CITY OF COCOA
PLANNING & ZONING BOARD MEETING
MEETING MINUTES
February 6, 2019

A meeting of the Planning & Zoning Board of the City of Cocoa was held on Wednesday, February 6, 2019 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Dobrin called the meeting to order at 6:02 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Michael Dobrin	Chairman
Al Washington	Vice Chairman
Jeri Blanco	Board Member
Sherry Ervin	Board Member
Trina Gilliam	Board Member
Marilyn Green	Board Member
Lawrence Koss	Board Member
Aleck Greenwood	Alternate Member

MEMBERS ABSENT:

Todd Anderson	Board Member
Russell Sengel	Board Member

OTHERS PRESENT:

Dodie Selig	Planning & Zoning Manager
Nancy Bunt	Community Services Director
Kristin Eick	Board Attorney
Monica Arsenault	Board Secretary
Jake Williams, Jr.	Board Liaison

APPROVAL OF AGENDA:

1. Approval of Agenda: February 6, 2019.

   Motion by Vice Chairman Washington, seconded by Board member Ervin, to approve the agenda of February 6, 2019. The vote on the motion carried unanimously.

2. Approval of Minutes: December 5, 2018.

   Alternate member Greenwood asked for an update from the previous meeting. He asked Board member Koss if he was successful in speaking with the Extension Office on Lake Dr. and if he could provide an update as to whether they will be coming to present information about trees to the Board. In response, Board member Koss stated that he has spoken with Sally Scalera but has not been in touch with Mr. Walt Roslan yet, however he intends to bring more information to the next Board meeting.

Alternate member Greenwood verified that Board member Koss still intends to invite these individuals to attend a future Planning and Zoning meeting to provide information about trees to the Board. In response, Board member Koss answered affirmatively.

Motion by Board member Koss, seconded by Vice Chairman Washington, to approve the minutes of December 5, 2018 as written. The vote on the motion carried unanimously.

OLD BUSINESS:

None.

NEW BUSINESS:

1. PZ-18-014 – Addendum to Binding Development Agreement – 2075 W. King Street

Ms. Selig shared the project summary and explained that the requested action is for the Board to consider an Addendum to the Binding Development Agreement between the City of Cocoa, Florida and 2075 W. King Street Land Trust and its successors to allow the developer to construct up to three hundred and twelve (312) apartment units and associated amenities. She noted that the project is located on a single parcel of land (Tax Parcel ID: 24-36-31-00-265) totaling 130.66 acres.

Ms. Selig explained that on October 17, 2017 the City Council approved a Binding Development Agreement for the subject parcel utilizing its Home Rule power. The Concept Plan for the Agreement consisted of an ACLF (Adult Congregate Living Facility) comprised of eleven (11) buildings totaling one hundred (100) units along with an independent living residential area and a 55-and-older residential area to be constructed on the southern portion of the parcel and around the existing lake with some commercial use on the northern portion of the property abutting SR520. In conjunction with the Binding Development Agreement, the Council approved certain changes to the southern portion of the subject parcel: a Future Land Use change from Low Density Residential to Medium Density Residential, a designation of Conservation over the area of wetlands, and a rezoning from RR-1 (Rural Residential) to RU-2-15 (Multiple Family Residential).

Ms. Selig presented the original Concept Plan. She identified the color-coded key and the areas of the map. She shared that the original project was never developed, and the property is now under contract to a developer who wishes to construct a market rate apartment community in the center portion of the southern (residential) portion of the property. No commercial use is planned for the northern portion of the parcel at this time.

Ms. Selig mentioned that on September 17, 2018 the applicant held a public meeting to gather feedback from nearby residents regarding the proposed project. Five property owners attended and expressed concerns related to the proximity to their property and potential stormwater impacts. As a result of this feedback the applicant redesigned the project layout to move the apartments from the perimeter of the existing borrow-pit lake at the western end of the parcel to a location in the center of the parcel. The new layout will include a stormwater pond in the center of the apartment buildings to provide a water view for residents as well as control stormwater on site. Furthermore, the new design includes a clubhouse, a car wash and a maintenance building and retains the original

plan for fencing and a concrete block wall separating the project from abutting residential and commercial properties.

Ms. Selig presented the revised Concept Plan. She pointed out the impacts to the Board. She explained that in recognition that the Concept Plan has been prepared prior to engineering and floodplain review, the Concept Plan may be slightly modified in the future to accommodate changes required by the City Code, including for drainage and flood storage, but may not be modified to include:

1. A different use of the Property
2. An increase in the proposed number of units
3. A reduction in the required amenities; or
4. A deviation from any condition.

The addendum also includes the following requirements of the developer:

1. Within six (6) months from the Effective Date of this Agreement, the Developer/Owner, at its expense, shall prepare and file all required applications, information, and engineering plans with the City of Cocoa that are necessary to obtain floodplain development approval, final site plan, and final engineering approval for the Project consistent with the Concept Plan.

2. The Owner shall obtain approval of the site plan within twelve (12) months of the Effective Date of this Agreement.

3. If the Project fails to obtain such final approval from the City (a/k/a - a final development order) within the aforesaid twelve (12) months, the City shall have the right to declare the Owner in default.

4. If the Owner does not cure the default within the cure period, the City shall have the right, but not obligation to, terminate the Agreement without penalty.

Ms. Selig noted that the Project shall further be subject to the following conditions:

1. The apartment units shall meet the minimum living area requirements for apartments in the RU-2-15 Zoning District.

2. The apartment and communal buildings shall be no more than thirty-five (35) feet in height.

3. No development, other than buffer walls or fences, shall be permitted on the west side of the existing 16.79-acre lake (former borrow-pit).

Ms. Selig explained that the Developer/Owner shall be specifically required to develop the project to include certain amenities, which shall be maintained in good and working condition throughout the life of the Project, shall be of adequate size to service the intended number of residential units, and shall be incorporated into the final site plan as follows:

1. The Developer/Owner agrees to include a clubhouse with an exercise/workout room, sauna, business center, and "party room" that may be reserved by residents for events; swimming pool; playground; dog park; car wash; sidewalk around the interior retention pond; and two (2) electric car charging stations;

2. The Developer/Owner agrees to incorporate the use of energy efficient lighting systems, insulation and ENERGY STAR rated windows, low-flow water fixtures, modern heat pumps, and energy-efficient HVAC systems;

3. Developer/Owner shall construct and maintain a six-foot (6') buffer wall along certain portions of the subject property perimeter:

    - Along the southern boundary of the Property from the point of the western boundary of Tax Parcel ID 24-36-31-00-506 to the western edge of the Conservation area on the Property, except that a fence may be provided within the natural gas easement area, if necessary, to accommodate such easement.

    - Along the northern boundary of the Property to the western edge of the driveway entrance.

    Additionally, Ms. Selig shared that a six-foot (6') opaque fence shall be constructed and maintained along certain portions of the property:

    - Along the boundary between the commercial and RU-2-15 zoning on the Property, from the eastern edge of the driveway entrance to the western edge of the Conservation area, provided that Developer/Owner acknowledges and agrees that future development on the commercially-zoned portion of the Property shall require an additional or replacement buffer, in the form of a wall or other vegetative buffer, upon request of the City and provided that applicable environmental permits may be obtained.

    - Along the western boundary of the Property and along the southern boundary of the Property where the buffer wall is not required.

    - The Developer/Owner shall install full-cutoff, low-light emitting or LED streetlights and outdoor lighting fixtures.

    - The Developer/Owner shall reserve a minimum of three (3) two-bedroom apartment units for City law enforcement officers to be rented at a fifty percent (50%) discounted rate, to be made available on a first-come, first-serve basis, at the time of initial leasing until there are no other two-bedroom apartments available at the facility.

    In addition, the Developer/Owner shall provide a lease preference above other tenant applicants to City law enforcement officers and firefighters, along with EMS and local school teachers, on a first-come, first-serve basis as long as it does not violate Federal Fair Housing statutes.

    Board member Green noted that this is a stipulation that she hasn't seen before. She asked Ms. Selig if this is common in Cocoa. In response, Ms. Selig explained that it is fairly common, and this would not be the first time a condition such as this has been included in a plan.

Ms. Selig pointed out the consistencies with the Comprehensive Plan as follows:

1. Objective 3.1.1: Energy Efficiency. The City shall encourage energy efficiency in the design, construction and rehabilitation of new and existing residential buildings in the City and incorporate alternative energy technologies in the land development regulations.

2. GOAL 3.7: The City shall promote opportunities for the creation of housing and infill development within the City.

3. GOAL 11.1: The City of Cocoa will ensure, through effective planning and coordination with the School District, that adequate school capacity is available to accommodate enrollment demand for City residents.

4. Objective 11.1.2: The City shall ensure adequate public-school capacity exists to accommodate new students generated by residential development. The City shall forward all applications for a residential development permit to the School District for a school concurrency evaluation and determination.

5. Policy 11.1.2.2: The City shall not approve any non-exempt residential development application for a new residential preliminary subdivision, site plan or functional equivalent until the School District School has issued a School Capacity Availability Determination Letter (SCADL) verifying available capacity.

Ms. Selig stated that staff has done a preliminary concurrency review of services required by the project and determined that there are sufficient facilities to meet the needs of the proposed development. In addition, the City has received the School Capacity Availability Letter showing sufficient capacity exists within the adjacent service area to serve the needs of the project. A final review will be completed with the Site Plan application.

Ms. Selig noted that the Addendum to the Binding Development Agreement will need to be approved by City Council and is currently scheduled for the Council meeting on February 13, 2019. If approved, the addendum will be signed and recorded in the Official Records of Brevard County, subject to applicable conditions. The developer will then need to submit a Site Plan application.

Ms. Selig stated that staff's recommendation is that the Planning and Zoning Board recommend approval to City Council of the Addendum to the Binding Development Agreement and the attached Concept Plan.

Board member Ervin asked what the minimum living area is in the RU-2-15. In response, Ms. Selig explained that it depends on the size of the unit.

Philip Nohrr, 1795 W. Nasa Blvd., Melbourne FL, shared that the agreement that has been drawn between the developer and the City took quite some time and was written thoroughly to ensure protection. He noted that the project will be developed in such a manner to be considerate and respectful of the neighbors. He asked that the Board consider their request for approval favorably.

Board member Koss inquired if the developer considered installing solar panels on the roofs and if it would be expensive.

Steven Morgan, of Morgan and Associates, and Juston Trimback replied that although they have built numerous apartment complexes all over the United States, they have not considered this at this point.

Board member Koss pointed out that he is very pleased about the high efficiency. In response, Mr. Trimback stated that they develop, build, own and operate everything themselves. He explained that they have no plans to turn around and sell within the next few years. Additionally, they build to last for a long time, otherwise it's expensive to keep up the maintenance. They buy and install quality products, insulate their buildings well and put brick on the exterior of the first floor to better insulate the apartments. They also use a specific vinyl siding that will last which also helps to insulate the building as well which in turn keeps electric bills down for the residents.

Board member Koss inquired if there will be any oak trees planted in the landscaping. In response, Mr. Morgan stated that they will conform to the Board's requests in order to do this right. He added that when they built in Titusville, they planted ten-inch palm trees and six-inch live oak trees. He stated that if they can acquire these trees again they will include them in the landscaping.

Mr. Andy Kirbach, 504 N. Harbor City Blvd., Melbourne, FL added they will have thirty (30) or so acres that will be preserved.

Board member Blanco asked if they will have only one and two bedroom units. In response, Mr. Trimback answered that they will have one, two and three bedroom units. He shared the square footage of each size apartment.

Board member Blanco asked if they had an idea of what the rent will be.

In response, it was shared that a one bedroom unit will be around one thousand one hundred and fifty dollars ($1,150.00) per month, a two bedroom unit will cost around one thousand four hundred and fifty dollars ($1,450.00) per month, and a three bedroom will cost one thousand five hundred and eighty-five dollars ($1,585.00) per month, but the market rate will ultimately determine the final cost.

Chairman Dobrin asked when they finished the project in Titusville. In response, Mr. Morgan answered around February of 2018.

Additionally, Chairman Dobrin asked if they ran into any unforeseen maintenance issues as they were developing. Mr. Trimback explained there were a few minor issues due to the hurricane that came through at the time, however they install hurricane proof windows as well as other quality products and they also use the same subcontractors most of the time so they can ensure everything is done right.

Chairman Dobrin asked inquired about an approximate completion date should the project be approved. In response, it was stated that the project would take about two years.

Chairman Dobrin inquired if there would be covered parking. In response, it was stated that it will be all outdoor parking,

Board member Blanco asked if they are a gated community. In response, it was clarified that they are not, however there is on-site security. Mr. Trimback added that they run criminal backgrounds on any applicant who applies for residency. They uphold certain standards for security purposes, however they do not have salaried officers paroling the property.

Board member Greenwood asked if when they run background checks if they check for any previous evictions. In response, it was verified that they do check for any previous evictions.

Board member Greenwood mentioned the Board is very supportive of live oaks and encouraged the developers to plant them.

Board member Gilliam inquired about the flood zone. In response, it was explained that they will be at least two feet above the base flood elevation.

Board member Koss inquired about the access road.

Board member Green inquired about flood plain insurance. In response, it was noted that if it is needed, they will buy it.

Board member Green asked about HOA fees. In response, Mr. Morgan pointed out that there will not be HOA fees.

Board member Ervin inquired how the water bill is determined. In response, Mr. Morgan explained that the bill is determined by the number of bedrooms. He added that trash and pest control costs are included in the rent and there is no separate charge.

Chairman Dobrin opened the discussion to the audience. There being no comments or questions, the public portion of the meeting was closed.

Motion by Board member Ervin, seconded by Board member Koss, to recommend approval to City Council of the Addendum to the Binding Development Agreement and attached Concept Plan. The vote on the motion carried unanimously.

OTHER BUSINESS:

A. Tree Board Update – None.
B. Recent Development Update

Ms. Selig noted London Cove, Adamson Creek, and Lakeside Palms West are still being worked on.

Board member Ervin asked about the Cottages. In response, Ms. Selig noted it is moving forward and there are two items going before the Council at the first meeting in

February. She added that the ten lots in the back were reconfigured to be slightly smaller to fit Lot 5 without any issues.

Board member Koss inquired about the vacant positions in staff. In response, Ms. Bunt explained that there are four vacancies, two of which are for the Planning & Zoning Department. She explained the challenges the department is facing in hiring staff.

Chairman Dobrin inquired about an update on the hotel. In response, Ms. Selig explained that it was brought to the Cocoa CRA and was approved. They are waiting on signatures from the developer.

Board member Ervin asked about the old Winn Dixie on SR524. In response, Ms. Selig answered that no one has approached staff to develop it.

Ms. Selig shared that she had received a letter with information regarding school capacities. She explained that the school board has zones and they have certain schools where the children would be routed to. She explained that "zoned" schools are checked first but if the capacity has been met then surrounding schools will be checked as well.

Vice Chairman Washington asked if the developer did decide to sell, if their successor would have to adhere to the contract. Ms. Selig replied affirmatively but added that if they wanted to change anything, such as the amenities, they would need to come before the City Council.

Ms. Eick pointed out that in the contract it states that if they violate the addendum than it could become a code enforcement case and that is a way the City could enforce that the addendum is adhered to.

NEXT MEETING:

The Board members established that the next meeting would be held on Wednesday, March 6, 2019.

ADJOURNMENT:

Motion to adjourn by Board member Koss, seconded by Vice Chairman Washington. The vote on the motion carried unanimously.

Alternate member Greenwood asked if the gravel issue could be brought before the Board at the next meeting. In response, Ms. Selig asked Mr. Greenwood if he would mind waiting until she has more staff to assist her.

Board Liaison Williams announced that Craig Dixon has declined the position of second alternate member.

There being no further business the meeting adjourned at 6:59 P.M.

Approved on this 9 day of April, 2019.

Mike Dobrin, Chairman

Monica Arsenault, Board Secretary