

**MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
SPECIAL MEETING
July 12, 2023**

A Special meeting of the Planning & Zoning Board Local Planning Agency was held on July 12, 2023 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noted.

I. CALL TO ORDER:

Chairperson Simpson called the meeting to order at 6:00 PM.

ROLL CALL:

Justin Simpson	Chairperson
Michael Dobrin	Vice Chairperson
Todd Anderson	Board Member
Chris Bankhead	Board Member
Ron Chabot	Board Member
Aleck Greenwood	Board Member
Veronica Lopez	Board Member
Wesley Park	Board Member
Marcus Wheeler	Board Member
Merrybeth Burgess	Alternate Member
Katherine Stewart	Alternate Member

PRESENT:

Justin Simpson	Chairperson
Michael Dobrin	Vice Chairperson
Todd Anderson	Board Member
Aleck Greenwood	Board Member
Veronica Lopez	Board Member
Wesley Park	Board Member
Marcus Wheeler	Board Member
Merrybeth Burgess	Alternate Member
Katherine Stewart	Alternate Member

ABSENT:

Chris Bankhead	Board Member
Ron Chabot	Board Member

STAFF PRESENT:

Stockton Whitten, City Manager; Charlene Neuterman, Community Services Director; Luci Ribeiro, Planner; Kristin Eick, Board Attorney; and Joanna Zurinsky, Recording Secretary.

Chairperson Simpson led the assembly in the Pledge of Allegiance.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of July 12, 2023

- * **MOTION BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER PARK TO APPROVE THE JULY 12, 2023 SPECIAL MEETING AGENDA WITH AN AMENDMENT TO MOVE IV.5 to item IV.1.**

AYES: SIMPSON, DOBRIN, ANDERSON, BURGESS, GREENWOOD, LOPEZ, PARK, STEWART, WHEELER

MOTION PASSED UNANIMOUSLY (9-0)

2. MINUTES: Meeting of June 7, 2023

- * **MOTION BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER PARK TO TABLE THE MINUTES OF JUNE 7, 2023 MINUTES.**

AYES: SIMPSON, DOBRIN, ANDERSON, BURGESS, GREENWOOD, LOPEZ, PARK, STEWART, WHEELER

MOTION PASSED UNANIMOUSLY (9-0)

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

1. **PZ-23-02100004 N Range Rd – Cocoa Woods Zoning Map Amendment (Ordinance 12-2023)**

Luci Riberio introduced the item stating Stephen Noto would be presenting the item. Stephen Noto provided a presentation.

- Applicant proposes to amend the zoning category on both parcels, which equal +/- 19.23 acres in size, from RU-1-7, Single-Family Residential District, to RU-2-15, Multiple Family Residential.
- The Future Land Use of both parcels is LDR, Low-Density Residential, which allows a maximum density of 7du/acre.
- The applicant intends to subdivide the property to provide for 122 townhome units at a density of 6.33 du/acre.
- Pages 2 thru 6 of the staff report detail the required 15 Findings to support the requested rezoning.

Staff has determined this rezoning request is consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives.

Staff recommends **APPROVAL** of the requested Zoning Map Amendment to change the Zoning Map designation from RU-1-7 (Single-Family Residential District) to RU-2-15 (Multiple Family Dwelling) on two parcels totaling ±19.23-acres, which have Parcel ID numbers 24-35-24-00-759 and 24-35-24-00-758.

Board Attorney Eick reminded the Board to swear in all those who wish to speak on the item and the following were sworn in: Sue Lindeman, Jerry Grove, James Tidwell, Michael Bivey, James Jordan, Peg Wadell and Dr. Beakley.

Attorney Eick added the applicant was available to speak as well. Board Member Greenwood asked about the construction type. The Applicant responded this was still in the planning stages. Speakers discussed concerns over flooding and traffic with the development.

Chairperson Simpson thanked the public for their comments. Many issues like this get resolved when a project gets to site plans, etc. The applicant may be able to address these comments. Mr. Noto stated that at this point they don't have full engineer plans to review.

The Developer spoke addressing the concerns raised and the process that begins with this item. Vice Chairperson Dobrin stated that residents express problems with what is planned. He stated he would not feel comfortable moving forward at this point. Board Member Anderson stated his concern is density and would be opposed to changing the density in this area. This is a rural area.

Attorney Eick clarified this item would not change the density. However, the RU-215 does allow for townhomes as a product and would allow for smaller lot sizes.

Board Member Greenwood stated the property across the street was sold and owned by the school board.

Board Member Stewart said she is concerned about the wetlands and wildlife.

Board Member Park asked if that would be brought up during the site plan review. In response, Mr. Noto confirmed that it would.

Board Member Greenwood asked if the Board tabled this item, are these items that the Developer could return and address? He feels more information is needed.

Board Member Wheeler reiterated what the current task is. The items of concern will be brought forward at a later time, and explained his understanding of his position today.

Board Member Greenwood agreed, stating he would like to ask Developer to return with more information especially in regard to drainage.

Board Member Park added that if it were to come back, it would give the developer more time to address concerns further.

Attorney Eick reminded the Board to offer criteria for denial. Chairperson Simpson explained for legal purposes this needs to be identified.

Board Wheeler added that would be line item 18A – Land Use and 18H – Congestion – these would be the purpose for denial.

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MOTION BY BOARD MEMBER ANDERSON; SECONDED BY VICE CHAIRPERSON DOBRIN TO OPPOSE PZ-23-02100004 N Range Rd – Cocoa Woods Zoning Map Amendment (Ordinance 12-2023) based on 18A and 18H.

AYES: SIMPSON, DOBRIN, ANDERSON, BURGESS, GREENWOOD, LOPEZ, STEWART,

NAYS: PARK, WHEELER

MOTION PASSED (7-2)

2. PZ-23-00500003 SR 524 Large Scale Comp Plan Text Amendment (Ordinance 14-2023)

Luci Ribeiro introduced the item stating City Manager Whitten would be presenting along with Director Charlene Neuterman.

This item was move to item number IV.2 on the order of the agenda and all other items on the agenda were placed on a sub-sequential descending order, following this item.

City Manager Whitten presented this item via the following from a presentation and introduced Interim Public Works Director Abigail Morgan to stand in for questions from the Board and by the general public at large.

The following was presented in full for this item and is part of the Meeting Agenda:

- Text amendment to the Transportation Element and Capital Improvement Element
- Removing minimum level of service standards for SR 524
- SR 524 located in the City of Cocoa but under the jurisdiction of the State (FDOT)

- Maximum Allowable Volumes (MAV) and Levels of Service (LOS) are divided into 3 segments of SR 524:
 - I-95 to SR 520
 - I-95 to Cox Road
 - Cox Road to Industry Road
- MAV and LOS determinations are generated through a series of calculations that include the following:
 - **Roadway Type**
 - **Roadway Characteristics** (lane width, number of lanes medians, terrain, turn lanes, etc.)
 - **Traffic Characteristics** (flow rates, number of heavy vehicles, seasonal volumes, etc.)
 - **Traffic Control** (signals, signal cycle time, etc.)
 - **Multimodal Considerations** (paved shoulders or bike lanes, pavement condition, on-street parking, sidewalks, etc.)
- Generally, the higher the LOS, the more efficient those operating conditions are.
- Section 163.3180, Florida Statutes renders transportation concurrency optional
- SR 524 is a state road, and the City has no authority to control the schedule and construction of capital improvements to increase the capacity of the road
- Consideration of this comp plan amendment will allow the City to continue to approve projects that will enhance and grow the community and the tax base.
- Windward Estates – Stipulated Settlement Agreement
- Most of the proposed projects take at least 3 years to complete.
- The City will get impact fees from these developments that can be utilized to accelerate the SR524 Improvement Project with FDOT.
- Once the improvement project is complete, roadway capacity will grow beyond what is currently needed.
- The city will be working with partners such as the Space Coast Planning & Transportation Organization, the Florida Department of Transportation, and the County to leverage funds and apply for grants to help accelerate the project.
- The City currently has approximately \$4 to \$5 million in Impact Fee Revenues
- The City will collect approximately another \$4 to \$5 million in Impact Fees for projects under review if they are approved
- SR 524 is the number 4 ranked project on the Space Coast Transportation Planning Organization's (SCTPO) overall project ranking
- SR 524 is the number 2 ranked state road project on the SCTPO's Regionally Significant Project Listing

Cocoa Resident Leroy Darby commented how glad he was that the Florida DOT was planning the construction, and Board Member Park stated that he supported the construction, but did have concerns with traffic flows.

Board Member Anderson also posed questions concerning the widening of SR524 and Michigan Avenue.

Discussion ensued among Board Members with regard to this project and how it may affect citizens and whether or not more information is needed. Members echoed concerns however, expressed their support. City Manager Whitten replied to their concerns.

- * **MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY BOARD MEMBER ANDERSON TO APPROVE the SR524 Large Scale Comp Plan Test Amendment (Ordinance 14-2023).**

AYES: SIMPSON, DOBRIN, ANDERSON, BURGESS, GREENWOOD, LOPEZ, PARK, STEWART, WHEELER

MOTION PASSED UNANIMOUSLY (9-0)

3. PZ-20-00100002 – Adamson Creek Phase Two Zoning Map Amendment to PUD/Preliminary Subdivision/Large-Scale Site Plan/Development Agreement (Ordinance 10-2023)

Alternate Board Member Stewart recused¹ herself from this item on the agenda, citing she was a resident of Adamson Creek Subdivision.

This item was presented by Luci Ribiero and the vote will be for both items 23-415 and 23-428 and will be taken as one motion. She discussed the project summary that included Conservation Easement, Future Land Use, PUD Analysis, Site Plan Analysis and Recommendation. This is the final phase for this project.

Applications related to this project:

- Binding Development Agreement
- Rezoning from RR-1 to PUD
- Ordinance 10-2023
- Final Planned Unit Development (PUD)
- Preliminary Subdivision
- Large-Scale Site Plan

Background

- Located off Adamson Road, this project is considered a standalone PUD and Subdivision despite shared amenities and connection with Adamson Creek Phase 1
- The Future Land Use of the surrounding area is a combination of Very Low Density Residential and Conservation (City), Medium Density Residential and Conservation (City), and RES 2 (Brevard County).
- Final project
 - 30 single-family residences

¹ Voting Conflict Form 8B Submitted

- recreational space amenities that will include a walking path surrounding a stocked stormwater pond, along with a fishing platform and other open space areas
- In this subdivision the lots are 50 feet in width and 120 feet in depth which equates to 6,000 SQF
- Staff does not expect the level of service of public facilities to be diminished beyond their acceptable levels of service with this change
- Development Agreement
 - Phase 2 of the project contains 79.13 acres overall, with 14.39 acres of land that will be developed. The remaining 64.74 acres of land will be placed into a conservation easement
 - A conservation easement with 50.70 acres is dedicated to the City in lieu of contributions to the arbor mitigation bank

PUD Analysis

Density Max allowed = 4 units/acre; Providing = 0.38 units/acre

Compatibility - The proposed single-family development will be compatible with the Adamson Creek neighborhood and with the adjacent residential properties to the west and south

Benefit - The Planned Unit Development classification permits flexible design to promote conservation, wetland preservation, and more efficient land use management, thus, securing open space for parks and recreational uses.

Site Plan Analysis

The City of Cocoa Public Works Department as part of the Site Plan review process requested a Traffic Signal Warrant analysis at the intersection of SR 524 and Adamson Road. Based on the results and as a concern to Adamson Creek neighborhood traffic safety, the department forwarded the study to the proper jurisdictions to evaluate and establish improvements.

After further discussion between Brevard County and the City of Cocoa, it has been determined that FDOT must conclude the TSWS analysis to determine guidelines for the developer to accommodate improvements to this intersection.

Preliminary Plat

A third-party surveyor has conducted a first plat subdivision review, and the applicant will address the comments received before the next July 25 City Council quorum.

Staff recommends the Planning & Zoning Board recommend **approval** to City Council of the Final PUD, Preliminary Subdivision for Adamson Creek Phase 2 and Approval of the Adamson Creek Phase Two Development Agreement between the City of Cocoa and DR Horton Inc with the following conditions:

- The approval of the rezoning to PUD shall be contingent upon execution of the Adamson Creek Phase Two Development Agreement.

- The approval of the preliminary subdivision shall be conditioned upon the correction of the preliminary plat to conform with the plat review comments provided by Southeastern Surveying on July 7, 2023.
- Provide traffic control at the intersection of SR524 and Adamson Rd as determined by FDOT analysis

Staff recommends approval of the Large-Scale Site Plan with the conditions set forth below:

- The Large-Scale Site Plan shall not be effective until and unless the Final PUD/Preliminary Subdivision has been approved by City Council.
- Provide traffic control at the intersection of SR524 and Adamson Rd as determined by FDOT analysis

Ms. Ribeiro stated the Engineer /Applicant was present for questions.

Chairperson Simpson asked if the mentioned traffic control was referring to a stop light. In response, Ms. Ribeiro replied FDOT was still under review and could be another type of traffic control item and staff was waiting to hear from them as to their recommendations.

Chairperson Simpson asked, if upon approval, Adamson Creek will foot the bill, Ms. Ribeiro noted yes, that is correct.

The applicant spoke and was sworn in. Board Member Greenwood complemented the applicant for the work they had done stating he was impressed with their creation of the pond.

Ms. Ribeiro also added the pond would be stocked for fishing.

Chairperson Simpson opened the hearing to the public for comments.

- * **MOTION BY BOARD MEMBER WHEELER; SECONDED BY BOARD MEMBER GREENWOOD TO APPROVE** the Adamson Creek Phase Two Zoning Map Amendment to PUD/Preliminary Subdivision/Large-Scale Site Plan/Development Agreement (Ordinance 10-2023) in conjunction with **(Item #3) Consideration of the Adamson Creek Phase Two Preliminary Subdivision/Large-Scale Site Plan/Development Agreement** with the conditions listed by Staff Recommendation.

AYES: SIMPSON, DOBRIN, ANDERSON, BURGESS, GREENWOOD, LOPEZ, PARK, WHEELER

MOTION PASSED UNANIMOUSLY (8-0)

4. PZ-23-02100005 Central Brevard Sharing Zoning Map Amendment (Ordinance 11-2023)

Ms. Luci Ribeiro introduced the item. She also stated, the applicant, David Brubaker was in attendance and available for questions. Also speaking on the item was Cocoa Resident Joan Leonard and Mr. Dean Larry.

- Consideration of a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXII, changing the Official Zoning Map designation a single parcel with approximately 0.64 acres from County Single-Family Residential (RU-1-9) to City Multi-family Residential (RU-2-15).
- The Central Brevard Sharing Center acquired this property on Ruth St. to expand and improve the capacity of their existing operations facility on Aurora St. This nonprofit organization provides emergency assistance and guidance to those in our community who are struggling to obtain life's most basic needs. They have been serving the community since 1978.
- The proposed rezoning is not contrary to the established land use pattern, which is commercial to the north and single-family residential to the south and east, with Central Brevard Sharing Center already operating on abutting property directly to the east. The rezoning will provide a transitional use between the heavier commercial uses along SR 520 and the single-family residential uses to the south and east and will provide a natural expansion of the Central Brevard Sharing Center, and identified the location.

Staff has determined this amendment to be consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives.

Staff recommends that the Planning & Zoning Board recommend **APPROVAL** to the City Council of the Zoning Map amendment consistent with Appendix A, Zoning, Article XXII, to change the Official Zoning Map designation of one (1) parcel from the Brevard County Single-Family Residential (RU-1-9) to the City Multi-Family Residential (RU-2-15) zoning classification.

Ms. Ribeiro stated there are local residents who would like to speak on this.

Board Member Wheeler said he resides in the area and asked if he should recuse himself. Attorney Eick stated it depends on where he resided. He replied, giving details of where he resides and stated he also had a question. She asked if he received a mailing prior to the meeting, he replied he did not. Attorney Eick said he would not be required to recuse himself.

David Brubaker, the Applicant, spoke discussing the expansion of their local services offered to residents. This project would allow them to serve more people. Board Member Wheeler thanked Mr. Brubaker for his services and had a question. His question was about the Rezoning from single family to multi-family and what his intended use was. Mr. Brubaker explained that there is a social service component within that zoning that would allow them to expand.

Chairperson Simpson called Ms. Joan Leonard who was sworn in. She explained she has been in Cocoa a long time and owns property adjacent to the Sharing Center. She added that she is in support of their expansion.

Arthur Dean, resident, spoke stating he just built a house near the location adding when it rains it floods their home. He is concerned of the added building and what it will do to his home and property.

Board Member Greenwood complimented Brevard Sharing Center. He also asked about the drainage. He asked if current codes require onsite retention. In response, staff replied affirmatively. Mr. Greenwood further asked if the applicant would have to provide their own retention areas. In response, staff replied affirmatively.

Board Member Park asked staff if there was any thought to create a zoning for nonprofit organizations who are looking to do things that continually having to use RU residential style zones. Attorney Eick replied there are multiple zoning districts that allow for social service centers and is usually addressed through a special exception. However, that is something that could be discussed in house. Discussion continued among board members on this subject and the drainage concerns and what may have occurred when the property was annexed.

Ms. Leonard added that area uses septic not City sewer. That is a concern as well.

* **MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY BOARD MEMBER ANDERSON TO APPROVE PZ-23-02100005 Central Brevard Sharing Zoning Map Amendment (Ordinance 11- 2023).**

AYES: SIMPSON, DOBRIN, ANDERSON, BURGESS, GREENWOOD, LOPEZ, PARK, STEWART, WHEELER

MOTION PASSED UNANIMOUSLY (9-0)

5. PZ-23-021000056 Mike Erdman Zoning Map Amendment (Ordinance 13-2023)

Luci Ribeiro presented the item and discussed the Site Plan Amendment and future land use:

- Consideration of Zoning Map Amendment consistent with Appendix A Zoning, Article XXI, to change the Zoning Map of a portion to a single parcel with approximately 9.1 acres, from Brevard County "BU-1 General Retail Commercial" to City of Cocoa "C-G General Commercial."
- The south portion of this parcel had an approved site plan in 2022 for overflow parking and affiliated infrastructure, and the applicant proposes an amendment to accommodate a Cadillac showroom sales and service Department Building with associated parking.
- This rezoning will in no way impact the level of service for facilities in this area.
- The Future Land Use of the surrounding area is a combination of Commercial, and Neighborhood Commercial

➤ BU-1 General Retail Commercial-Brevard County

Staff recommends that the Planning & Zoning Board recommend **APPROVAL** to City Council of the Zoning Map Amendment from Brevard County “BU-1 General Retail Commercial” to City of Cocoa “C-G General Commercial”.

Ms. Ribeiro added that a representative from Mike Erdman was present for questions. Chairperson Simpson asked for clarification on the location map and specifically about Camping World. Ms. Ribeiro replied they were also located in the City.

Chairperson Simpson opened the hearing to the public for comments.

- * **MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY BOARD MEMBER PARK TO APPROVE PZ-23-021000056 Mike Erdman Zoning Map Amendment (Ordinance 13-2023.)**

AYES: SIMPSON, DOBRIN, ANDERSON, BURGESS, GREENWOOD, LOPEZ, PARK, STEWART, WHEELER

MOTION PASSED UNANIMOUSLY (9-0)

V. OTHER BUSINESS:

1. **Tree Board Update - None**
2. **Recent Development - None**
3. **Open Discussion by Board Members**

VI. NEXT MEETING DATE:

The next scheduled meeting for the Planning and Zoning Board will be a SPECIAL MEETING to be held on Wednesday, August 16, 2023 at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VII. ADJOURNMENT:

- * **MOTION BY BOARD MEMBER PARK; SECONDED BY BOARD MEMBER GREENWOOD TO ADJOURN THE REGULAR MEETING OF JULY 12, 2023.**

AYES: SIMPSON, DOBRIN, ANDERSON, BURGESS, GREENWOOD, LOPEZ, PARK, STEWART, WHEELER

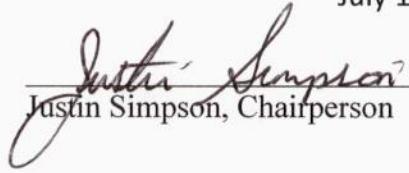
MOTION PASSED UNANIMOUSLY (9-0)

MEETING WAS ADJOURNED AT 8:40 PM.

Planning & Zoning Board

Special Meeting

July 12, 2023


Justin Simpson, Chairperson

Respectfully Submitted By:


Lori Chabot for Joanna Zurinsky, Recording Secretary