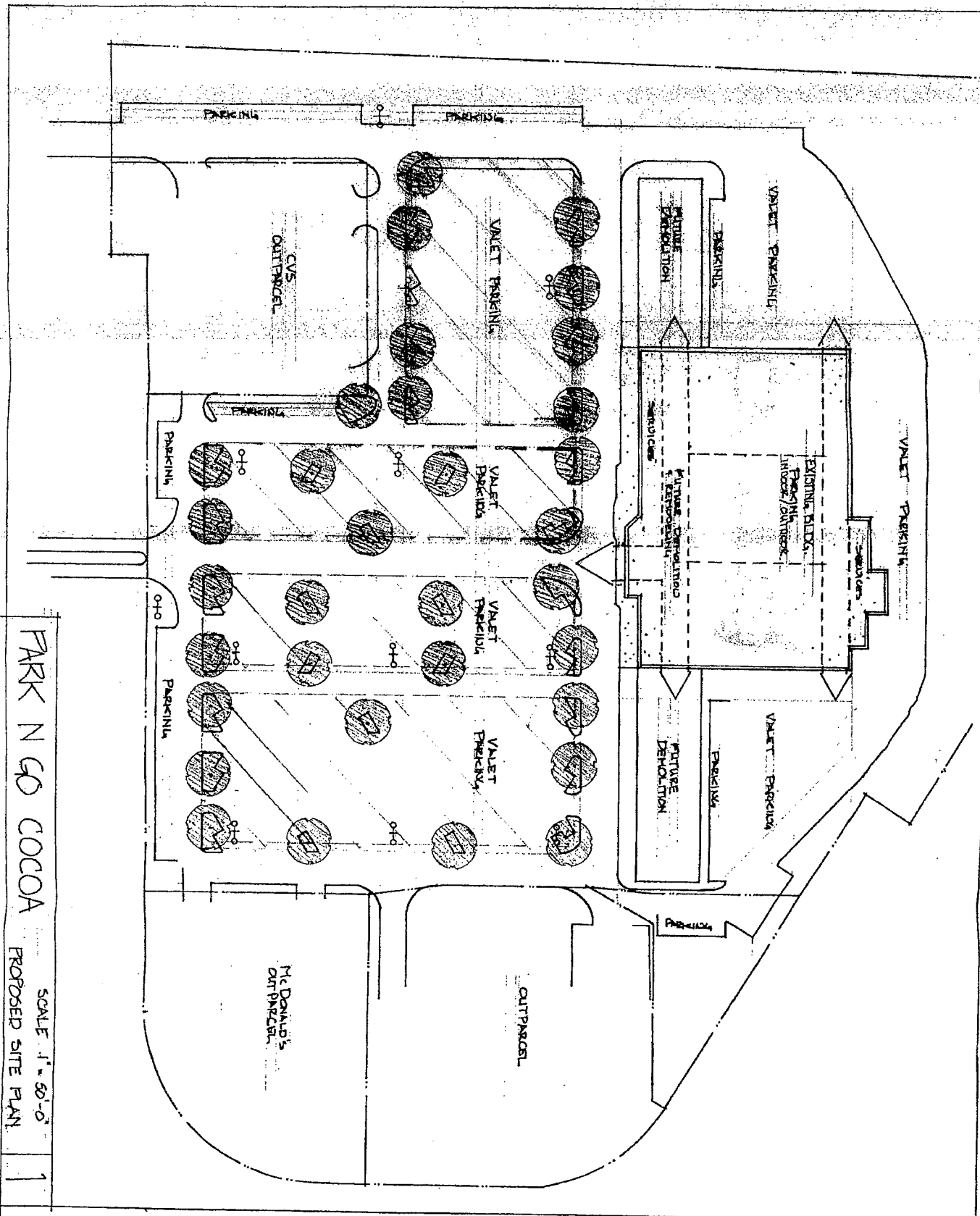
Kimberly Bonder Rezanka
Shareholder
KRezanka@deanmead.com

Dean Mead
7380 Murrell Rd, Suite 200
Viera, Florida 32940
321-259-8900 • Fax 321-254-4479

www.deanmead.com

Orlando | Fort Pierce | Gainesville | Tallahassee | Tampa | Viera/Melbourne

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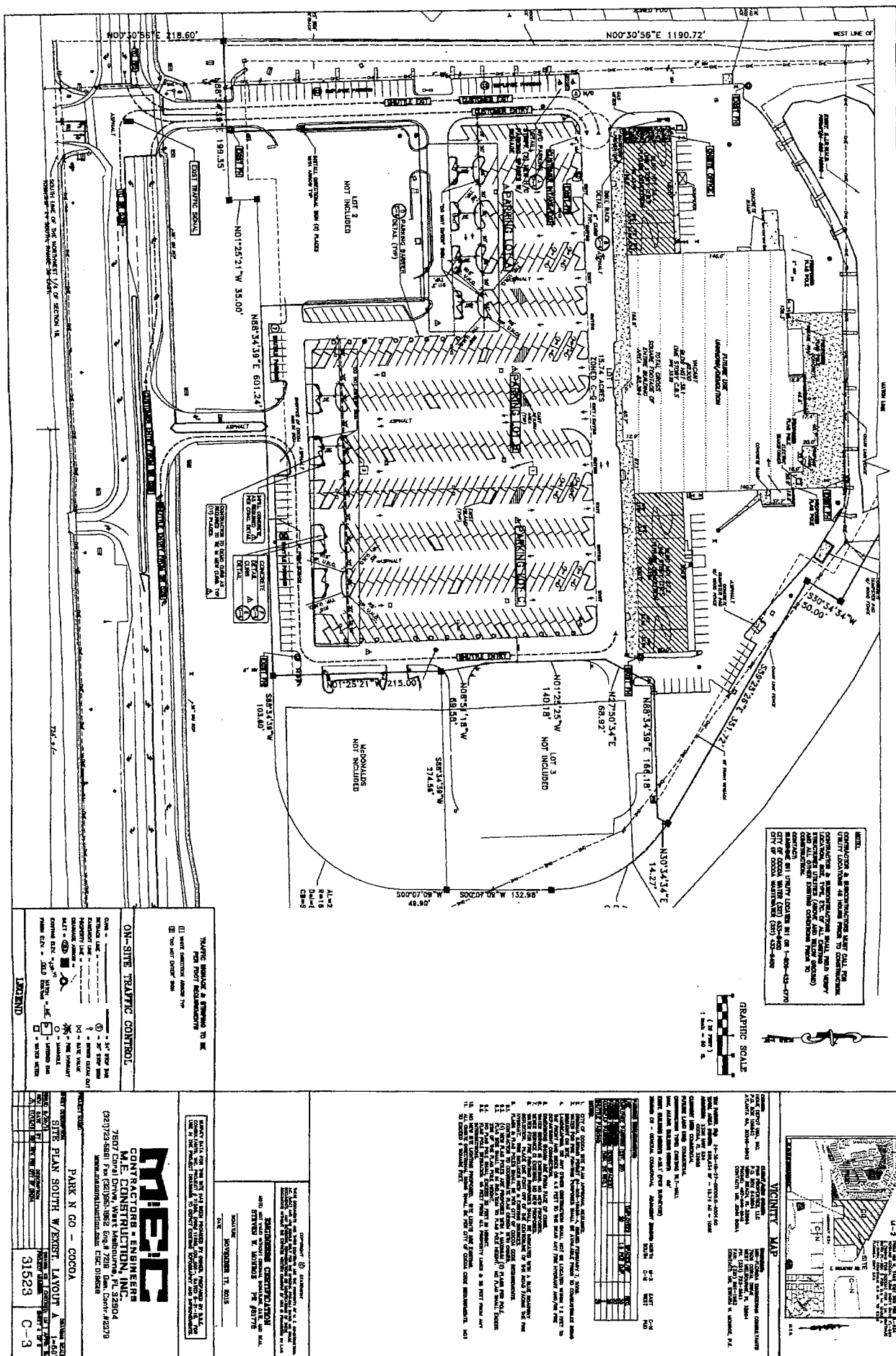


PARK N GO COCOA

SCALE: 1" = 50'-0"

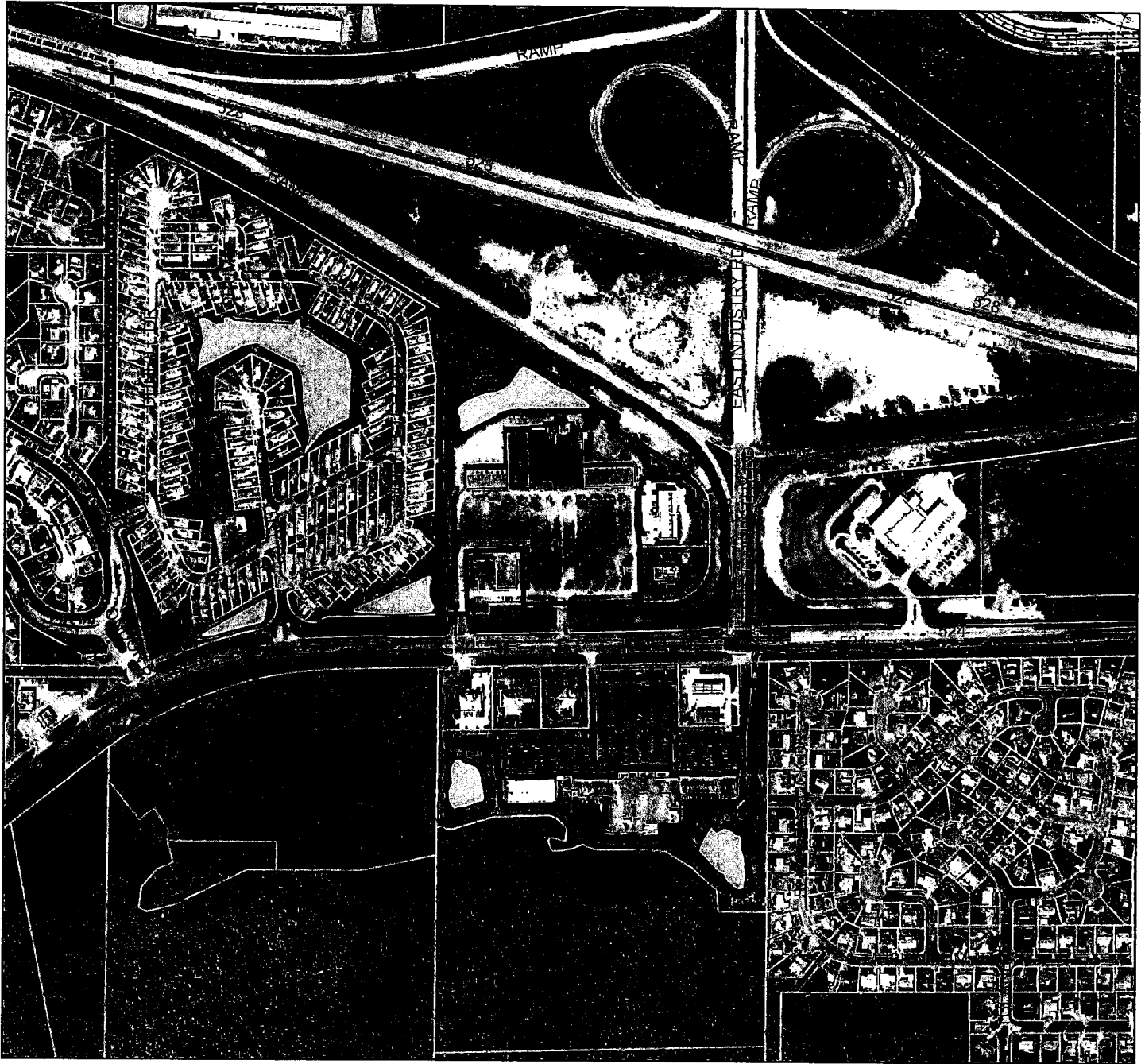
PROPOSED SITE PLAN

EXHIBIT "B"





Location Map Home Depot USA, Inc. Property



Legend

-  Subject Property
-  Water Bodies
-  Publish.GISDL.CityBoundary



0 0.1 0.2 Miles

Disclaimer: Maps are for reference purposes only and do not replace official documents.



Notice of Appeal Appeal of Community Services Director's Determination

Appeal of Community Services Director's Determination

Property Owner:

Home Depot USA, Inc.
Attn: Property Tax Dept. B-12
P.O. Box 105842
Atlanta, GA 30348-5842

Applicant:

PNG Properties, LLC
John Bona
P.O. Box 643864
Vero Beach, FL 32964

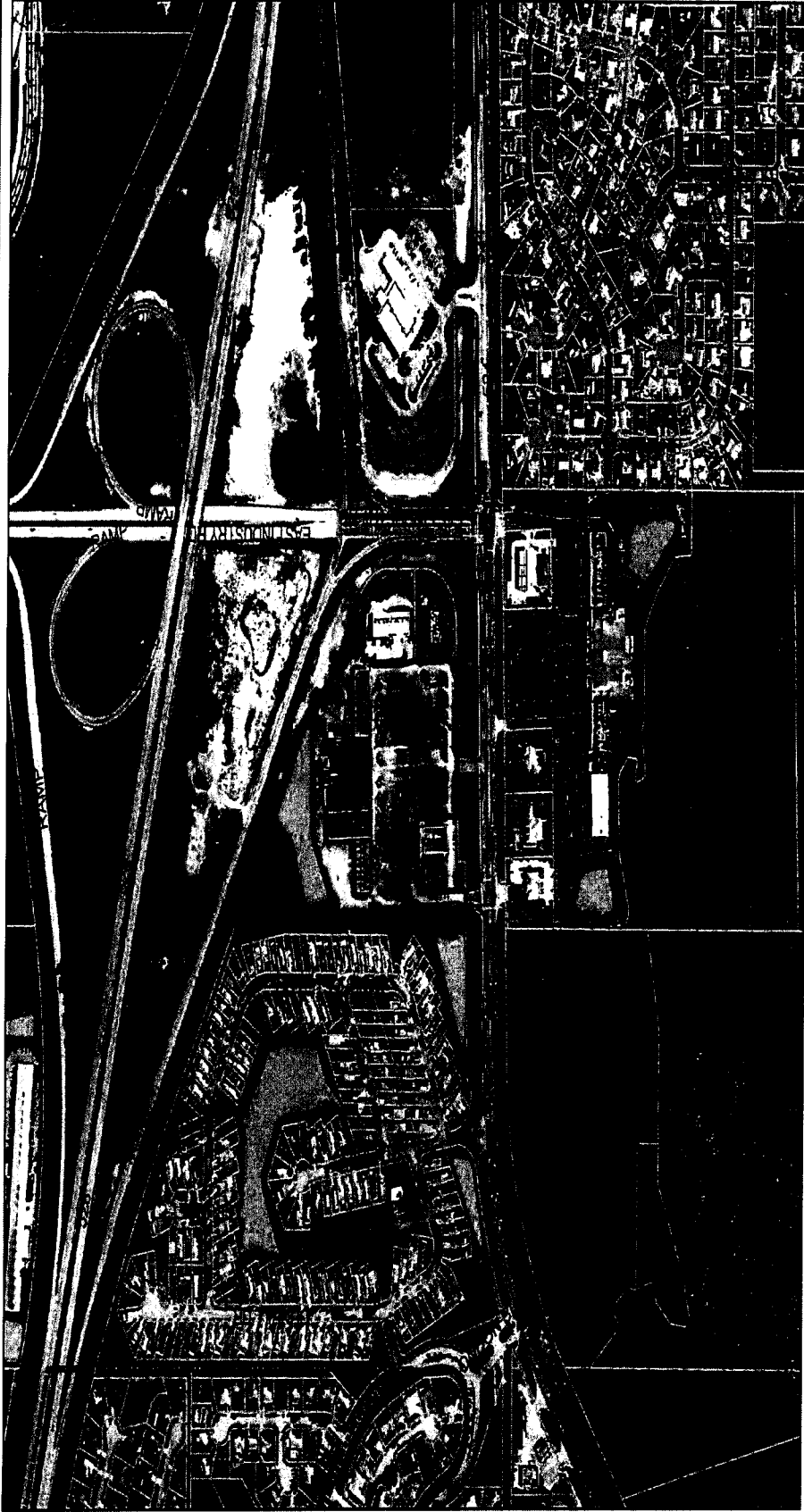
Representative:

Kimberly Bonder Rezenka
Dean Mead
7380 Murrel Rd., Suite 200
Viera, FL 32940





Location Map Home Depot USA, Inc. Property



Legend

-  Subject Property
-  Water Bodies
-  Publish.GISDL.CityBoundary



Disclaimer: Maps are for reference purposes only and do not replace official documents.

Appeal of Community Services Director's Determination

REQUEST:

- Applicant is requesting appeal to the Planning & Zoning Board of a decision made by the Community Services Director regarding the proposed use set forth in the Applicant's small scale site plan application.
- Two issues to address-
 - Zoning interpretation-Sec. 12 C-G, "Storage garage, public and private automobile parking" permitted use.
 - Use determination-What is the proposed use of the property? Staff opinion the proposed use is a transportation facility.



Appeal of Community Services Director's Determination

BACKGROUND:

- August 12, 2015, the Applicant met with Community Services Department staff, to include Community Services Director, Economic Development Manager and Senior Planner.
- Preliminary discussion of proposed use and review of conceptual site plan. The conceptual site plan labeled areas as “valet parking.”
- Initial determination made that the proposed use was permitted in the C-G zoning under the “storage garage, public and private automobile parking” use.



Appeal of Community Services Director's Determination

BACKGROUND CONTINUED:

- On October 20, 2015, a formal site plan application was submitted to the Community Services Department.
- The site plan indicated several areas labeled as "storage lots."
 - Under the C-G Prohibited Uses, "Manufacturing activities, freight transportation terminals, storage, warehousing and other activities of a similar nature."
 - The General Statement on the site plan cover sheet described the use as "Convert existing commercial site & building into short term vehicle storage. Install landscaping & new vehicle barriers to accommodate new use."
- The site plan application described the proposed use as "Transportation Depot."
 - Under the M-2 zoning district, "Transportation facilities; passenger and/or freight" is a permitted use.



Appeal of Community Services Director's Determination

BACKGROUND CONTINUED:

- Determination made that the use was not consistent with the Permitted Uses of the C-G zoning district Art. XI, Sec. 12 (9).
- "Storage garage, public and private automobile parking
 - Automobile parking only is permitted and must be contained within a storage garage.
 - The storage of vehicles on a surface lots is not permitted.
 - The storage of other types of equipment (i.e., recreational vehicles, machinery, etc, is not permitted.



Appeal of Community Services Director's Determination

BACKGROUND CONTINUED:

- November 3, 2015, Steven Biel, Senior Planner, submitted a correspondence to the engineer, Steven Monroe, P.E. with site plan comments.
 - Prior to site plan approval a Special Exception application must be submitted for review and approval by the City of Cocoa Board of Adjustment unless the storage/parking area is enclosed (Appendix A, Zoning, Article XI, Sec. 12 A (9).
 - Under Article XI, Sec. 12 (C) Special Exceptions, (7) Any other use in keeping with the intent of the District.



Appeal of Community Services Director's Determination

BACKGROUND CONTINUED:

- On November 17, 2015, a revised site plan application was submitted.
- The revised site plan changed the areas previously labeled as “storage lots” to “parking lot.”
- The General Statement on the site plan cover sheet described the use as “Convert existing commercial site & building into short term vehicle parking. Install landscaping & new vehicle barriers to accommodate new use.
- November 21, 2015, City Manager emailed Attorney Kim Rezenka outlining her clients options to: 1) apply for a special exception, 2) provide the storage garage, or 3) appeal the determination of the Community Services Director to the Planning & Zoning Board.
- December 15, 2015, an appeal was submitted to the City Clerk's office by Attorney Kim Rezenka on behalf of the applicant.



Appeal of Community Services Director's Determination

BACKGROUND CONTINUED:

- The appeal letter submitted states specifically the proposed use to “...operate a parking and transportation facility for cruise passengers traveling to Port Canaveral.”
- Under the M-2 zoning district, “Transportation facilities; passenger and/or freight” is a permitted use.
- There is an existing cruise passenger transportation facility currently operating in the M-2 zoning district.



Appeal of Community Services Director's Determination

DETERMINATION:

1. Sec. 12 C-G "Storage garage, public and private automobile parking" : Parking of public and private automobiles must be contained within a storage garage.
2. The proposed use is a "transportation depot/facility" as described by the site plan application and the appeal letter, and therefore is only permitted in the M-2 Industrial zoning district.





STEVEN W. MONROE, P.E.
Vice President of Engineering

Resume of Education and Experience

EDUCATION

Professional Engineer, Registered in the State of Florida, PE Number 61778, 2004
Engineering Intern, Registered in the State of Florida, Number 1100005244, 1999
BS in Civil Engineering, University of Central Florida, 1998.
AS in Drafting & Design, Brevard Community College, 1995
Completed 2 year Architectural Program, St. Petersburg Junior College, 1994
General AA, Brevard Community College, 1990
Melbourne High School, 1988

EXPERIENCE

September 1998 to Present - M.E. Construction, Inc.

Commercial Projects – Professional Offices, Medical Offices and labs, Industrial buildings, Warehouse buildings, Convenience Stores, Commercial Retail Stores, Elementary Schools, Movie Theater, Multi-family buildings, Churches, residential & commercial subdivisions.

Civil Design - site plans, roads, drainage, surface water pollution control, master storm water retention ponds, sanitary sewer systems, lift station & low pressure distribution systems, water mains & distribution systems, utility relocation, Expert Witness, Conditional Use Permitting, Variance Request and Zoning Changes. Project permitting with the St. Johns River Water Management District, FDEP, FDOT, various City and County Municipalities.

Structural Design – structural steel & bar joist, timber, wood, reinforced masonry, reinforced concrete / tilt wall, concrete foundations and signs. All of such design being consistent with current wind load applications, requirements & code.

1996 to 1997- Briel & Associates Land Surveying, Inc.

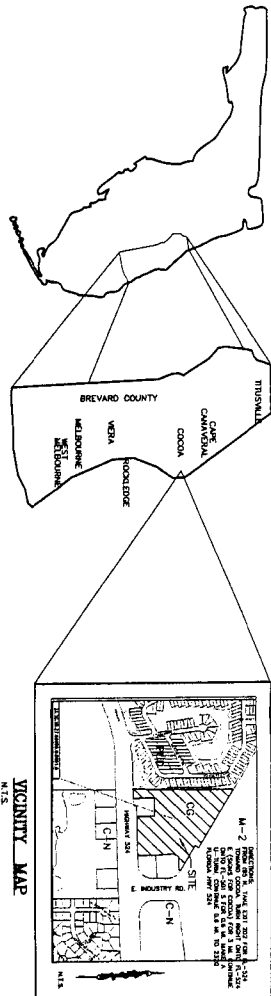
Primarily a survey drafter working with residential & commercial projects. Periodically worked in the field collecting field data & surveying.

1994 to 1996- Land Mark Surveying, Inc.

Began as a rod man, quickly moved to instrument man & then promoted to party chief. Additionally, worked as a survey drafter to complete commercial site & roadway survey drawings.

Other Interests and Activities: Boating, Camping, Hunting, Fishing, and enjoying the outdoors.

SMALL SCALE SITE PLAN PARK N GO / SR 524 COCOA, BREVARD COUNTY, FLORIDA



NOTES:
CONTRACTOR & SUBCONTRACTORS MUST CALL FOR UTILITY LOCATIONS 48 HOURS PRIOR TO CONSTRUCTION. CONTRACTOR & SUBCONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF COCOA, BREVARD COUNTY, FLORIDA. CONTRACTOR & SUBCONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF COCOA, BREVARD COUNTY, FLORIDA. CONTRACTOR & SUBCONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF COCOA, BREVARD COUNTY, FLORIDA.

GENERAL AND DRAINAGE NOTES:
1. ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO FLORIDA DOT SPECIFICATIONS & CITY OF COCOA SPECIFICATIONS.
2. THE CONTRACTOR SHALL FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY FOR THE PROPER CONSTRUCTION OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF COCOA, BREVARD COUNTY, FLORIDA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF COCOA, BREVARD COUNTY, FLORIDA.

CITY OF COCOA WATER INFILTRATION NOTES: NO IMPROVEMENTS PROPOSED
CITY OF COCOA SANITARY SEWER: NO IMPROVEMENTS PROPOSED
CITY OF COCOA RAILROAD: NO IMPROVEMENTS PROPOSED

SHEET INDEX:
C-0 COVER SHEET & NOTES
C-1 SITE PLAN NORTH
C-2 SITE PLAN SOUTH
C-3 EXIST. DRAINAGE PLAN NORTH
C-4 EXIST. DRAINAGE PLAN SOUTH
C-5 LANDSCAPE DETAILS
C-6 LANDSCAPE DETAILS

LEGEND:
C-0 COVER SHEET & NOTES
C-1 SITE PLAN NORTH
C-2 SITE PLAN SOUTH
C-3 EXIST. DRAINAGE PLAN NORTH
C-4 EXIST. DRAINAGE PLAN SOUTH
C-5 LANDSCAPE DETAILS
C-6 LANDSCAPE DETAILS

ENGINEERING CERTIFICATION:
I, the undersigned, being a duly Licensed Professional Engineer in the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original as submitted to me for my signature and seal.

MEC
CONTRACTORS & ENGINEERS
7807 Central Drive, West Melbourne, FL 32904
(321) 733-5661 FAX (321) 733-5662
BREVARD COUNTY, FLORIDA
CITY OF COCOA, FLORIDA

CITY OF COCOA APPROVAL:

[illegible]

NOTE:
CONTRACTOR & SUBCONTRACTORS MUST CALL FOR UTILITY LOCATIONS 48 HOURS PRIOR TO CONSTRUCTION.
CONTRACTOR & SUBCONTRACTORS SHALL FIELD VERIFY LOCATIONS AND TYPE, ETC. OF ALL EXISTING UTILITIES (GAS, WATER, AND BELOW GROUND) AND ALL OTHER EXISTING CONDITIONS PRIOR TO CONSTRUCTION.
CONTACT:
SUNSHINE HILL UTILITY LOCATES 811 OR 1-800-425-4770
CITY OF COCONA WATER (323) 435-6400
CITY OF COCONA WASTEWATER (321) 435-9400

1. ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO FLORIDA DOT SPECIFICATIONS & CITY OF COCOA CRITERIA.

1. THE CONTRACTOR SHALL FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY AND INCIDENTAL TO THE CONSTRUCTION. HE SHALL OBTAIN AND PAY FOR ALL PERMITS AND OFFICIAL INSPECTIONS REQUIRED, AND OTHER OFFICIAL FEES IN CONNECTION WITH THE CONSTRUCTION. THE CONTRACTOR SHALL ADVISE A PROFESSIONAL ENGINEER AS REQUIRED PRIOR TO COMMENCEMENT OF CONSTRUCTION.

2. CONTRACTOR IS RESPONSIBLE FOR CHECKING ACTUAL SITE CONDITIONS & SHALL FURNISH ALL NECESSARY CONDITIONS & SIZES OF ALL EXISTING WATER LINES, SEWER LINES, ETC., BEFORE STARTING CONSTRUCTION. TELEPHONE, CABLE, FIBER OPTIC, AND ALL OTHER UTILITIES SHALL BE LOCATED AND MARKED PRIOR TO CONSTRUCTION.

3. THE CONTRACTOR SHALL SUPPLY TO THE ENGINEER REPRODUCIBLE AS-BUILT DRAWINGS PREPARED BY A FLORIDA REGISTERED LAND SURVEYOR AT THE CONTRACTOR'S OWN EXPENSE.

CITY OF COCOA WATER DISTRIBUTION NOTES NO IMPROVEMENTS PROPOSED

[illegible]

LEGEND

CDP REPORT (6) STATEMENT

ENGINEERS CERTIFICATION
NOTE: NOT VALID WITHOUT ORIGINAL SIGNATURE, DATE, AND SEAL
STEVEN W. MONROE PE #01778

SIGNATURE

SEPTEMBER 30, 2016

DATE

CONCLUSIONS

CONVERT EXISTING COMMERCIAL, SITE & BUILDING INTO
SLEEPERS TO ACCOMMODATE NEW USE.

[illegible]

DRIERS
HOLE DEPOT USA, INC.
P.O. BOX 100432
ATLANTA, GA 30348-5432

GLASS/ALUM COMPANY
PACIFIC INDUSTRIES, LTD.
P.O. BOX 434464
VENO BEACH, FL 32684
PHONE: 407-444-8846
CONTACT: MR. JOHN BONA

ENGINEERS
MC ALBINA ENGINEERING CONSULTANTS
7608 CORAL DRIVE
WEST McALBINA, FL 32064
PH. (321) 723-5881
FAX: (321) 881-1832
CONTACT: MR. STEVEN W. MONROE, P.E.

SUBJECT INDEX:

- C-0 COVER SHEET & NOTES
- C-1 SURVEY/EXISTING SITE
- C-2 SURVEY/EXISTING DRAINAGE
- C-3 SITE PLAN SOUTH
- C-4 SITE PLAN NORTH
- C-5 EXIST. DRAINAGE PLAN SOUTH
- C-6 EXIST. DRAINAGE PLAN NORTH
- L-1 LANDSCAPE PLAN SOUTH
- L-2 LANDSCAPE DETAILS

MARKET DATA FOR THIS SITE HAS BEEN PROVIDED BY OMAR, PREPARED BY R.L. CONSULTANTS, INC. PROJECT # 11280, SHEET 11280.100.001-1, DATED 8-3-13, FOR USE IN THE PROJECT. DRAWINGS TO DEPICT EXISTING IMPROVEMENT AND IMPROVEMENTS.

3E

M.E. CONSTRUCTION, INC.
7607 Coral Drive, West Melbourne, FL 32904
(321)723-5661 Fax (321)951-9552 Eng. # 219 Gen. Contr. #2579
www.mecconstruction.com CSC 0195528

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1 MUM N GO - CUCOA

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ISSUE:	0/30/15
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1111

CITY OF COCOA APPROVAL

Bradley A. Smith, ASLA, AICP

Principal-In-Charge



Brad founded the firm in 1982. He is both a certified planner (AICP) and a registered landscape architect (ASLA). A strong “big-picture” thinker who understands the practical aspects of project implementation, Brad’s involvement will ensure that your expectations are met.

Mr. Smith will serve as Principal-in Charge, providing oversight of personnel, schedules, and the client’s goals and objectives. Brad is a maximizer – he loves to transform something strong into something superb. Excellence, not average, is his measure. He is a good strategic thinker. Faced with any given scenario, he can quickly spot the relevant patterns and issues. He is an activator, quickly turning thoughts into action. Finally, Brad is a good communicator, and is very effective in presenter, connecting with people in the process. As he likes to say: “*We don’t just take on projects, or even clients. We engage in relationships.*”

He knows the practical aspects of planning, project implementation, and on-going maintenance. This foundational understanding, coupled with strong design abilities and a high level of integrity has yielded numerous successful projects throughout the coastal portion of East Central Florida. He has experience in working with a wide range of clients and special interest groups to arrive at designs which solve specific project-related problems.

Brad will be responsible for the integrity of the project's overall strategy, planning, and design direction. He approaches problem-solving with creativity and innovation. His concepts are based on the client's needs and an understanding of the uniqueness of each site, resulting in appropriate solutions.

- **EDUCATION**
Bachelor of Landscape Architecture, 1979
University of Georgia
- **PROFESSIONAL EXPERIENCE**
Southern Landscapers, Inc.
1979-1982: Landscape Designer

Brad Smith Associates, Inc.
1982-Present: Principal
- **PROFESSIONAL REGISTRATION**
1981 – Florida Registered Landscape Architect #764
1997 – N.C. Registered Landscape Architect #937
2004 – AICP Certification
- **PROFESSIONAL AFFILIATIONS**
American Society of Landscape Architects
American Planning Association
- **REPRESENTATIVE PROJECT EXPERIENCE**
Melbourne International Airport
Olde Eau Gallie Riverfront Urban Infill and Redevelopment Plan
S.W. Palm Bay Community Planning Study
Water St. Park & Castaways Point Park – Palm Bay
Downtown Melbourne Redevelopment Project
Pocahontas Park – City of Vero Beach
Booker T. Washington Neighborhood Development
Palm Vista Preserve
Ridgewood Avenue Improvements
East Indian River County Stormwater Master Plan
Pelican Island National Wildlife Refuge & Jungle Trail Recreational Areas, Indian River County
North County Regional Park, Indian River County
Brevard Zoo Linear Park, Brevard County
Wabasso Causeway Improvements, Indian River County
CR 512 Landscape Enhancements
Titusville Stormwater Park (Spaceview Park)
43rd Avenue Landscape Enhancements
SR 405 Phases 1-6 FDOT Highway Beautification Grant
Cocoa Waterfront Redevelopment Concept
Cocoa West Recreation Area/Brevard County
Front Street Park/City of Melbourne
Ridgewood Ave., Cape Canaveral
Ocean Beach Blvd., Cocoa Beach
Atlantic Ave. Corridor, Cape Canaveral
Numerous FDOT Highway Beautification Grant Projects

MEMO

Date: 1/12/16

To: City of Cocoa Planning & Zoning Board

From: Brad Smith, ALSA, AICP

Re: Park'N Go Appeal

Brad Smith,
ALSA, AICP

Digitally signed by Brad Smith, ALSA, AICP
DN: cn=Brad Smith, ALSA, AICP, o=Brad Smith Associates, Inc., ou=Founder, Chairman, email=bsmith@bsaplanning-design.com, c=US
Date: 2016.01.13 14:42:38 -05'00'

The following is my testimony:

“A rose by any other name would smell as sweet.”

This is a parking lot, plain and simple. It is a place where people drive in, park their cars, and walk to a destination. They eventually return to their cars, and drive away. That's what parking lots are for – **“to provide for the temporary storage of vehicles on-site for patrons, workers, or residents;”** as defined in Article XII. – OFF-STREET PARKING AND LOADING REGULATIONS, Section 1. – Off-street parking and loading regulations *Intent (a)*. **Intent** does seem the most appropriate place to start, if we are to begin to understand an ordinance.

Here is the entire text of the Intent section as pertaining to off-street parking and loading regulations (and make no mistake, this is exactly what we are discussing – *the use of a particular parcel for the temporary storage of vehicles*):

Sec. 1. - Off-street parking and loading regulations.

(a) *Intent*. The general intent of this article is to promote the public health, safety, welfare, economic order, aesthetics, and quality of life, but more specifically; To provide standards for the safe ingress/egress to parking areas; to provide for the temporary storage of vehicles on-site for patrons, workers, or residents; to promote a pleasing community appearance; to provide for on-site traffic flow and safety; to provide for the protection of residential areas from visual effects, noise and solar heat or excess stormwater runoff, to protect the value of land and buildings; to improve the optimal utilization of undeveloped and redeveloped tracts of land; and to prevent safety hazards along roadways and provide for free-flowing traffic on streets.

Here is the entire text of the Intent section as pertaining to off-street parking and loading regulations (and make no mistake, this is exactly what we are discussing – *the use of a particular parcel for the temporary storage of vehicles*):

“Enhancing Community through PLACE CREATION™”

P.O. Box 120938 ■ W. Melbourne, FL 32912-0938 ■ Phone 321.724.1036 ■ www.bsaplanning-design.com
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OK, but where does this apply?

Section (b) tells us:

(b) Applicability. This article and the design standards set forth herein shall apply to all new development and redevelopment within the City of Cocoa.

But, wait, staff's position is that somehow this is something other than parking, and therefore it is not a permitted land use in the CG Zoning District.

Let's think about that for a moment. When this parcel housed a Winn Dixie grocery store, a Health First medical practice, and other various retail businesses, people drove to the site, parked their cars, went into the building, completed their business, and returned to their cars and drove away. Currently, the site sits vacant (and it has for 12 years now). But the good news is that a business entity wants to purchase the property, fix it up, and revive this derelict parcel.

If that is allowed, what will happen? People will again drive their vehicles to the site, park their cars, complete their business, return to their cars, and then drive away. The difference is that between the time they walk into the building (maybe to use the bathroom, grab a cup of coffee, or just enjoy the air conditioning), and return to their car, one particular thing will happen: They will step onto a small shuttle van, be driven to Port Canaveral, enjoy a cruise, and then they will be driven back to their car and drive away.

So, is the troublesome part of this the fact that the cars are parked on site for a longer duration? Perhaps it is the fact that some of the vehicles entering and exiting the parking lot will be shuttle vans rather than cars. I don't think so.

Typically, in land use deliberations, the number of trips per day being generated by the proposed land use come into play. Very intensive uses which generate a lot of trips per day may put a burden on the surrounding transportation network that is so heavy that the developer is required to install a traffic signal, or perhaps even widen the adjacent roadway in order to compensate for the impact of the project.

In this case, I should think that the number of trips to and from the site would be less than was the case when Winn Dixie, Health First, and the others were at the pinnacle of their operations. As has already been stated, cars are parked, and people leave to enjoy a cruise. This is not a high-turnover situation with cars coming and going all day, and each individual parking space housing 32 cars or more per day as people come in, park, pick up a few groceries or tonight's dinner, then leave. It certainly does not seem at all inconsistent with what was previously allowed to occur on this site, or on other sites located in a C-G (General Commercial) Zoning District.

Staff is of the opinion that the only way this use would be allowed on this site (or within any other C-G zoning district) would be if the parking were to be housed in a "storage garage". Really? Does that mean that there must be both walls and a roof? What about a parking structure like you would see at the Orlando International Airport? But those parking garages have open sides, so are we to assume that they are not allowed? The code does not even define "storage garage". Is that a giant garage full of junk (like most people's personal garages – so full of stuff that you could never fit a car inside? Maybe "storage garage" is that on steroids. The code is not clear. But it does define GARAGE (PUBLIC):

GARAGE (PUBLIC). A building or portion thereof designed, intended and used exclusively for the care, repair or equipment of self-propelled motor vehicles. This definition shall not include private garage.

OK, that sounds like a place where they work on cars to me – where they care for the cars, repair the cars, and equip the cars. It does not say "store the cars", but staff talked about a "storage garage". And, why does the definition end by saying that it shall not include private garage. What's the difference?

Well, there is a place under Article V. – DEFINITIONS where we do see "storage" of cars. It's under GARAGE (PRIVATE):

1149
GARAGE (PRIVATE). An enclosed structure accessory to a main structure secure from intrusion, protected from the elements, for the purpose of storing automotive vehicles and in which no occupation or business for profits is carried on.

So, a private garage is enclosed (it has a roof and walls), it's protected from the weather, and bad guys can't get into it. The purpose is for storing automotive vehicles. That sounds reasonable. But, the problem is that there can be no occupation or business for profits that is carried on in that garage. So, it sounds to me like maybe the language that staff cited means that you can have a storage garage (which we have already seen must be a place where cars are repaired), and you can also have parking – parking that is can be either private or public. But, it can't be both ways – you cannot place that parking inside of a building that is considered a GARAGE (PUBLIC) unless you're caring for, equipping, and repairing the cars.

Now if you argue that storing cars is caring for them, does that mean that you have to do that inside of a building? Does the building have to have walls and a roof, or can it be opened? Can't you store them in a parking lot? Of course you can! It says right in the C-G zoning code that public and private automobile parking is a permitted use. And, remember that we learned in the off-street parking regulations apply to all redevelopment within the city. Parking is parking.

Let's move on to the other zoning districts that staff references in its report (*italicized excerpts are taken directly from the staff report*):

Sec. 9 R-P Residential Professional, "Parking facilities, provided that a suitable landscape plan is approved and maintained" is permitted as a Special Exception;

The reason these require a Special Exception is because this district is intended as a buffer between medium density residential and low density commercial land uses. Yet, we are dealing with a District that allows much higher density and intensity – the General Commercial District. And yes, we will most certainly provide and maintain a suitable landscape plan. But, we would argue that no Special Exception is required, because parking facilities are most certainly a permitted land use in the more intense General Commercial District.

Sec. 12 C-G General Commercial, "Storage garage, public and private automobile parking" is a permitted use;

"Storage garage, public and private automobile parking" are both permitted uses in the C-G General Commercial zoning district. Staff has incorrectly determined that this language must be taken to mean that the words "public and private parking automobile parking" somehow are intended to modify the words "Storage garage". However, the correct interpretation is that a storage garage is a permitted use, and so is a less intense automobile parking lot (whether public or private). This logic follows the basic tenants of English – what we have here is two independent phrases, separated by a comma. The words "private" and "public" are adjectives which modify the noun "parking". "Automobile" also modifies the noun "parking". However, the second independent phrase, "public and private automobile parking" does not in any manner modify the term "Storage garage". This is further reinforced by considering the definitions for GARAGE (PUBLIC), and GARAGE (PRIVATE) as defined in the Code.

Sec. 13 CBD Central Business District, "Parking lots and garages, public or private" is allowed as a Special Exception

So, a parking lot is allowed (I would assume this means a freestanding parking lot; one that is not affiliated with a building), so is GARAGE (PUBLIC) aka an automobile repair shop (by definition), and so is a GARAGE (PRIVATE). And I imagine that the rationale is that an automobile repair shop and a stand-alone parking lot are more intense land uses, thus requiring the Special Exception. You begin to see the absurdity of this kind of nit-picking, which seems to me to be precisely the approach staff is taking to prevent the Park'N Go from opening. Of course the intent is that the comings and goings of lots of cars in a Central Business District is an intense traffic generator in an intense land use, therefore requiring the Special Exception.

Sec. 18 C-C Core Commercial, "Public and private automobile parking" is a permitted use.

It should be. The same language appears in the C-G General Commercial section.

Sec. 19 M-2 Industrial, allows as a permitted use "Transportation facilities, passenger and/or freight."

City Code Sec. 15-22, concurrency, uses the phrase "transportation facilities" – and the definition implied is "roadway". FDOT defines "facility" as a length of roadway. Sec. 15-31 is "Roads and Transportation facilities" – but is "reserved for future use".

Clearly, the proposed Park'N Go is not to be considered in the "Transportation Facilities, passenger and/or freight category. Port Canaveral, yes – but not a remote parking lot with shuttle service.

Let's see what we can learn from other statutory language – language which establishes the context for local planning and zoning. Fla Stat 163.3164 Community Planning Act; Definitions has some definitions that may be helpful to distinguish public parking from a transportation center:

(37) "Projects that promote public transportation" means projects that directly affect the provisions of public transit, including transit terminals, transit lines and routes, separate lanes for the exclusive use of public transit services, transit stops (shelters and stations), office buildings or projects that include fixed-rail or transit terminals as part of the building, and projects which are transit oriented and designed to complement reasonably proximate planned or existing public facilities.

The intent of the M-2 Manufacturing and Industrial District is to preserve the function of various industrial activities, warehousing and distribution – these are very intense land uses. The Park'N Go is anything but that kind of extreme and impactful land use.

Now, let's further consider **intent**, in the context of the C-G district language of the code.

Sec. 12. - District and intent—C-G, General Commercial District.

The provisions of this district are intended to apply to an area intended to be developed and preserved as a major commercial center serving the commercial needs of the community and region. The type of uses and other restrictions are intended to promote adequate protection from conflicts with adjacent residential and other noncommercial uses, and to minimize the interruption of traffic along adjacent thoroughfares.

So far, so good. The Park'N Go facility is a major commercial center serving the needs of the community and region. That's Intent #1.

As for Intent #2, we have already addressed the fact that the proposed land use has less intensity than was previously the case when the Winn Dixie, Health First, and others were operating on this site. There is adequate protection from conflicts with other residential and noncommercial uses. The landscape will be restored and replaced, the broken-down signs will be repaired, the general appearance will be quite nice (as demonstrated by the slides you have seen), and the blight and degradation will be a thing of the past.

Intent #3 has to do with traffic impacts along adjacent thoroughfares, which we have demonstrated to be far less than was previously the case.

Now. Let's look at permitted uses. Staff has focused its argument on item #9 Storage garage, public and private automobile parking, which we have already addressed. Let's go up to the top of the list.

PRINCIPAL USES AND STRUCTURES. The following uses and structures are permitted for any use or group of uses that are developed, either separately, or as a unit with certain site improvements shared in common:

- (1) All principal uses and structures allowed in section 10, P-S Professional Services District, and section 11, C-N, Neighborhood Commercial District, except residential uses and child care centers, day nurseries or kindergartens.

What is allowed in the Professional Services District?

PRINCIPAL USES AND STRUCTURES.

- (1) Professional offices and services and studies such as medical, dental, legal, engineering, real estate, insurance, technical management consultant.
- (2) Business services such as secretarial services, drafting, reproduction services.
- (3) Book and stationery stores, business supply retail stores.
- (4) Medical and dental clinics and laboratories.
- (5) Financial institutions.
- (6) Pharmacy, apothecary and optical services.

(7) Personal service establishments such as florist shops, barber and beauty shops, laundry and dry cleaning pickup stations, tailor shops, and similar uses.

I should think that medical and dental clinics and labs, banks, and drug stores would be far more intense uses than a Park/N Go facility. They would generate a lot more traffic, and have a greater impact on surrounding neighborhoods.

What about the Neighborhood Commercial District?

PRINCIPAL USES AND STRUCTURES. The following uses and structures are permitted for any use or group of uses that are developed, either separately, or as a unit with certain site improvements shared in common:

- (1) Retail stores, sales and display rooms (except automotive) and similar uses, including places such as bakeries in which goods are produced and sold at retail upon the premises.
- (2) Personal service establishments such as beauty and barbershops, laundry and dry cleaning pickup stations, tailor shops and similar uses.
- (3) Professional offices, studios, clinics, laboratories, general offices and similar uses.
- (4) Restaurants, subject to the following:
 - a. Outdoor entertainment shall be prohibited;
 - b. The restaurant shall be required to close no later than 10:00 PM on Sunday through Thursday and no later than 12:00 AM on Friday and Saturday; and
 - c. Walls and/or opaque vegetative screening buffers shall be required between the restaurant and adjacent properties with residential zoning designations.
- (5) Multiple-family and single-family residences as regulated in section 5, RU-2-15 District.
- (6) Financial institutions.
- (7) Pharmacy, apothecary and optical services.
- (8) Child care centers, day nurseries of kindergartens.
- (9) Package store, beer and wine.

Again, I should think that retail stores, restaurants, banks, drug stores, child care centers, and liquor stores would be far more intense uses than a Park/N Go facility. They too would generate a lot more traffic, and have a greater impact on surrounding neighborhoods.

So, what we see is a progressive increase in intensity of land use, yet from a practical matter, the Park'N Go will be less intense than the Winn Dixie, less intense than the Professional Offices and Services District, and less intense than the Neighborhood Commercial District. Yet, staff remains adamant that the Park'N Go is a bad thing – it is not appropriate for the C-G General Commercial Zoning District.

All of this boils down to a matter of interpretation. Staff appears to be making the argument that for the Park'N Go to operate in the C-G General Commercial District, the parking must be housed inside of a building. We believe that this is an incorrect interpretation. Rather, we believe we have successfully shown, through a systematic and thoughtful review of the entire body of the City's Code, that the Park'N Go is most certainly an appropriate and permitted use for this property. I don't know why staff seems to be grasping onto specific phrases to prove otherwise. It does not make sense to me.

In approaching a document as comprehensive as your Code, it is essential to avoid taking a using a few sentences or phrases to prove one's point of view. Rather, the sentences and phrases must be understood in context both of the entire Code, as well as the broader principles of land use planning. This is what I have done in presenting our case. In fact, the Code itself addresses this matter of interpretation:

Article II of Appendix A - ZONING

ARTICLE III. - INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of public health, safety and welfare. To protect the public, among other purposes, such provisions are intended to provide for adequate light, pure air, safety from fire and other danger, undue concentration of population and ample parking facilities.

It seems fitting that we end here, on the point of "ample parking facilities". That is exactly what the Park'N Go is – a parking facility. Let's face it, we are only talking about using an existing parking lot to park cars; nothing more, nothing less.

In the staff report, you were told that there are two issues to be resolved with this Appeal:

1. How to classify the proposed use. That is easy: it's a parking lot, used for "public automotive parking", a permitted use under the C-G General Commercial zoning district.
2. Whether the various plans and proposals submitted by the applicant contain a use that is permitted in the C-G zoning district. The answer is a resounding "yes"! The code clearly states that public automobile parking is a permitted use under the description of this district and its intent.

Please make the reasonable determination that the interpretation made by the Community Services Director is wrong; that the appropriate classification of the proposed Park'N Go is indeed "public automotive parking", and that this use is permitted in the C-G General Commercial District.

Thank you.

CITY OF COCOA
PLANNING & ZONING MEETING
January 13, 2016

- PRESENTED ON BEHALF OF -

PNG Properties, Inc.

V.B. Appeal of Community Service Director's Determination
That Proposed Use Set Forth in Site Plan
Is Not a Permitted Use in G-C Zoning District

KIMBERLY BONDER REZANKA, ESQ.

DEAN MEAD
ATTORNEYS AT LAW
SUITE 100
8240 DEVEREUX DRIVE
VIERA, FL 32940

EXHIBIT "4"



**Community Services Department
Planning & Zoning Division**

65 Stone Street | Cocoa, FL 32922

Phone: (321) 433-8535 | Fax: (321) 433-8543

November 3, 2015

Steven W. Monroe, P.E.
M.E. Construction, Inc.
7607 Coral Drive
West Melbourne, FL 32904

Re: PZ-15-00200009 – Minor Site Plan – 2320 State Road 524 (Park N Go)

Dear Mr. Monroe:

City staff has completed its first review of your application. We have made the following comments based on the plans that were submitted on October 20, 2015. Please contact me before resubmitting to discuss the number of plans needed based on changes.

Building Division, Scott Davis, Building Official (321) 433-8533

- 1) Comments will be forwarded when received.

Planning Division, Steven Biel (321) 433-8535

- 
- 1) Please correct the adjacent zoning on all of the vicinity maps. The adjacent zoning shown on the site plan (Sheet C-3) is correct.
 - 2) Prior to site plan approval a Special Exception application must be submitted for review and approval by the City of Cocoa Board of Adjustment unless the storage/parking area is enclosed (Appendix A, Zoning, Article XI, Section 12(9)).

Police Department, Sgt. Michael Dellatorre (321) 637-6358

- 1) No comments submitted.

Fire Department, District Chief Tom Redmond (321) 637-6330

- 1) No comments submitted.

Utilities Department, Peggy Turner (321) 433-8799

- 1) No comments as it appears there is no additional water, sewer, or reclaimed being proposed or required.

Public Works Department, Michael Giorgio (321) 433-8771

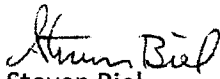
- 1) No comments.

Public Works Arborist, Frank Mirabito (321) 433-8776

- 1) The trees being planted in the pots will need to be irrigated with an automatic system or established by hand watering them for a period of one (1) year for survival purposes.

Please contact the City of Cocoa Planning and Zoning Division (321) 433-8535 if you have any questions.

Regards,


Steven Biel
Senior Planner



Consistent with the City's Simplified Nimble Accelerated Permitting (S.N.A.P.) Certification, our goal is to provide development review comments to the applicant within ten days of formal submittal of an application and within five days of a re-submittal.

M.E.C.
CONTRACTORS ■ ENGINEERS
DBA MID-FLORIDA ENGINEERING CONSULTANTS

Date: November 17, 2015

- LETTER OF TRANSMITTAL -

To: City of Cocoa Community Services Department
Planning & Zoning Division
65 Stone Street
Cocoa, FL 32922

M.E.C. Job No.: 31523
Project: Park N Go
File: City of Cocoa

No:	DESCRIPTION:
: 1	: Response to Comments Letter
: 8 sets	: Signed /Sealed Site Plan
: 1 CD	: Site Plan pdf file
:	:
:	:

Transmitted:

☐ For Your Use ☐ As Requested ☐ For Review and Comment

Remarks:

:
:
:
:
:

Kimberly Bedwell
Engineering Drafter & Admin.

kimberly@meconstruction.com

CC: File

M:E:C
CONTRACTORS • ENGINEERS
DBA MID-FLORIDA ENGINEERING CONSULTANTS

M.E.C. Job No.: 31523
Project: Park N Go
File: City of Cocoa

November 17, 2015

Mr. Steven Biel – Senior Planner
City of Cocoa Planning & Zoning Division
65 Stone Street
Cocoa, FL 32922

Re: **PZ-15-00200009- Minor Site Plan- 2320 State Road 524 (Park N Go)**

Dear Mr. Biel,

This letter responds to comments dated November 3, 2015. Please note, comments are listed / numbered accordingly as follows.

Building Division, Scott Davis, Building Official (321) 433-8533

1) Comments will be forwarded when received. ***None provided.***

Planning Division, Steven Biel (321) 433-8535

1) Please correct the adjacent zoning on all of the vicinity maps. The adjacent zoning shown on the site plan (Sheet C-3) is correct. ***Plan revised.***

2) Prior to site plan approval a Special Exception application must be submitted for review and approval by the City of Cocoa Board of Adjustment unless the storage/parking area is enclosed (Appendix A, Zoning, Article XI, Section 12(9)). ***Plan revised, see attached.***

Police Department, Sgt. Michael Dellatorre (321) 637-6358

1) No comments submitted. ***Thank you.***

Fire Department, District Chief Tom Redmond (321) 637-6330

1) No comments submitted. ***Thank you.***

Utilities Department, Peggy Turner (321) 433-8799

1) No comments as it appears there is no additional water, sewer, or reclaimed being proposed or required. ***Correct, thank you.***

Public Works Department, Michael Giorgio (321) 433-8771

1) No comments. ***Thank you.***

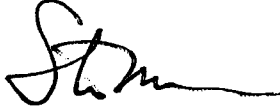
Public Works Arborist, Frank Mirabito (321) 433-8776

1) The trees being planted in the pots will need to be irrigated with an automatic system or established by hand watering them for a period of one (1) year for survival purposes.

Plan revised, note added on L-1.

Please notify Mid-Florida Engineering Consultants, dba immediately should any additional information be needed for plan approval.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Monroe', with a stylized, flowing script.

Steve Monroe P.E.
Vice President of Engineering
stevem@meconstruction.com

Kim Rezanka

From: Kim Rezanka
Sent: Friday, November 13, 2015 10:13 AM
To: 'John Titkanich'
Cc: Anthony Garganese (OrlandoLaw); 'Kim Kopp'
Subject: RE: Park N Go Review Comments
Attachments: Scan File.pdf

John,

I apologize for the delay in responding; there was a family emergency late last week that has had me occupied.

I have attached two emails, which basically indicate that at no time did the City indicate that a parking garage would be necessary. More importantly, there were two meetings between my client and City staff (including Mr. Belden, who has the authority to approve the site plan), and my client was never told a garage would need to be constructed. Additionally, I and my client's engineer, Steve Monroe, had numerous phone calls with City staff, and based the site plan on those conversations. At no time did anyone indicate a parking garage would be necessary. Quite the opposite - we were ALL advised that the use of the existing parking spaces met the requirements of G-C District, Sec. 12(9).

As to the meetings between my client and your staff, two meetings were held at the City with my clients and City Staff, on August 11 and 12. On August 11, John Bona, Dan Williamson and Matt met at the Cocoa City Hall to discuss the proposed project with the Cocoa planning and zoning staff. Steven Belden, Director of Community Services, Steven Biel, Senior Planner and Joani Junkala, Manager of Office of Economic Development were in attendance. They discussed the project at length including a review of the language regarding zoning for parking in this location. Steven Biel, Senior Planner reviewed the zoning and told us the site was zoned for parking. My client told your staff that they would generate a sketch providing a clearer illustration of the property use we intended. My client proceeded to generate a concept sketch for the property and returned the next day to review with the staff. They reviewed the concept with Steven Biel, Steven Belden and Joani Junkala, and although Steven Belden seemed adverse to our plan, it was reiterated again that the zoning supported parking and there was "nothing to be done to prevent parking."

I spoke at length with Steven Biel on August 18, and was specifically advised that all that was needed was a small scale site plan. I spoke with Mr. Belden on August 19, who reiterated that only a small scale site plan was needed. Based upon the information learned from the City, Steve Monroe proceeded to create a site plan for outdoor parking - and engaged in several phone calls with City staff in doing so.

In summary, my client proceeded on the basis that the property was zoned for parking; at no time was "garage storage" contemplated or discussed. At best, the City has created this flawed and arbitrary interpretation. At worst, the City has intentionally misled my client. And seriously, why would the City want a large box parking garage on this property?

We respectfully request that you reconsider this interpretation, and accept a revised site plan that eliminates the use of the word "storage", and that includes the parking spaces and traffic circulation information. To require my client to submit a Special Exception Application under the vague and ambiguous standard of "any other use in keeping with the intent of the district" could prove to be a useless exercise and will only delay my client further. My client has been in contact with the owner of the property, Home Depot, and they are as stunned as we are about the City's position on development of this property.

I look forward to discussing this matter with you and Anthony. I spoke with your assistant, who tentatively set a conference call for next Wednesday at 10:00. I hope we are able to resolve this matter without the need for the Special Exception Application and hearing.

Sincerely,
Kim Rezanka

-----Original Message-----

From: John Titkanich [mailto:jtitkanich@cocoafl.org]
Sent: Thursday, November 05, 2015 2:37 PM
To: Kim Rezanka
Cc: Anthony Garganese (OrlandoLaw); 'Kim Kopp'
Subject: RE: Park N Go Review Comments
Importance: High

Kim:

Hi, hope you're having a good week! Have you had a chance to retrieve the emails from your client you mentioned?

I am copying Anthony and Assistant City Attorney Kim Kopp. I know neither of them are available tomorrow. Again, it would be extremely helpful to review the emails prior to our meeting/teleconference.

In advance, thank you!

Regards,

John A. Titkanich, Jr., AICP
City Manager

-----Original Message-----

From: Kim Rezanka [mailto:KRezanka@deanmead.com]
Sent: Wednesday, November 04, 2015 3:33 PM
To: John Titkanich
Subject: RE: Park N Go Review Comments

Most any time Friday is good for me. I will send you the emails once I receive them from Steve Monroe and my client/representatives.

Thanks,
Kim

-----Original Message-----

From: John Titkanich [mailto:jtitkanich@cocoafl.org]
Sent: Tuesday, November 03, 2015 2:51 PM
To: Kim Rezanka
Subject: Re: Park N Go Review Comments

Kim:

Currently attending my required ethics training this afternoon. I have a tight schedule tomorrow and Thursday, but I could possibly try and see if we can do a teleconference with the City Attorney's Office on Thursday. If possible, I have a very limited schedule on Thursday, but Friday would be ideal. Still need to check with City Attorney's office on their availability.

Kim Rezanka

From: Kim Rezanka
Sent: Thursday, October 29, 2015 4:20 PM
To: Kim Rezanka
Subject: FW: Park & Cruise @ 524 & SR 520 / Site Plan Question
Attachments: SITE PLAN APPL 7-15-13.pdf

From: Steve Monroe [<mailto:SteveM@meconstruction.com>]
Sent: Thursday, October 29, 2015 4:10 PM
To: Kim Rezanka
Subject: FW: Park & Cruise @ 524 & SR 520 / Site Plan Question

From: Steven Biel [<mailto:sbiel@cocoafi.org>]
Sent: Wednesday, August 19, 2015 1:34 PM
To: Steve Monroe <SteveM@meconstruction.com>
Subject: RE: Park & Cruise @ 524 & SR 520 / Site Plan Question

Steve,

Attached is the site plan application. You will be submitting as a small-scale site plan and can follow the checklist for small-scale site plans which is attached to the application. As long as you follow the checklist you will be fine.

Steven Biel
Senior Planner
City of Cocoa
65 Stone Street
Cocoa, FL 32922
321-433-8535

From: Steve Monroe [<mailto:SteveM@meconstruction.com>]
Sent: Wednesday, August 19, 2015 11:53 AM
To: Steven Biel <sbiel@cocoafi.org>
Subject: Park & Cruise @ 524 & SR 520 / Site Plan Question

Good morning Mr. Biel. Following up to the message I left on your voice mail.

I understand you met with our client on this proposed project and a site plan will be required. The code references a landscape plan, drainage plan, site plan, utilities....assuming it were a new site. Since this is an existing site, can you tell me exactly will you need? Please advise.

Feel free to contact me. Thank you in advance.

Steve Monroe, P.E.
Vice President of Engineering

Kim Rezanka

From: John Bona <john@saintnap.com>
Sent: Friday, October 30, 2015 6:00 AM
To: Kim Rezanka
Subject: Fwd: Vacant Home Depot property

See below

Sent from my iPhone

Begin forwarded message:

From: Joan Junkala <jjunkala@cocoafl.org>
Date: August 25, 2015 at 2:57:56 PM EDT
To: "john@saintnap.com" <john@saintnap.com>
Subject: RE: Vacant Home Depot property

Afternoon John,

I just spoke with Kim at Dean Mead. I also had a voicemail with Dan Williamson that he may have left late last week (my voicemail box does provide time or date details).

I wanted to see if there was anything you all required to move this process along as seamlessly as possible. I spoke with Kim and she mentioned having had some discussions with the City Manager and Steve Belden. It sounds like you all have what you need to get working on the minor site plan. However, should you need anything else, please do not hesitate to contact me.

Kindest regards,

Joan A. Junkala, CEG
Economic Development Manager
65 Stone Street, Cocoa, FL 32922
(321) 433-8525 I Fax: (321) 433-8526
jjunkala@cocoafl.org

www.cocoafl.org/econdev

We need your input to help us improve our service to you, the customer!
Have you recently interacted or conducted business with the Community Services Department?
Would you please take a moment to complete a bried survey to let us known how we are doing?

www.cocoafl.org/communityservicescustomersurvey

-----Original Message-----

From: john@saintnap.com [<mailto:john@saintnap.com>]

Sent: Tuesday, August 18, 2015 2:19 PM
To: Joan Junkala
Subject: Re: Vacant Home Depot property

Joan,

That's a bunch of jobs much needed that the local residents of Cocoa will benefit from.

We're excited to bring more new jobs and new visitors to the City of Cocoa.

Thanks again,

John Bona
Park n Go
407-949-8646 cell

Sent from my iPhone

On Aug 18, 2015, at 2:01 PM, Joan Junkala <jjunkala@cocoafl.org> wrote:

Good afternoon John,

Please find the Economic Impact Analysis for your project. We had to assume an average annual wage or \$15/ hour due to lack of information. As you can see there isn't a great impact; however for every \$1 spent on bringing this project here, \$0.40 is generated in consumer spending. The analysis also lists the induced and indirect jobs and investment.

See attached.

Joan A. Junkala, CEG
Economic Development Manager
65 Stone Street, Cocoa, FL 32922
(321) 433-8525 I Fax: (321) 433-8526
jjunkala@cocoafl.org

www.cocoafl.org/econdev

We need your input to help us improve our service to you, the customer!

Have you recently interacted or conducted business with the Community Services Department? Would you please take a moment to complete a brief survey to let us know how we are doing?

www.cocoafl.org/communityservicescustomersurvey

-----Original Message-----

From: john@saintnap.com [<mailto:john@saintnap.com>]

Sent: Friday, August 14, 2015 5:51 PM

To: Joan Junkala

Subject: Re: Vacant Home Depot property

Joan,

We just received a survey from the sellers counsel so we should be good.

Thanks!

John

Sent from my iPhone

On Aug 14, 2015, at 4:47 PM, Joan Junkala
<jjunkala@cocoafl.org> wrote:

John,

We are searching through old files from back in 2005. Should have something by next week.

Joan A. Junkala, CEG
Economic Development Manager
65 Stone Street, Cocoa, FL 32922
(321) 433-8525 I Fax: (321) 433-8526
jjunkala@cocoafl.org

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www.cocoafl.org/communityservicescustomersurvey

-----Original Message-----

From: john@saintnap.com [<mailto:john@saintnap.com>]

Sent: Friday, August 14, 2015 3:19 PM

To: Joan Junkala

Subject: Re: Vacant Home Depot property

Thanks Joan,

Would a copy of the older survey of the property be on file at City?

Thanks again

John

Sent from my iPhone

On Aug 13, 2015, at 2:27 PM, Joan Junkala
<jjunkala@cocoafl.org> wrote:

John, I am able to forward that to you when we receive it.

Joan A. Junkala, CEG
Economic Development Manager
65 Stone Street, Cocoa, FL 32922
(321) 433-8525 I Fax: (321) 433-8526
jjunkala@cocoafl.org

www.cocoafl.org/econdev

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Have you recently interacted or conducted business with the Community Services Department? Would you please take a moment to complete a brief survey to let us know how we are doing?

www.cocoafl.org/communityservicescustomersurvey
Y

-----Original Message-----

From: john@saintnap.com
[mailto:john@saintnap.com]

Sent: Thursday, August 13, 2015 12:20 PM

To: Joan Junkala

Subject: Re: Vacant Home Depot property

Hi Joan,

I really appreciate that you share the vision for the project. When the economic impact analyses is completed are able to advise us with the results?

We look forward to working with you in the near future while creating new and exciting ways to bring more visitors to Cocoa!

Thanks,

John Bona

President

Park N' Go

407-949-8646 cell

Sent from my iPhone

On Aug 13, 2015, at 9:36 AM, Joan Junkala <jjunkala@cocoafl.org> wrote:

Thank you, John. We are going to run an economic impact analyses and

Sec. 15-22. - Purpose of concurrency management system.

The purpose of this article is to implement the requirements of concurrency management consistent with the provisions of F.S. ch. 163, Pt. II, and applicable administrative rules. It is also the purpose of this article to establish an ongoing concurrency management system which ensures that 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 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. The concurrency management system shall measure the potential impact of any proposal for a development order or development permit upon the established minimum acceptable levels of service for transportation facilities, potable water, wastewater, solid waste, drainage, and parks and recreation facilities unless the development order or development permit is exempt from the concurrency review requirements of this article. No development permit or order which contains a specific plan of development, including densities and intensities of development, shall be issued unless adequate public facilities are available to serve the proposed development as determined by the concurrency evaluation set forth in this article.

(Ord. No. 04-2007, § 2, 2-13-07)

Sec. 15-23. - Definitions.

The following words and phrases used in this article shall have the meanings ascribed below unless the context clearly indicates otherwise:

Applicant means a landowner, lessee, developer, contractor or other legal entity, including agents, employees, independent contractors or others in privity with any of the above, or any of the above, or any natural person, corporation, partnership, joint venture, governmental body, agency, or official involved in construction, development or sale of real property.

Available capacity means the capacity of a facility available for use by the demand from new development.

Capacity means the potential or suitability for holding, storing, or accommodating at a defined level of service.

City's growth management policies means The growth management policies of the city that are set forth in the city's adopted Comprehensive Plan and land development regulations which regulate land development and establish levels of service of public facilities and services, including transportation facilities, potable water, wastewater, solid waste, drainage, and parks and recreation facilities.

Concurrency means assurance that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

Concurrency certificate means a certificate issued for a specific development or property that indicates available capacity for each public facility reviewed based upon adopted levels of service standards established in the city's adopted Comprehensive Plan at the time the certificate is issued and does not guarantee capacity in the future, nor does the certificate encumber capacity for a specific period of time.

Concurrency evaluation means evaluation by the development review committee based on the adopted levels of service standards to ensure that the public facilities and services are available concurrent with the impacts of such development.

Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three (3) or more parcels.

Development order means any order granting, denying, or granting with conditions an application for a development permit.

Development permit means includes any building permit, subdivision approval, rezoning, special exception, variance, or any other official action of the city having the effect of permitting the development of land.

Development review committee means a committee established by the city manager to review and approve applications for the development of land. At a minimum, the committee shall consist of the directors of community development, public works, and utilities departments, or their designee. The city manager may also appoint other department directors or interested parties as appropriate. The director of community of development shall serve as the chairperson of the committee.

Final development order means a preliminary subdivision plat approval, a minor subdivision approval, a final subdivision plat approval, a preliminary development plan approval for a planned unit development (PUD), a final development plan approval for a planned unit development (PUD), final site plan approval, building permit or any other development order which approves the development of land for a particular use or uses at a specified intensity or density and which allows commencement of construction or physical development activity on the land for which the development order is issued.

Level of service means the measurement indicating the extent or degree of service provided by or proposed for a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

Public facilities and services means those public facilities and services for which level of service standards have been established in the city adopted comprehensive plan, and are recognized in this article, and which include:

- (1) Roads;
- (2) Potable water;
- (3) Wastewater;
- (4) Storm water;
- (5) Solid waste; and

Sec. 15-30. - Introduction.

The levels of service set forth, in this division 2, are intended to be the minimum levels of service (LOS) adopted under the city's growth management policies for:

- (1) Roads;
- (2) Potable water;
- (3) Wastewater;
- (4) Storm water;
- (5) Solid waste; and
- (6) Parks and recreation.

The city shall monitor compliance with the minimum levels of service set forth in this division by ensuring that public facilities and services needed to support development are available concurrent with the impacts of development, as required by law.

(Ord. No. 04-2007, § 2, 2-13-07)

Sec. 15-31. - Roads and transportation facilities LOS.

Note— This section has been reserved for future use.

Sec. 15-65. - Determining proportionate fair-share obligation.

- (a) Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of transportation facilities.
- (b) A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.
- (c) The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in F.S. § 163.3180(12), as follows:

"The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improved necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS."

This methodology is expressed by the following formula:

Proportionate Fair-Share = $\sum [(\text{Development Trips}_{\text{sub}}) / (\text{SV Increase}_{\text{sub}})] \times \text{Cost}_{\text{sub}}$

Where:

Development Trips_{sub}; = Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the CMS;

SV Increase_{sub}; = Service volume increase provided by the eligible improvement to roadway segment "i" per section 15-62;

Cost_{sub}; = Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

- (d) For the purposes of determining proportionate fair-share obligations, the city shall determine improvement costs based upon the actual cost of the improvement as obtained from the CIE, the Brevard MPO Transportation Improvement Program, or the FDOT work program. Where such information is not available, improvement cost shall be determined, at the discretion of the city, using one (1) of the following methods:
 - (1) An analysis by the city of costs, adjusted by FDOT price trends index from the previous year, by cross section type that incorporates data from recent projects; or,
 - (2) The most recent issue of FDOT "transportation costs," as adjusted based upon the type of cross-section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to

unforeseeable events. Cost estimates for state road improvements not included in the adopted FDOT work program shall be determined using the method in coordination with the FDOT district.

- (e) If the city has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one (1) of the methods provided in this section.
- (f) If the city has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication at one hundred twenty percent (120%) of the most recent assessed value by the county property appraiser or, at the option of the applicant, by fair market value established by an independent appraisal approved by the city and at no expense to the city. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the city at no expense to the city. If the estimated value of the right-of-way dedication proposed by the applicant is less than the city estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair-share, public or private partners should contact the FDOT for essential information about compliance with federal law and regulations.

(Ord. No. 05-2007, § 2, 2-13-07)

KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's Florida Statutes Annotated

Title XXVI. Public Transportation (Chapters 334-349)

Chapter 334. Transportation Administration (Refs & Annos)

West's F.S.A. § 334.03

334.03. Definitions

Effective: July 1, 2012

When used in the Florida Transportation Code, the term:

- (1) "Arterial road" means a route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. In addition, every United States numbered highway is an arterial road.
- (2) "Bridge" means a structure, including supports, erected over a depression or an obstruction, such as water or a highway or railway, and having a track or passageway for carrying traffic as defined in chapter 316 or other moving loads.
- (3) "City street system" means all local roads within a municipality, and all collector roads inside that municipality, which are not in the county road system.
- (4) "Collector road" means a route providing service which is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Such a route also collects and distributes traffic between local roads or arterial roads and serves as a linkage between land access and mobility needs.
- (5) "Commissioners" means the governing body of a county.
- (6) "Consolidated metropolitan statistical area" means two or more metropolitan statistical areas that are socially and economically interrelated as defined by the United States Bureau of the Census.
- (7) "Controlled access facility" means a street or highway to which the right of access is highly regulated by the governmental entity having jurisdiction over the facility in order to maximize the operational efficiency and safety of the high-volume through traffic utilizing the facility. Owners or occupants of abutting lands and other persons have a right of access to or from such facility at such points only and in such manner as may be determined by the governmental entity.
- (8) "County road system" means all collector roads in the unincorporated areas of a county and all extensions of such collector roads into and through any incorporated areas, all local roads in the unincorporated areas, and all urban minor arterial roads not in the State Highway System.
- (9) "Department" means the Department of Transportation.
- (10) "Functional classification" means the assignment of roads into systems according to the character of service they provide in relation to the total road network using procedures developed by the Federal Highway Administration.
- (11) "Governmental entity" means a unit of government, or any officially designated public agency or authority of a unit of government, that has the responsibility for planning, construction, operation, or maintenance or jurisdiction over transportation facilities; the term includes the Federal Government, the state government, a county, an incorporated municipality, a metropolitan planning organization, an expressway or transportation authority, a road and bridge district, a special road and bridge district, and a regional governmental unit.

roads transferred to the state's jurisdiction after that date by mutual consent with another governmental entity, but not including roads so transferred from the state's jurisdiction. These facilities shall be facilities to which access is regulated.

(25) "State Park Road System" means roads embraced within the boundaries of state parks and state roads leading to state parks, other than roads of the State Highway System, the county road systems, or the city street systems.

(26) "State road" means a street, road, highway, or other way open to travel by the public generally and dedicated to the public use according to law or by prescription and designated by the department, as provided by law, as part of the State Highway System.

(27) "Structure" means a bridge, viaduct, tunnel, causeway, approach, ferry slip, culvert, toll plaza, gate, or other similar facility used in connection with a transportation facility.

(28) "Sufficiency rating" means the objective rating of a road or section of a road for the purpose of determining its capability to serve properly the actual or anticipated volume of traffic using the road.

(29) "Transportation corridor" means any land area designated by the state, a county, or a municipality which is between two geographic points and which area is used or suitable for the movement of people and goods by one or more modes of transportation, including areas necessary for management of access and securing applicable approvals and permits. Transportation corridors shall contain, but are not limited to, the following:

(a) Existing publicly owned rights-of-way;

(b) All property or property interests necessary for future transportation facilities, including rights of access, air, view, and light, whether public or private, for the purpose of securing and utilizing future transportation rights-of-way, including, but not limited to, any lands reasonably necessary now or in the future for securing applicable approvals and permits, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access could be impaired due to the construction of a future facility, and replacement rights-of-way for relocation of rail and utility facilities.

(30) "Transportation facility" means any means for the transportation of people or property from place to place which is constructed, operated, or maintained in whole or in part from public funds. The term includes the property or property rights, both real and personal, which have been or may be established by public bodies for the transportation of people or property from place to place.

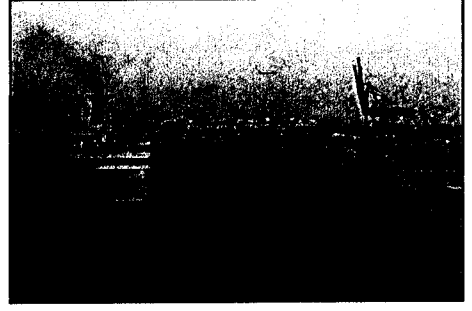
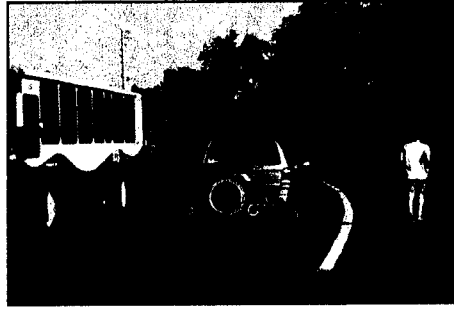
(31) "Urban area" means a geographic region comprising as a minimum the area inside the United States Bureau of the Census boundary of an urban place with a population of 5,000 or more persons, expanded to include adjacent developed areas as provided for by Federal Highway Administration regulations.

(32) "Urban minor arterial road" means a route that generally interconnects with and augments an urban principal arterial road and provides service to trips of shorter length and a lower level of travel mobility. The term includes all arterials not classified as "principal" and contain facilities that place more emphasis on land access than the higher system.

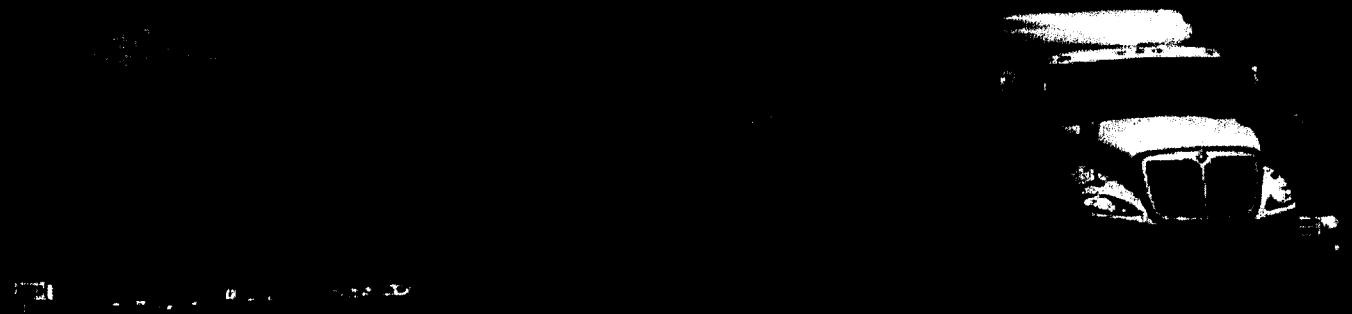
(33) "Urban place" means a geographic region composed of one or more contiguous census tracts that have been found by the United States Bureau of the Census to contain a population density of at least 1,000 persons per square mile.

(34) "Urban principal arterial road" means a route that generally serves the major centers of activity of an urban area, the highest traffic volume corridors, and the longest trip purpose and carries a high proportion of the total urban area travel on a minimum of mileage. Such roads are integrated, both internally and between major rural connections.

(35) "Urbanized area" means a geographic region comprising as a minimum the area inside an urban place of 50,000 or more persons, as designated by the United States Bureau of the Census, expanded to include adjacent developed areas as provided for by Federal Highway Administration regulations. Urban areas with a population of fewer than 50,000 persons which are located within the expanded boundary of an urbanized area are not separately recognized.



Transportation Glossary of Terms and Acronyms



August 2013

INTRODUCTION

Transportation terms and acronyms can be confusing. The Office of Policy Planning has compiled a Transportation Glossary (the Glossary) of terms and acronyms used in transportation planning. The Glossary is also available on the Internet at www.dot.state.fl.us/planning/glossary. Please check this site for the latest version of this document.

Questions and suggestions concerning the Glossary can be directed to:

W. David Lee
Office of Policy Planning
605 Suwannee Street, MS 28
Tallahassee, Florida 32399-0450
(850) 414-4800
Email address: david.lee@dot.state.fl.us

Environmental Assessment

A document that must be submitted for approval by the U.S. Environmental Protection Agency and the U.S. Department of Transportation for transportation projects in which the significance of the environmental impact is not clearly established. An EA is required for all projects for which a Categorical Exclusion or Environmental Impact Statement is not applicable.

Environmental Impact Statement

A document that must be submitted for approval by the U.S. Environmental Protection Agency and the U.S. Department of Transportation for transportation projects that significantly affect the human environment as defined by CEQ (Council on Environmental Quality) regulations. The type of actions which would normally require an EIS are: a new controlled access freeway; a highway project of four or more lanes on new location; new construction or extension of fixed rail transit facilities; and new construction or extension of a separate roadway for buses or high-occupancy vehicles not located within an existing highway facility.

Environmental Stewardship

A philosophical concept of government, the public, resource users and businesses all taking responsibility and working together to care for natural resources.

ETDM

See *Efficient Transportation Decision Making*.

Evaluation Stage

The second of three stages in the Corridor Planning and Screening Process, during which multiple corridor options are evaluated against meeting the preliminary mobility and connectivity needs identified during the concept stage. The range of corridor options considered includes operational strategies to optimize efficiency for all modes, capacity improvements within existing facility rights of way, or new facilities or alignments. High level costs and potential financing or partnership opportunities are also considered during this stage. The products of the Evaluation Stage includes an Evaluation Report with a Corridor purpose and need; an Implementation Plan laying out FDOT and partner commitments for addressing corridor issues and opportunities, including specific action items for moving forward; and guidance for incorporating one or more projects into appropriate state, regional, and local plans.

Facility (for auto mode)

A length of roadway composed of points and segments.

Fast-Growing Economic Region

A Florida county that ranks among the top 25 percent statewide in terms of population growth rate over the next 20 years, according to the annual forecast prepared by the Florida Office of Economic and Demographic Research, or for employment growth rate over the next 20 years, according to Woods & Poole Economics.

Sec. 12. - District and intent—C-G, General Commercial District.

The provisions of this district are intended to apply to an area intended to be developed and preserved as a major commercial center serving the commercial needs of the community and region. The type of uses and other restrictions are intended to promote adequate protection from conflicts with adjacent residential and other noncommercial uses, and to minimize the interruption of traffic along adjacent thoroughfares.

- (A) **PRINCIPAL USES AND STRUCTURES.** The following uses and structures are permitted for any use or group of uses that are developed, either separately, or as a unit with certain site improvements shared in common:
- (1) All principal uses and structures allowed in section 10, P-S Professional Services District, and section 11, C-N, Neighborhood Commercial District, except residential uses and child care centers, day nurseries or kindergartens.
 - (2) Any other retail sales outlet of products sold directly to the consumer.
 - (3) Wholesaling from sample stocks.
 - (4) Dry cleaning establishments using nonflammable solvents and cleaning fluids as determined by the fire chief.
 - (5) Business service establishments.
 - (6) Commercial recreation structures such as theaters, driving ranges, bowling alleys, and similar uses except drive-in theaters (enclosed structures shall be air conditioned).
 - (7) Automobile laundry or quick wash.
 - (8) Liquor stores (retail) and cocktail lounges.
 - ✓ (9) Storage garage, public and private automobile parking.
 - (10) Repair service establishments such as household appliances, radio and television and similar uses.
 - (11) New and used automotive vehicles and agricultural equipment and mobile home sales and/or rentals with accessory uses subject to design standards provided in appendix A, article XIII, section 28 of the City Code.
 - (12) Professional business schools, vocational and trade schools, not involving operations of an industrial nature.
 - (13) Printing, bookbinding, lithography and publishing establishments, blueprinting, photostating.
 - (14) Package store, beer and wine.
 - (15) Hotels and motels with no more than fifty (50) units per gross residential acre and with a minimum living area per dwelling unit of no less than three hundred (300) square feet.
 - ✓ (16) Retail automotive gasoline/fuel sales as an accessory use to convenience stores, subject to the following provisions:
 - a. Access: Convenience stores selling gasoline/fuel shall be located on arterial roadways or on corner lots at intersections of collector roads or roads of higher functional classification (as identified in the City of Cocoa Comprehensive Plan). No driveway or point of access shall be permitted within one hundred (100) feet of an intersection of collector roads or roads of higher functional classification.
 - b. Minimum street frontage: One hundred fifty (150) feet on each abutting street.
 - c. Location of facilities: Gasoline/fuel pumps and other service island equipment shall be set back at least twenty (20) feet from all property lines, fifteen (15) feet from any

building, and one hundred (100) feet from the nearest residentially zoned land. In addition, pumps and other service island equipment shall not interfere with the safe and orderly movement of traffic in parking and other vehicular use areas.

- d. Tank storage: Underground storage is required for all receptacles for combustible materials in excess of two hundred (200) gallons.

(B) ACCESSORY USES AND STRUCTURES,

- (1) Customary accessory uses clearly incidental and subordinate to the principal use and in keeping with the intense commercial character of the district.

(C) SPECIAL EXCEPTIONS.

- (1) Automotive repair establishments when conducted entirely within an enclosed structure.
- (2) Service stations and car wash establishments, subject to the following provisions:
 - a. Minimum lot size: Ten thousand (10,000) square feet.
 - b. Minimum floor area: Three hundred (300) square feet exclusive of interior servicing area.
 - c. Height: Twenty-five (25) feet.
 - d. Setbacks other than required elsewhere in this district: 1) Gasoline pumps and other service island equipment: Twenty (20) feet from property line; 2) Building or other structure: Fifteen (15) feet each side.
 - e. Tank storage: Underground storage required for all receptacles for combustible materials in excess of two hundred (200) gallons.
 - f. A visual screen meeting the specifications of article XIII, section 5, Visual screens, Supplementary District Regulations, shall be provided along the rear and the length of the sides of the site.
- (3) Commercial recreation structures such as theaters, driving ranges, and bowling alleys, except drive-in theaters.
- (4) Telecommunications towers and antennas pursuant to article XIII, section 26.
- (5) Passenger transportation terminals with subordinate freight facilities.
- (6) Sewer lift stations.
- (7) Any other use in keeping with the intent of the district.
- (8) Churches, rectories, parish houses, temples, synagogues, and associated buildings, including educational and recreational facilities.
- (9) Mortuaries and funeral homes.
- (10) Security mobile home or facility located upon public or private property.
- (11) Child care centers, day nurseries or kindergartens.
- (12) Half-way houses.
- (13) A bar or lounge, with or without a package store, or a package store.
- (14) Mini-warehouses (storage only), subject to the following provisions:
 - a. Minimum lot area: An area not less than twenty thousand (20,000) square feet having a minimum width of one hundred (100) feet and a minimum depth of two hundred (200) feet.
 - b. There shall be a minimum of five (5) parking spaces and a maximum of ten (10) parking spaces per site.

c.	Setbacks:	Front:	Forty (40) feet (includes corner lot side setback).
		Side:	Thirty (30) feet when contiguous to a residential land use classification; fifteen (15) feet when contiguous to any other land use classification.
		Rear:	Thirty (30) feet when contiguous to a residential land use classification; 20 feet when contiguous to any other land use classification.

- d. All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property or streets/roads. The lighting may be of sufficient intensity to discourage vandalism and/or theft. Reference article XIV, Performance Standards, section (f) glare and lighting standards.
- e. The structure shall not be utilized as a place of business by renters or lessors of space and no local business tax receipt shall be approved where the business operation takes place on the property other than that of the mini-warehouse owner/operator.
- f. There shall be no outside storage.
- g. Landscaping: Where property abuts residentially-zoned property a ten (10) foot landscape buffer/screening strip shall be provided. A five (5) foot landscape/screening strip shall be provided along all side and rear lot lines, regardless of zoning on the abutting property. Said buffer and screening strip shall consist of trees and high profile shrubs together with suitable ground cover to include native grasses and mulching, where appropriate. Frontage shall be appropriately landscaped, but shall not be required to perform a buffer or screening function. Landscaping shall be designed, placed and maintained in such a manner as not to impair vehicle visibility at corner intersections. The landscaping requirements shall conform to article XIV, Landscaping Requirements of the Zoning Code, of the City of Cocoa.
- h. When application for special exception is submitted, it shall be accompanied by a site plan addressing specific provisions identified herein, and shall be considered binding upon use as a mini-warehouse.

(15) Television dish receivers and antennae as regulated by article XIII, section 21, Television dish receivers and antennae.

(16) Electronic communication/transmission facilities and exchanges.

(D) PROHIBITED USES AND STRUCTURES.

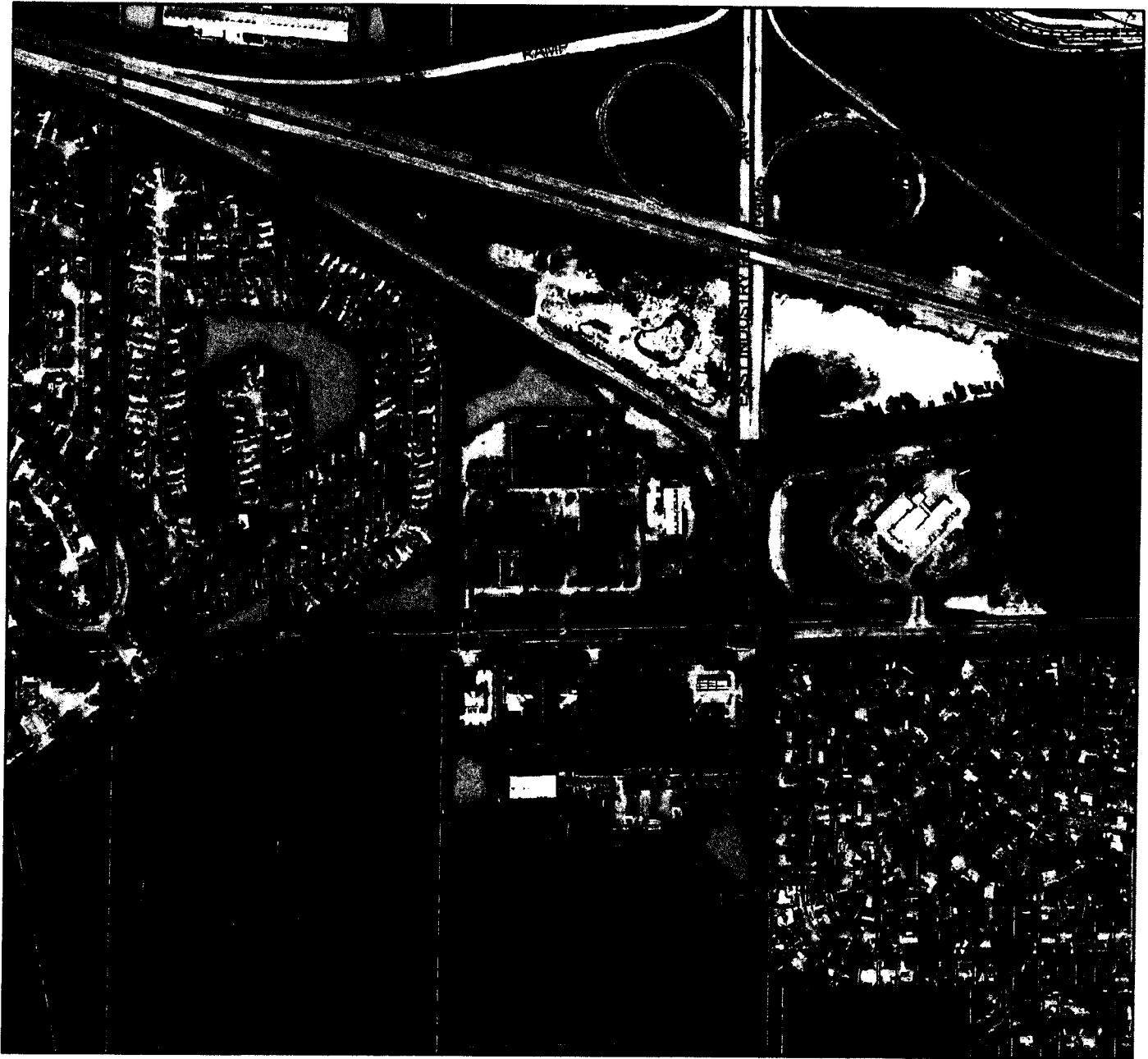
- (1) Manufacturing activities, freight transportation terminals, storage, warehousing and other activities of a similar nature.
- (2) All uses not specifically or provisionally permitted herein, any use not in keeping with the commercial character of the district.

(E) BULK REGULATIONS.

Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Maximum Lot	Minimum Floor Area	Maximum Height
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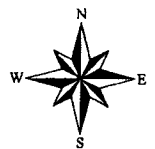


Location Map Home Depot USA, Inc. Property



Legend

-  Subject Property
-  Water Bodies
-  Publish.GISDL.CityBoundary



0 0.1 0.2 Miles

Disclaimer: Maps are for reference purposes only and do not replace official documents.

Dana Blickley, CFA
Property Appraiser
Brevard County, FL



**Property
Details**

General Parcel Information

Parcel ID:	24-36-18-27-00000.0-0001.00	Millage Code:	23D0	Exemption:		Use Code:	1600
Site Address:	2320 HIGHWAY 524 HOMEDE, COCOA 32926					Tax ID:	2461795

Site Address is assigned by Brevard County Address Assignment for E-911 purposes and may not reflect the postal community name.

Owner Information

Owner Name:	HOME DEPOT USA INC
Second Name:	
	ATTN: PROPERTY TAX DEPT B-12
Mailing Address:	P O BOX 105842
City, State, Zipcode:	ATLANTA, GA 30348-5842

Abbreviated Description

Plat Book/Page:	Sub Name: HOME	LOT
0057/0087	DEPOT COCOA	1

Value Summary

Roll Year:	2013	2014	2015
Market Value Total: ¹	\$4,800,000	\$4,700,000	\$4,700,000
Agricultural Market Value:	\$0	\$0	\$0
Assessed Value Non-School:	\$4,800,000	\$4,700,000	\$4,700,000
Assessed Value School:	\$4,800,000	\$4,700,000	\$4,700,000
Homestead Exemption: ²	\$0	\$0	\$0
Additional Homestead: ²	\$0	\$0	\$0
Other Exemptions: ²	\$0	\$0	\$0
Taxable Value Non-School: ³	\$4,800,000	\$4,700,000	\$4,700,000
Taxable Value School: ³	\$4,800,000	\$4,700,000	\$4,700,000

Land Information

Acres:	15.74
Site Code:	309

1: Market value is established for ad valorem purposes in accordance with s.193.011(1) and (8), Florida Statutes. This value does not represent anticipated selling price for the property.

2: Exemptions are applicable for the year shown and may or may not be applicable if an owner change has occurred.

3: The Additional Homestead exemption does not apply when calculating taxable value for school districts pursuant to Amendment 1.

Sale Information

Official Records Book/Page	Sale Date	Sale Amount	Deed Type	Sale Screening Code	Sale Screening Source	Physical Change Code	Vacant/Improved
5859/8894	4/11/2008	\$10,500,000	WD		03		I

Sale screening and sale screening source codes are for assessment purposes only and have no bearing on potential marketability of the property.

Building Information

PDC #	Use Code	Year Built	Story Height	Frame Code	Exterior Code	Interior Code	Roof Type	Roof Material	Floors Code	Ceiling Code
1	1400	1993	20	03	03, 05	03	10	03	03	03
2	1110	1994	16	03	03, 05, 08	03	10	03	03	03
3	1110	1999	16	03	03, 05, 08	03	10	03	02, 03	03

Building Area Information

PDC #	Base Area	Garage Area	Open Porches	Car Port	Screened Porches	Utility Rooms	Enclosed Porch	Basements	Attics	Bonus Rooms	RV Carport	RV Garage	Total Base Area
1	65,358	0	3,732	0	0	0	0	0	0	0	0	0	65,358
2	12,000	0	2,705	0	0	0	0	0	0	0	0	0	12,000
3	9,600	0	2,235	0	0	0	0	0	0	0	0	0	9,600

Extra Feature Information

Extra Feature Description	Units
LIGHT POLES	17
FENCE	1,300
PAVING	345,501
FENCE	900
PAVING	1,576



Dana Blickley, CFA
Property Appraiser
Brevard County, FL



Property
Details

General Parcel Information

Parcel ID:	24-36-07-00-00536.0-0000.00	Millage Code:	15D0	Exemption:		Use Code:	4900
Site Address:	3365 TRI-CITY AVE BUSN., COCOA 32926					Tax ID:	2411025

Site Address is assigned by Brevard County Address Assignment for E-911 purposes and may not reflect the postal community name.

Owner Information

Owner Name:	TIMOTHY STICKRATH DEVELOPER INC
Second Name:	
Mailing Address:	6370 US HIGHWAY 1 S
City, State, Zipcode:	ROCKLEDGE, FL 32955

Abbreviated Description

Sub Name:	PART OF SW 1/4 OF SW 1/4 DESC AS PARS 2 & 3 OF ORB 2795 PG 2105 EXC ORB 3889 PG 2732 & 3916 PG 3462, 6047 PG 1628
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Value Summary

Roll Year:	2013	2014	2015
Market Value Total: ¹	\$121,680	\$123,540	\$156,070
Agricultural Market Value:	\$0	\$0	\$0
Assessed Value Non-School:	\$121,680	\$123,540	\$135,890
Assessed Value School:	\$121,680	\$123,540	\$156,070
Homestead Exemption: ²	\$0	\$0	\$0
Additional Homestead: ²	\$0	\$0	\$0
Other Exemptions: ²	\$0	\$0	\$0
Taxable Value Non-School: ³	\$121,680	\$123,540	\$135,890
Taxable Value School: ³	\$121,680	\$123,540	\$156,070

Land Information

Acres:	1.8
Site Code:	350

1: Market value is established for ad valorem purposes in accordance with s.193.011(1) and (8), Florida Statutes. This value does not represent anticipated selling price for the property.

2: Exemptions are applicable for the year shown and may or may not be applicable if an owner change has occurred.

3: The Additional Homestead exemption does not apply when calculating taxable value for school districts pursuant to Amendment 1.

Sale Information

Official Records Book/Page	Sale Date	Sale Amount	Deed Type	Sale Screening Code	Sale Screening Source	Physical Change Code	Vacant/Improved
5552/5256	9/30/2005	\$100	QC	PT			I
4731/0881	11/5/2002	\$100	QC				I
2795/2105	4/21/1987	\$60,000	WD	PT			V

Sale screening and sale screening source codes are for assessment purposes only and have no bearing on potential marketability of the property.

Building Information

PDC #	Use Code	Year Built	Story Height	Frame Code	Exterior Code	Interior Code	Roof Type	Roof Material	Floors Code	Ceiling Code
3	212	1990	8	04	13	03	01	03	03	03

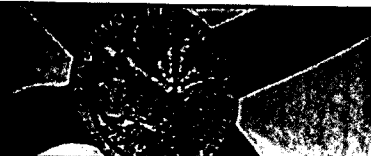
Building Area Information

PDC #	Base Area	Garage Area	Open Porches	Car Port	Screened Porches	Utility Rooms	Enclosed Porch	Basements	Attics	Bonus Rooms	RV Carport	RV Garage	Total Base Area
3	480	0	0	0	0	0	0	0	0	0	0	0	480

Extra Feature Information

Extra Feature Description	Units
FENCE	790
PAVING	4,520
FENCE	790

Data Last Updated: Friday, November 20, 2015- Printed On: Tuesday, January 12, 2016.

**FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS****Detail by Entity Name****Florida Profit Corporation**

528 PORT PARKING INC.

Filing Information

Document Number	P15000038240
FEI/EIN Number	NONE
Date Filed	04/28/2015
Effective Date	05/01/2015
State	FL
Status	ACTIVE

Principal Address3365 TRI-CITY AVENUE
COCOA 32926**Mailing Address**3104 ALCAZAR CT.
MIRAMAR, FL 33023**Registered Agent Name & Address**NEGRON, LUIS O
3104 ALCAZAR CT
MIRAMAR, FL 33023**Officer/Director Detail****Name & Address**

Title P

NEGRON, LUIS O
3104 ALCAZAR CT
MIRAMAR, FL 33023**Annual Reports****No Annual Reports Filed****Document Images**

04/28/2015 -- Domestic Profit

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