



Legislation Details (With Text)

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Title: Adopt on Second and Final Reading Ordinance 14-2023, adopting a Large-Scale Comprehensive Plan Text Amendment to the Transportation Element and Capital Improvements Element, removing minimum level of service standards for State Road 524. (Community Services Director)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance No. 14-2023 Level of Service SR 524, 2. SR524 trips.pdf, 3. LOS.pdf, 4. Cocoa 23-02ESR - Proposed Review, 5. Legal Ad.pdf

Date	Ver.	Action By	Action	Result
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CITY COUNCIL AGENDA ITEM

Memo Date: September 5, 2023
Agenda Date: September 12, 2023
Prepared By: Abigail Morgan, Interim Public Works Director/City Engineer
Charlene Neuterman, Community Services Director
Through: Stockton Whitten, City Manager

Requested Action:
Adopt on **Second and Final Reading** Ordinance 14-2023, adopting a Large-Scale Comprehensive Plan Text Amendment to the Transportation Element and Capital Improvements Element, removing minimum level of service standards for State Road 524.

BACKGROUND:

The City of Cocoa has seen unprecedented growth along the State Road 524 (SR 524) corridor, primarily between Interstate 95 (I-95) and Industry Road. This growth, along with the growth related to new development applications, has led to a deficiency in traffic volume on this corridor. SR 524 is a two-lane rural-style highway with traffic signals at Industry Road, London Boulevard, Cox Road, the Wal-Mart Distribution Center Driveway, Friday Road, and I-95. While this roadway is located within the City of Cocoa Limits, it is under the jurisdiction of the Florida Department of Transportation (FDOT). The roadway is functionally classified as an Urban Minor Arterial and carries the following maximum allowable volumes for the roadway segments indicated.

Roadway Segment	Maximum Allowable Volume (MAV)
I-95 to State Road 520	24,200
I-95 to Cox Road	18,590

Cox Road to Industry Road	19,470
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The maximum allowable volume is based on the roadway's acceptable Level of Service (LOS), which is “D” for this roadway.

These volumes and LOS determinations are generated through a series of calculations that include 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.), and 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. Exhibit A provides a visualized graphic of these conditions. The maximum allowable volume (MAV) is based on the adopted LOS for a particular roadway. MAV is typically based on the Average Annual Daily Traffic (AADT) or the daily average number of vehicles on a roadway. Typically, the desirable LOS for a roadway is “C”. LOS A would indicate a very under-utilized roadway or overbuilt roadway.

The Space Coast Transportation Planning Organization performs traffic counts annually on several roadways throughout the County, including SR 524. Below is a table showing the latest traffic counts and MAVs:

Roadway Segment	Adopted LOS	MAV	AADT (2022)
I-95 to SR 520	D	24,200	6,280
I-95 to Cox Road	D	18,590	12,870
Cox Road to Industry Road	D	19,470	14,380

The volumes above do not represent currently approved projects or projects that are under construction. When a project is approved, roadway trips associated with that project become vested. The City tracks these vested trips against the available volumes. Below is a table showing the approved projects and their vested trips against the MAV.

Roadway Segment	LOS	MAV	AADT (2022)	*Arbours at Cocoa Landing	Cirrus Apartments	Dollar General	Integra	Remaining Trips
I-95 to SR520	D	24,200	6,280	29	102	17	41	17,732
I-95 to Cox	D	18,590	12,870	306	579	252	442	4,142
Cox to Industry	D	19,470	14,380	956	3,394	280	1,356	-896

*The trips associated with the Arbours at Cocoa Landing were originally thought to have lost vested rights due to the site plan expiration. These trips did not actually lose vested rights because of tolling requirements through executive orders from the State of Florida Governor’s Office. Although the trips exceed the MAV, the total trips including vested trips are within 10% of the total.

Unfortunately, the growth on this corridor from approved projects and currently proposed projects has outpaced FDOT’s schedule to widen SR 524, which is undetermined at this particular time. The SR 524 Trip Exhibit shows current volumes with vested trips and details the volume deficiencies with the

proposed projects. Information is also included to show the new capacities, post improvements. When the roadway is widened, there will be additional capacity beyond what is needed for the currently proposed projects, which will continue the economic development in this area.

FDOT is finalizing the Project Development and Environmental Phase (PD&E) for the SR 524 widening project. It is anticipated that the PD&E report will be available sometime in September of this calendar year. The purpose of this phase was to help determine the conceptual design of the roadway, along with the social, economic, and environmental impacts of the project. The next phase of this project is Design, which is not currently funded. The estimated cost for design is between \$8-10 million. Once funded, FDOT will finalize the PD&E Phase and begin the design for improvements from I-95 to Industry Road. This would also include a new interchange at SR 524 and I-95. Typically, the next phases include right-of-way (ROW) acquisition and then Construction. It is not anticipated that a lot of ROW will be required since the current ROW is very wide. The City also has property that could potentially be utilized, pending the proposed design. Phased construction would be likely to occur, with the main phases being Cox to Industry and then I-95 to Cox. The segment from I-95 to SR 520 is not projected to exceed current capacity even with the proposed projects. Construction was estimated at \$60 million in 2021, with the main two phases being roughly \$36 million. This number will continue to increase with inflation.

The City of Cocoa is in a similar position to a number of other cities when it comes to this situation. The City cannot fully fund the design or construction improvements due to the exorbitant costs associated with them. As required in the Transportation Element of the Comprehensive Plan, the City is not to approve development if capacities are not available when that capacity is needed (build-out). The City can initiate a proportionate fair share, if the project can be fully funded within 5 years in the Capital Improvements Plan or the City can guarantee by resolution that it will be funded in 10 years. The City cannot make these guarantees since it is a State-owned roadway and not under the City's jurisdiction. The City's typical capital budget related to roadways is \$300,000/year.

Staff would like to have the City Council consider removing concurrency requirements for only this corridor due to the feasibility of construction and crippling economic impacts to the City if development is denied. If the development is allowed, the City will bring in additional revenue to help the City continue to prosper and fund core city services such as police, fire, and public works. The City will also receive Transportation Impact Fee Funds from each project that can go towards the widening of the roadway. Currently, the City can fund nearly half of the design through those impact fee funds, approximately \$4 to \$5 million. If the concurrency requirements are removed, the City will earmark the current and future impact fee funds towards the design and construction, seek assistance from the County and/or SCTPO for matching funds, and petition FDOT for matching funds as well. This would show FDOT that the City is committed to assisting in the widening project, which typically increases the likelihood of additional funding.

On May 11, 2023, the SCTPO approved elevating the project ranking to Number 4 overall, making the SR 524 widening the Number 2 state road project on the Regionally Significant Listing. Once this roadway is fully designed, it will likely move near the top of the SCTPO Project Priorities List, which is then transmitted to FDOT for review. FDOT would then potentially include the project within its future five-year work plan. This process would likely take 2-4 years as the PD&E and Design Phases are currently being finalized but public hearings on the project cannot be scheduled until the final phases of the project are funded. This would greatly reduce the timeframe of a roadway with less than a standard level of service. The roadway will operate at a level of service of E or F for some time until the improvements are made. The Level of Service Exhibit details what the various letter rankings

mean. During peak hours, the roadway would likely be similar to SR 520 westbound between Merritt Island and US-1.

I. Comprehensive Plan Amendment Analysis

Consistency with Code of the City of Cocoa

Planning & Zoning staff has addressed the criteria contained in Chapter 15, Article II, Sections 15-10 and 15-11 below:

- (1) Whether the proposed amendment will have a favorable or unfavorable effect on the city's budget or the economy of the city or the region;

Staff Finding: The proposed amendment would allow for the SR 524 corridor to continue to be developed. Many of the proposed developments include both market-rate and affordable housing, along with single-family housing. This will contribute to the City's population growth and help to grow a diverse and economically stable community. The addition of population in this area will also encourage additional commercial growth around this corridor to help support the additional residents.

- (2) Whether the proposed amendment will diminish the level of service of public facilities;

Staff Finding: The proposed amendment will diminish the LOS related to the transportation facilities until the roadway is widened. While the SR 524 transportation facility is a public facility, it is not a Cocoa public facility. There is very little control the City has when it comes to such a substantial project. The capacity and safety project process has begun and is currently in the PD&E Phase, as detailed previously in this summary. All other items listed below will continue to be provided at an adequate LOS. In addition to the roadway improvements, utility extensions would likely be incorporated into this project as well as greatly enhanced multimodal facilities including oversized sidewalks, landscaping, lighting, and bicycle lanes.

Potable Water: The City of Cocoa Utilities Department serves the subject area for water service. Any site modifications that will increase the existing demand will be reviewed as part of the engineering review process, and the applicant proposing the increase will be responsible for any modifications, as needed, to the potable water system.

Sanitary Sewer: The subject area is served by the City of Cocoa Utilities Department for sewer service. The current sewer capacity in the City can provide service to the area. Any site modifications that will increase the existing demand will be reviewed as part of the engineering review process, and the applicant proposing the increase will be responsible for any modifications, as needed, to the sewer system.

Solid Waste: The solid waste service to this parcel is provided through the City's Solid Waste Agreement. Solid Waste service shall be provided to the site in accordance with the applicable LOS standards and pursuant to the applicable requirements of the Waste Management Agreement and City Code.

Stormwater Management: The application is subject to the City of Cocoa's stormwater utility program. Submittal for new developments will be required to adhere to the City's stormwater level of service standards upon submittal of any site plan application if site plan modifications or building permits are applied for in the future.

Transportation: Transportation LOS will be adequate once the roadway is widened. Additional safety enhancements will likely be included with this project.

Parks: The LOS level is 1.25 acres of developed recreational area per 1000 population. The number of park acreage within the City already far exceeds the minimum requirement of the comprehensive plan. Most residential developments are also including private amenities to their residents, which includes recreation and open space.

Schools: A Concurrency Determination must be performed by the School District prior to a site plan being issued for the property in accordance with Policy 11.1.2.2 of the Comprehensive Plan, Public School Facilities Element.

(3) Whether there will be a favorable or unfavorable impact on the environment or the natural or historical resources of the city or the region as a result of the proposed amendment;

Staff Finding: The text amendments are not anticipated to impact natural or historical resources.

(4) Whether the proposed amendment is consistent with and its effect upon the goals, objectives, and policies of the state comprehensive plan set forth in Chapter 187, Florida Statutes, and the East Central Florida Comprehensive Regional Policy Plan, adopted by Rule 29F-19.001, Florida Administrative Code;

Staff Finding: The proposed text amendment meets the following goal of the State Comprehensive Plan, Chapter 187.201(15) LAND USE - "In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner."

(5) Whether the city is able to provide adequate service from public facilities to the affected property, if the amendment is granted, and whether the amendment will promote the cost/effective use of or unduly burden public facilities below the level of service set in the comprehensive plan;

Staff Finding: The proposed text amendment would not alter the City's ability to provide service capacity to these areas. However, the State would not be able to provide an adequate LOS for this roadway between the buildout of the currently approved projects and the future widening of the roadway.

(6) Whether the amendment is compatible with surrounding neighborhoods and land use;

Staff Finding: The surrounding properties that will be developed if this amendment is approved will generally be a combination of single-family, multi-family, and commercial. This is consistent with the current land uses on this corridor.

(7) If the amendment being requested is consistent with all the elements of the comprehensive plan.

Staff Finding: The proposed FLUM amendment is consistent with the following Comprehensive Plan policies:

Transportation Element

Objective 2.1.2: Transportation Concurrency. The City shall ensure that transportation facilities are available at the time of development.

Policy 2.1.2.1: Since 2009, the City has been exempt from state-mandated transportation concurrency. However, the City will continue to monitor transportation as a matter of local law as addressed in this Comprehensive Plan.

Policy 2.1.2.2: As part of the Concurrency Management System, the City shall review proposed new developments for their impact on the roadway network.

Objective 2.1.8: Transportation Facilities Improvement Coordination. The City shall continuously coordinate transportation improvement requirements with all other affected governmental entities to ensure that the efficient and cost-effective course of action is followed. Annual plan updates shall consider the FDOT 5-Year Transportation Plan, the Space Coast Transportation Planning Organization and the plans of neighboring jurisdictions.

Policy 2.1.8.1: The City shall continuously coordinate with local, TPO, regional and state plans to accomplish interlocal solutions to the transportation needs and problems of the City.

Policy 2.1.8.4: The City shall coordinate with FDOT and Brevard County to develop a road improvement program which will result in the modernization of state and county roads within the City by changing the design of these roads from the existing “rural section” with swales to an “urban section” with curbs, sidewalks and subsurface drainage.

Capital Improvements Element

Objective 14.1.6: Multi-Jurisdictional Coordination. The City will continue coordination that provides for multi-jurisdictional approaches to the provision of needed public facilities.

Policy 14.1.6.1: The City will appoint representatives to participate in intergovernmental activities pertaining to public facility issues and comprehensive plan implementation in Brevard County.

Policy 14.1.6.2: The City Manager and the Planning and Zoning Board will work closely to address multi-jurisdictional issues concerning the funding of public services.

(8) Whether the amendment will have a favorable or adverse effect on the ability of people to find adequate housing reasonably accessible to their places of employment;

Staff Finding: The proposed FLUM amendment will provide a favorable effect on the ability of people to find adequate housing by increasing available units and choice of housing type.

(9) Whether the proposed amendment will promote or adversely affect the public health, safety, welfare, economic order, or aesthetics of the region or the city.

Staff Finding: The proposed application will reinforce the positive elements of the City by paving the way for future economic vitality.

Comments received as part of the transmittal to the Department of Economic Opportunity included technical assistance from the Florida Department of Transportation. As part of their technical assistance, they included one comment and resolution to the comment.

Technical Assistance Comment #1

The text amendment proposes the removal of the level of service standard for SR 524. As this relates to transportation resources and a facility of state importance, the Department has established a level of service standard of 'D'. Per Section 334.004(1), the Department assumes the responsibility for coordinating the planning of a safe, viable, and balanced state transportation system serving all regions of the state, and to assure the compatibility of all components, including multimodal facilities. In order to provide a safe system, a level of service standard must be established for each state roadway (SIS, SHS, or NHS).

In addition, as mentioned within the amendment package, the City of Cocoa maintains transportation concurrency within the city limits. Per Section 163.3180(5)(a), the local government must provide adopted levels of service to guide the concurrency application.

Lastly, the removal of a level of service standard for S.R. 524 could adversely impact the PD&E study underway for this corridor.

Resolution of Technical Assistance Comment #1

Coordinate with the Department regarding the proposed text amendment and work towards the establishing of an appropriate level of service standard and/or target for S.R. 524.

Please transmit a copy of the amendment, along with the supporting data and analysis, to the District upon its adoption.

Staff recommends passing on the Second and Final Reading of Ordinance 14-2023, adopting a Large-Scale Comprehensive Plan Text Amendment; adopting a large-scale comprehensive plan text amendment to the Transportation Element and Capital Improvements Element removing a minimum level of service standards for State Road 524.

STRATEGIC PLAN CONNECTION:

Economic and Community Development

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

July 12, 2023 Planning and Zoning recommended to Council for approval.

On July 25, 2023, City Council approved First Reading.

Transmittal to the Florida Department of Economic Opportunity.

RECOMMENDED MOTION:

Adopt on **Second and Final Reading** Ordinance 14-2023, adopting a Large-Scale Comprehensive Plan Text Amendment to the Transportation Element and Capital Improvements Element, removing minimum level of service standards for State Road 524.