

**MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
November 1, 2023**

A Regular meeting of the Planning & Zoning Board Local Planning Agency was held on November 1, 2023 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noted.

I. CALL TO ORDER:

Chairperson Simpson called the meeting to order at 6:01 PM.

ROLL CALL:

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

ABSENT:

Todd Anderson	Board Member
Merrybeth Burgess	Alternate Member

STAFF PRESENT:

Michael Blake, Mayor; Stockton Whitten, City Manager; Kristin Eick, Board Attorney; Stacey Hopper, City Planner; and Lori Chabot, Recording Secretary.

Additionally, Stephen Noto, AICP, Director of Planning for RVi Planning + Landscape Architecture was also in attendance.

Chairperson Simpson led the assembly in the Pledge of Allegiance.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of November 1, 2023

* **MOTION BY BOARD MEMBER CHABOT; SECONDED BY BOARD MEMBER WHEELER TO APPROVE THE NOVEMBER 1, 2023 REGULAR MEETING AGENDA AS WRITTEN.**

AYES: SIMPSON, DOBRIN, CHABOT, GREENWOOD, LOPEZ, PARK, WHEELER, STEWART

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MOTION PASSED UNANIMOUSLY (8-0)

2. MINUTES: None

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

PZ 23-0200007 Zoning Text Amendment | Ordinance 21-2023

A. Consideration of a Large-Scale Site Plan for the construction of Allegra at Cocoa, a 13-building, 312-unit multi-family residential project located on +-53.18 acres of property at the northwest corner of Cox Rd., and US Hwy 524.

Stephen Noto introduced the item through a presentation¹.

- The +/-53.18-acre Subject Property is located at the NW corner of Cox Rd. and U.S. HWY 524.
- The Subject Property is currently vacant and has Brevard County Parcel ID Numbers 24-35-23-00-11 and 24-35-23-00-775.
- The zoning of the Subject Property is RU-1-7, Single-Family Residential, and C-G, General Commercial.

¹ Exhibit A: 11/01/2023 P&Z Presentation

- The Future Land Use designation of the subject property is MDR, Medium Density Residential, and COM, Commercial.
- The applicant requests to construct a 13-building, 312-unit multi-family residential project
- The project will consist of a mixture of one-and two bed room unit types, clubhouse & pool, fitness center, dog park, open space, and associated infrastructure.
- On January 10, 2023, the City Council approved Resolution 2023-008, acknowledging receipt of an application filed with the City for an Affordable Housing Land Use for a project located on the Subject Property. The Resolution also allowed for the development of an Affordable Housing Land Use project to occur on property zoned Commercial and Single-Family Residential.
- Section 166.04151, Florida Statutes, allows the governing body of a municipality to approve housing that is affordable, as defined in Florida Statute 420.0004, on any parcel that is zoned for commercial use, so long as at least 10 percent of the units included in the project are for housing that is affordable. The Statutes define “affordable” to mean that monthly rents or monthly mortgage payments, including taxes, insurance, and utilities do not exceed 30 percent of the amount which represents the percentage of the median adjusted gross annual income for households of “extremely-low-income-persons”, “low-income persons”, “moderate income persons”, or “very-low-income persons” as defined in the statute.
- The Resolution was approved with the condition that the project does not exceed 312 multi-family units, and that the project meet the requirements of the RU-2-15 zoning district, and the “affordable” housing standards set forth in Section 166.04151, Florida Statutes.
- On July 25, 2023, the City Council approved a Pre-Development Agreement and Restrictive Covenant that the Developer sought for certain waivers from the City Code for the project. The Developer sought a waiver of the Tree Mitigation Contribution requirements of the City Code and a waiver to the minimum unit size requirement of the City Code, from 800 square feet per one-bedroom unit to 660 square feet per one-bedroom unit, for a maximum of 80 units.
- The waiver was approved with the following requirements: Convey to the City the entirety of Tax Parcel Number 24-35-23-00-775 and the portion of Tax Parcel Number 24-35-23-00-11 as depicted on “Exhibit B” to the Agreement, which is approximately 11.5 acres.
- Maintain the Project as an affordable housing project for a period of thirty (30) years, which means that, at minimum, ten percent (10%) of the occupied units in the Project will be affordable housing as provided and defined in Florida law. The Developer will be required

to submit copies of tenant income verification and applicable leases to the City of Cocoa yearly to ensure compliance with this requirement.

- Reserve a minimum of three (3) one-or two-bedroom apartment units for City law enforcement officers or first responders to be rented at a 25% discounted rate, to be made available on a first come, first serve basis, at the time of initial leasing until there are no other apartments available in the Development. In addition, the Developer shall provide a lease preference above other tenant applicants to City law enforcement officers and firefighters, along with EMS/Paramedics and Brevard County schoolteachers teaching within the City limits, on a first come, first serve basis so long as it does not violate Federal Housing statutes.
- A tree mitigation waiver was also approved and will be detailed upon discussion of proposing landscaping for the project.
- The site is 53.88 acres overall with 13 acres of developed project area. The lot coverage is 20.66% (maximum 40%) and the total impervious ratio is 16.79% (maximum 65%). The project density is 6 units per acre (maximum 15).
- The project is required to provide 526 standard parking spaces and 12 handicapped parking spaces. The site plan provides 562 standard parking spaces, 39 of which are provided for in detached garages, and 13 handicapped parking spaces.
- There are two different type of apartment buildings, however each will be 3-stories tall, at a height of 30'-3-1/2". The individual garage buildings will be 14' tall, and the clubhouse will be 17' tall. Building setbacks are provided as established
- The northern property boundary will have a 20' landscape buffer, with bald cypress trees planted every 50 feet, for a total of 23 trees.
- The buffer adjacent to SR 524 exceeds 600' in length, and will provide 14 Southern Magnolias, a hedge row, and groundcover.
- The Pre-Development Agreement allowed for a specific tree removal and mitigation plan. As a result, 350 replacement trees (993 inches) will be provided; 506 being 'large' and 379 being 'medium or small', and 108 inches of palm trees.
- The applicant as provided 407 trees in total (classified as large, medium & small, and palm trees) as shown on Sheet LD-01. A total of 1,473 inches are being planted. Both the total number of trees and inches exceed the minimum required by the Agreement.
- Additional mitigation was waived if the following parameters were met:

- (i) the Developer conveys the Conveyance Parcel, as defined in Section 5.0, below, to the City;
 - (ii) the Developer maintains the Project as an affordable housing development as provided in Section 7.0 below for the requisite period of thirty (30) years;
 - (iii) the Planning and Zoning Board approves the Site Plan within eighteen (18) months of the Effective Date of this Agreement; and
 - (iv) the Developer obtains building permits for the Project and substantially commences vertical construction of the Project, which shall at minimum include building foundations, within two (2) years of the Effective Date of this Agreement.
- If the Developer fails to obtain Site Plan approval from the City or fails to obtain building permits and substantially commence vertical construction of the Project within the aforesaid eighteen (18) months or two (2) years, respectively, or fails to satisfy any of the conditions of this Section, the City shall have the right to declare the Developer in default pursuant to Section 25.0 of this Agreement. If the Developer does not cure the default within the cure period, the City shall have the right, but no obligation to, terminate this Agreement without penalty and/or immediately take any and all actions necessary to collect the entire Tree Mitigation Contribution to the extent the trees have been removed not to exceed \$945,000.00.
 - The applicant is conveying +/-11.5 acres of property as noted on Sheet C-201 of the site plan.
 - A total of 9.98 acres of useable open space and recreation area are being provided which meets the code minimum.
 - Water will be provided via an existing 36" concrete pipe that exists in the SR 524 ROW. A 3" master meter will be installed adjacent to the south eastern property line, parallel to SR 524.
 - A private lift station is proposed adjacent to Building #1 on the northeast portion of the site.
 - An Environmental Impact report was prepared for the project. A variety of wetland habitats were observed; however, no protected species were found on site. As such, the project meets the Objectives and Policies in the Comprehensive Plan related to the protection of wildlife.

- Comprehensive Plan Policy 6.1.3.6 states, “Except as provided in Future Land Use Element Policy 1.1.2.7(H), flood control for new development will be accomplished through the limitation of fill in the 100-year flood plain when economically feasible. In cases where there is no practical alternative to fill in the 100-year flood plain, compensatory storage shall be provided through excavation of a volume equivalent to the loss of storage within the 100-year flood plain resulting from the placement of fill in adjacent upland areas (above the 100-year flood plain) where such compensatory storage can be accomplished in an environmentally sound and economically feasible manner.” A total of 9.98 acres of useable open space and recreation area are being provided, which meets the code minimum.
- The project site is the head water for the flood plain it partially resides within. The project storm water ponds have been modeled to attenuate the 100-year storms in addition to those required by the City and SJRWMD. Therefore, compensatory storage and potential impact on the flood plain is offset by there duction in discharge and detention volume on site.
- All Levels of Service requirements for Wastewater, Stormwater, Potable Water, Solid Waste, Roadways, Recreation, and Schools are being met.
- The request is consistent with the following Comprehensive Plan Policies: Future Land Use Element 1.1.2.4, Medium Density Residential Housing Element 3.1.2.5; 3.1.6.1; 3.2.4.10; 3.3.1.4.
- Staff recommends APPROVAL of the Large-Scale Site Plan for Allegra at Cocoa with the following conditions:
 - 1) Per the School Impact Analysis Capacity Determination, CD-2023-38, a *Concurrency Determination* must be performed by the School District prior to a Final Development Order and the issuance of a Concurrency Evaluation Funding of Non-deficiency by the Local Government.
 - 2) Prior to receiving any certificate of occupancy, the Developer shall meet it’s obligations to the City as outlined in the Pre-Development Agreement and Restrictive Covenant.
 - 3) Site Plan approval shall be conditioned upon the sale of the subject property to Allegra at Cocoa, LLC, being completed and closing occurring within one year of the Effective Date of the Pre-Development Agreement and Restrictive Covenant, dated September 14, 2023, or as otherwise be extended by the City Council.
 - 4) Prior to the issuance of building permits, the Developer shall provide as satisfactory conservation easement that permits the Minimum Activities identified in the Pre-Development Agreement and Restrictive Covenant to take place on the portion of the property to be conveyed to the City.

Mr. Noto stated the developer was present and available for questions. Chair Simpson asked developer if he had anything to add. David Bassford, MBV Engineering/Allegra of Melbourne approached the podium and offered to answer questions.

Board Member Wheeler asked Staff about an attachment to the Agenda regarding Landscaping as the writing was small and he was unable to read it. City Planner Hopper and Mr. Noto provided the information to Board Member Wheeler.

The Recording Secretary swore in the speaker(s).

Board Member Greenwood stated he was very much in support of project. He continued regarding the trees, and asked for clarification as to what the developer meant by Large trees. He also asked if he could add as many live oaks as possible. Mr. Bassford said that is the premise behind the parcel and for conservation and open space areas. He continued, with a development of this size, it is difficult to keep trees. Mr. Noto added the documents state 94 live oaks fall under large tree category, 605 inches, and other trees. Board Member Wheeler thanked staff. Discussion continued regarding types of trees and inches.

Board Member Greenwood asked about construction and the developer replied it would be wood construction. Board Member Greenwood also asked how many one beds, he replied up to 80. Discussion continued about costs per square foot, market costs. Board Member Wheeler asked for clarification regarding to 340 units, up to 80 that will be subsidized costs, 1.70 to 1.90 per square foot and with that, why are unit sizes being reduced. He replied the greater square foot, higher rent. Makes overall rent a little more affordable.

- * **MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY BOARD MEMBER CHABOT TO RECOMMEND APPROVAL of a Large-Scale Site Plan for the construction of Allegra at Cocoa, a 13-building, 312 unit multi-family residential project located on +-53.18 acres of property at the northwest corner of Cox Rd. and US Hwy 524.**

AYES: SIMPSON, DOBRIN, PARK, CHABOT, GREENWOOD, PARK, WHEELER

NAY: STEWART

MOTION PASSED (7-1)

- V. **TREE BOARD:** Attorney Eick notified the Board that Council adopted the ordinance at their last meeting.

VI. **OTHER BUSINESS:**

Planning and Zoning Board Open Discussion –

Board Member Dobrin let fellow members know that November was his last meeting and thanked all for their support.

Attorney Eick let Board Members know at the next meeting a new Vice Chair will be elected. She also reported an ordinance would be brought to the Board regarding a recommendation to repeal and change the current specified meeting date of the Second Wednesday to the First Wednesday of each month.

VII. NEXT MEETING DATE:

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

VIII. ADJOURNMENT:

MEETING WAS ADJOURNED 6:50 PM.

Justin Simpson, Chairperson

Respectfully Submitted By:

Lori Chabot, Recording Secretary