



## Legislation Text

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### CITY COUNCIL AGENDA ITEM

Memo Date: September 10, 2020  
Agenda Date: September 23, 2020  
Prepared By: Dodie Selig, AICP, Planning & Zoning Manager  
Through: Nancy A. Bunt, Community Services Director  
Requested Action:

Approval of an Amendment to a previously approved PUD / a Rezoning (Ordinance 15-2020) of one (1) parcel from Brevard County (GU) to City of Cocoa (PUD) and incorporating into Phase One-C Final PUD / and a Preliminary Subdivision consistent with Chapter 18 Subdivisions and Appendix A Zoning of the City Code with conditions.

#### **BACKGROUND:**

##### Project Information:

These three applications for Phase 1C (Exhibit A - Civil Plans and Exhibit B - Preliminary Plat) are part of a larger project known as Adamson Creek. The project is located on the east side of Adamson Road and to the east of the previously developed phases 1A and 1B. (Exhibit C - Location Map) Phase 1C includes three (3) parcels of land identified by the Brevard County Property Appraiser as: 24-35-22-25-3, 24-35-22-00-257, and 24-35-22-00-10.

The Adamson Creek subdivision project was first developed as a Planned Unit Development (PUD) in 2005 consisting of 431 single-family homes on 178 acres with 44 acres of open space and amenities. Phase 1 was approved and recorded in 2006. Due to a slowdown in the market triggered by the recession, Phase 1 was later broken down into 3 phases (1A, 1B and 1C) of which phase 1A was recorded in 2007 with 154 single-family homes.

On October 13, 2015 the City approved a Preliminary Subdivision for Phases 1B and 1C. The site work did not occur within the 1 year timeframe that the application was valid for. The property changed hands in April 2016 and again in January 2018 when the present owners, DR Horton, Inc., purchased the property. They resubmitted the subdivision for Phase 1B which was recorded on August 29, 2019. This application will include Phase 1C from the original Phase 1 along with an additional parcel of land containing 14.3 acres that was originally known as Phase 3.

##### Project Details:

This Phase 1C of the project contains 62.4 acres overall, with 55.55 acres of developable land (streets, houses, stormwater ponds and amenities) and 6.85 acres of wetland area and related buffer zone in Tract V. This phase will include 155 single-family homes on two streets wrapping around a stormwater pond in Tract H, which will be stocked with fish and have a dock/viewing platform along the west side. Also provided in this phase are a 10 station fitness course along a walking trail that runs the length of the west side of the stormwater pond in Tract I, an observation deck at the north

end of the stormwater pond in Tract I, and a new walking trail around the south, east and north sides of Tract I. Three new tracts have been created: M-1 is open space, V is an area of wetlands, and W which is behind the lift station on Tract U.)

A revised amenities schedule was submitted along with phase 1C (Exhibit D - Proposed Amenities Schedule). The schedule lists all amenities in phases 1A, 1B and 1C along with completion timeframes. Two of the larger amenities tracts (Tract M and Tract L) are physically located in phase 1A but were allowed to be constructed once the developer began phase 1C. These are indicated on the amenities schedule and the Phase 1C plans. A revised 5<sup>th</sup> DA Modification for the amenities has been attached (Exhibit G - 5<sup>th</sup> DA Modification) and will need to be approved along with the amendment to the previously approved PUD and Ordinance 15-2020.

**Future Land Use Designation:** VLDR (Very Low Density Residential) and Conservation

**Zoning District:** PUD (Planned Unit Development)

**Existing Land Use:** Vacant Land

**Council District:** District 3 - Councilmember Don Boisvert

#### Overview of Surrounding Area:

	Future Land Use Designation	Zoning Districts	Land Uses
<b>North</b>	RES 2 (Brevard County)	AU and RR1 (Brevard County)	Single-Family Residential and Vacant Land
<b>South</b>	Low Density Residential and Conservation (City)	PUD (City)	Single-Family Residential (Adamson Creek Phase 1A)
<b>East</b>	Low Density Residential and Conservation (City)	PUD (City) and GU (Brevard County)	Single-Family Residence and Vacant Land (Adamson Creek Phase 1C)
<b>West</b>	RES 2 and PUB (Brevard County)	GML(H) (Brevard County)	Single-Family Residential and Vacant Land (Brevard County Land Fill)

#### Preliminary Subdivision / Large Scale Site Plan Analysis

Consistency with Code of the City of Cocoa

The submitted application and plans have been reviewed by City staff for consistency with Chapter 18 Subdivisions and with Appendix A Zoning of the City of Cocoa Code and found to be in substantial compliance although a few issues

remain to be addressed as detailed below.

The majority of the lots created by this subdivision are 50 feet in width and 120 feet in depth which equates to 6,000 sq.ft. of lot area. Lots on roadway curves are allowed a minimum width of 25 feet, and corner lots are required to be 15% larger than interior lots. This subdivision plat meets these requirements. There is no minimum lot size under PUD zoning. Minimum setbacks and distance separation between structures will be addressed when a building permit is applied for.

Floodplain and compensatory storage requirements were reviewed by Geosyntec Consultants on behalf of the City who have determined that the Phase 1C plans are in compliance with the City's Comprehensive Plan and Code. (Exhibit F - Geosyntec Final Review Comments)

A condition of the original PUD approval was the addition of lighting along the wetland trail and boardwalk in Tract M. The applicant has requested that they be allowed to not provide lighting along the walking path in Tract M as well as the path which surrounds the stormwater pond in Tract I, as it represents a liability they do not wish to assume. They propose instead to post signage at the entrance to the paths in Tract I and M indicating that it is only open from dawn to dusk. Staff has discussed the issue with the applicant and understands the concerns. As long as such signs are clearly posted at the access points to the trail, staff has no objection to requesting that Council remove that condition of the original PUD approval.

Another issue that was actually identified during the platting of phase 1B is also being resolved at this time. That pertained to the streets in Phase 1A, which were originally to be private roadways but were actually platted as public streets. No drainage easement was provided on that original 1A plat, therefore a new drainage easement has been provided to correct that issue (Exhibit H - Drainage Easement Phase 1A).

During the approval process of Phase 1B concerns were raised regarding water flow impacts on the property at 1685 Adamson Road. The applicant's engineer, Kenneth Ludwa, P.E. with B.S.E. Consultants, Inc. provided the City with a memorandum of analysis determining that the property would not be adversely impacted by stormwater runoff. (Exhibit E - Drainage Analysis)

The Assistant City Attorney has identified several items which need to be addressed. These have been added as conditions of approval.

### **Consistency with Comprehensive Plan Policies and Objectives**

**Policy 1.1.10.3:** Innovative land use development patterns, including PUDs and Cluster Zoning shall be permitted and encouraged in appropriate areas, as defined in the land development regulations.

### **Concurrency Management/Adequate Public Facilities**

#### Wastewater

This project is connected to Brevard County sewer. The applicant provided notice from the County that the Brevard County South Central Regional WWTP has sufficient capacity for the proposed phases of Adamson Creek.

#### Stormwater Management

The Level of Service (LOS) for Stormwater Management is as follows:

Design Storm Event"	25-year frequency/24-hour duration event
On-site Stormwater Management:	Retention of the first one inch of rainfall for areas of more than one acre.

Stormwater Quantity:	Post development Stormwater runoff flow rates, quantities, peaks, and velocities shall be equal to or less than levels that existed prior to development.
Stormwater Quality:	No significant degradation of water quality in receiving water bodies.

A St Johns River Water Management District Permit for this project was issued on March 13, 2018 and a copy was provided to the City. This permit is valid through March 11, 2023.

### Potable Water

The LOS for potable water is 122 gallons per capita per day (gpcd) per household. Based on the City of Cocoa EAR Population Projections report, the average permanent resident per dwelling unit is 2.35 per occupied unit. Thus, the average demand per household is estimated at 287 gpcd, and based on the 155 proposed dwelling units the overall demand is 44,485 gpcd.

The Dyal Plant provides potable for the City of Cocoa service area and it is currently permitted to operate at 48 million gallons per day (mgd). The maximum provision over the past twelve months is 34 mgd. Thus, there is sufficient capacity for Potable Water.

### Solid Waste

The Level of Service (LOS) for the City of Cocoa is 1.2 tons of solid waste disposal per capita per year, and residential collection LOS shall be 2 times per week per household with green waste and recyclables once per week. The City contracts with Waste Management for the provision of solid waste, and the projected solid waste generated will be collected consistent with the adopted level of service standards.

### Roadways (Transportation)

The minimum LOS for SR501 (Adamson Road) is D.

The Space Coast TPO Traffic Counts Report for 2018 indicates that for the SR524 to Pine Rd segment of Adamson Road, the average annual daily traffic trips is 6,100 and it is classified as Urban Minor Collector. Based on the Current Maximum Acceptable Volume (17,700) established by the Space Coast TPO, there is sufficient capacity on Adamson Road to support this development.

### Recreation

The Level of Service (LOS) for Recreation is 1.25 acres per 1,000 population.

Pursuant to the City of Cocoa Comprehensive Plan EAR (October 2010) Data and Analysis, there

exists a surplus of 118.34 acres of parks, which was determined to be more than sufficient to meet the needs of the citizens through 2020. The City's current population is 18,833 which requires 23.54 acres of park and recreation facilities. The EAR identified the City as having 323.58 acres (including the 165.09 acres Cocoa Conservation Area) available for residents. Thus, the City has sufficient recreation/parks to support the project and maintain the adopted LOS.

#### Schools

A School Capacity Availability Determination Letter was received from the Brevard County School Board for this project. It indicates that there is sufficient capacity at both Fairglens Elementary and Cocoa Junior/Senior High School.

#### **STRATEGIC PLAN CONNECTION:**

#### **BUDGETARY IMPACT:**

N/A

#### **PREVIOUS ACTION:**

On September 2, 2020, the Planning & Zoning Board recommended approval of this item and at the same time approved a Large Scale Site Plan for this project with the following condition:

1. The Large-Scale Site Plan shall not be effective until and unless the Final PUD/Preliminary Subdivision has been approved by City Council.

#### **RECOMMENDED MOTION:**

**APPROVAL OF AN AMENDMENT TO A PREVIOUSLY APPROVED PUD / A REZONING (ORDINANCE 15-2020) OF ONE (1) PARCEL FROM BREVARD COUNTY (GU) TO CITY OF COCOA (PUD) AND INCORPORATING INTO PHASE ONE-C FINAL PUD / AND A PRELIMINARY SUBDIVISION** consistent with Chapter 18 Subdivisions and Appendix A Zoning of the City Code with the following conditions:

1. The Preliminary Subdivision, 5<sup>th</sup> DA Modification, and Drainage Easement for Phase 1A shall not be effective until/unless the amendment to the previously approved subdivision and rezoning to PUD for one parcel (Ordinance 15-2020) are approved.
2. Provide a revised Title Opinion with no date limitation to the search for property information.
3. Revise Plat note #5.C to read "An easement to the City of Cocoa and Brevard County for emergency access and maintenance over all private road rights-of-way, private drainage easement and storm water management tracts."
4. Revise Plat note #9 to eliminate the last two sentences.

5. Revise Plat note #15 as requested by Brevard County to remove reference to the City.
6. Revise the Open Space calculations table (Plat and Civil plans) to remove the line "Required Open Space (25% of 62.4 acres) - 15.6". Add a line indicating that 33.83 acres were provided in Phase 1A and B or provide the full open space table.
7. Provide a revised amenities schedule updating changes and including new tracts.
8. Remove the required condition from the original PUD approval that lighting be provided along the walking trail and boardwalk in Tracts M and I.
9. Provide drawing(s) of signage indicating that the walking trail around the stormwater pond in Tract I and in Tract M will only be open from dawn to dusk. Show location of said signs on civil plans.